
Lochluichart Wind Farm Extension II (LXX)
on behalf of Infinergy Limited
Appendix 11.C - Consultation



Document Control				
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Report Title		Consultation		
Issue	Date	Notes	Prepared	Reviewed
01	06/11/2018	Draft for client comment	S Whiteley BSc (Hons) MCIEEM	H Fearn MSc MCIEEM

1 CONSULTATION

1.1.1 This Appendix details all consultee responses received to date.

From: Liz McLachlan <Liz.McLachlan@snh.gov.uk> Sent: Wed 24/02/2016 16:17
To: Stacey Whiteley
Cc:
Subject: FW: Under Commercial Confidence. Proposed Wind Energy Extension at Lochluichart Wind Farm Phase II on behalf of Infinergy Limited.

Hi Stacey

Thank you for your e-mail.

The previous survey work for Corriemoillie and Lochluichart is all over 5 years old now so outside our limit of acceptability. Although it does provide useful background information on the past bird use of the wind farm sites.

Subject to the years survey work you are currently completing clearly demonstrating that there is no significant change in the level of bird activity and the range of species using the site it is probably acceptable. However if the years survey work suggests a significant change in the use or range of species then we will definitely require the full 2 years of survey effort.

Given the first years breeding survey doesn't show a significant amount of Annex 1/Sch 1 bird activity on the site above that found in the original survey work. I recommend that once the winter work is complete you should provide us with your results and allow us to review it. We will then be in a position to confirm if it is sufficient or whether additional survey effort will be required.

Regards
Liz

From: Liz McLachlan <Liz.McLachlan@snh.gov.uk> Sent: Fri 10/06/2016 11:23
To: Stacey Whiteley
Cc:
Subject: RE: Under Commercial Confidence. Proposed Wind Energy Extension at Lochluichart Wind Farm Phase II on behalf of Infinergy Limited.

Hi Stacey

We have looked through the report and can confirm the survey effort is acceptable.

The maps provided show that only a small part of the red line boundary is described as 'developable' and a single hen harrier flight and possibly part of an osprey flight were the only raptors recorded flying over that area. The single eagle flight that crossed through red line boundary appears to have been over the operational turbines of Lochluichart WF. The breeding bird survey results in this report are similar to the previous surveys undertaken for Lochluichart and Corriemoillie Wind Farms with a limited number and range of wader species present.

The site is just over 6 km from the Glen Affric to Strathconon SPA for golden eagles so there is no connectivity between the eagle seen and the SPA and the already operational Lochluichart WF is between it and the SPA.

This is a wider countryside case close to an operational wind farm and a wind farm under construction and we see no reason to undertake a second year of bird surveys.

Given the early stage of this proposal and the previous history of proposed developments in this location we would strongly suggest Infinergy Ltd make use of the pre-application service offered by Highland Council in order to get feedback from all statutory consultees on the full range of potential issues which any application in this location would need to address.

Regards
Liz

Joyce Melrose

Admin Officer

Energy Consents Unit

The Scottish Government

By email : econsentsadmin@gov.scot

17/01834/SCOP | Extension to Lochluichart Wind Farm (Scoping request under EIA Regulations 2011) | Land Between Lochluichart And Loch Glascarnoch Garve

Dear Joyce,

Thank you for consulting RSPB Scotland on this scoping request in relation to the Lochluichart Wind Farm Extension II proposal which entails the erection of up to 8 wind turbines and associated infrastructure, by Infinergy Limited.

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.

Bird Species of Conservation Concern and Designated Sites

The 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; hen harrier; merlin; red throated diver; and dotterel. 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 environmental statement.

The proposed site is not within any designated nature conservation site but is relatively close to the Glen Affric to Strathconon Special Protection Area (SPA) designated for breeding golden eagles (c. 3.8km). 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 important to ascertain the distances of operations from nearby golden eagle eyries so that appropriate operational constraints can be put in place to prevent disturbance to breeding birds. It is possible that the extension site falls within golden eagle territories due to the close proximity of the Glen Affric to Strathconon SPA and because the species is known to be present within the surrounding areas of the proposed development. The loss of this area could compromise the viability of one or more of these territories. It is therefore important that territory data is analysed and informs the extension layout, as the development could reduce the extent of available eagle foraging habitat. If necessary, the use of

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rspb.org.uk



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: Stuart Housden OBE Regional Director: George Campbell
The RSPB is a registered charity in England and Wales 207076, in Scotland SC037654

Predicting Aquila Territory (PAT) modelling should be considered. The ES should consider impacts on the Natural Heritage Zone (NHZ) populations and mitigation.

Red-throated diver

Red-throated diver is listed in Annex 1 of the Birds Directive and Schedule 1 of the Wildlife and Countryside Act 1981.

Given the historical presence of red-throated diver on Loch na Sallach, it is possible that pairs continue to utilise areas within and close to Lochluichart (and Extension II) and Corriemoillie Wind Farm sites. Impacts on this species (including collision and disturbance) should therefore be considered in the EIA.

Ground nesting birds – golden plover and dotterel

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 and dotterel.

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)¹.

The site may be suitable for dotterel, and this is illustrated by the fact that there are two SPAs designated for breeding dotterel within c. 8km of the site - Beinn Dearg and Ben Wyvis SPAs. This emphasises the need for the EIA process to consider potential impacts on dotterel.

Black grouse

Black grouse, a species listed under Annex 1 of the Birds Directive, are identified as occurring within 500m of the wind farm extension developable area. We recommend relocation/removal of turbines within 300-600m of lek sites. Operations within 300-1000m 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 15th March to 15th May.

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/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*.

Survey methodology

¹ 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

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Planning Advice Note 1/2013: *Environmental Impact Assessment* highlights that one purpose of scoping is to discuss and agree appropriate methods of impact assessment - including survey methodology where relevant. However in this case, we note that field surveys (including vantage point, breeding bird, and grouse surveys) have already been carried out, although the scoping report provides limited detail as to the methodologies used for those surveys. The survey work that the report describes has progressed further than is generally expected at the scoping stage. This scoping exercise is therefore of less use than it would have been if carried out before the surveys were conducted.

Habitats - Habitat Management/Mitigation

The environmental statement 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 with any application that comes forward and this should contain detailed ecological justification for any proposals. The proposal should avoid any development on deep peat and seek to enhance any key habitats such as blanket bog occurring within the area.

Cumulative Impacts

An assessment of cumulative impacts in relation to other projects proposed or with consent within this natural heritage zone (NHZ) should be undertaken (in accordance with SNH 2012 guidance 'Assessing the Cumulative Effects of Onshore Wind Energy Developments').

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.

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11 May 2017

Joyce Melrose
Energy Consents Unit
The Scottish Government

By email only to: econsentsadmin@gov.scot

Dear Ms Melrose

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000
Proposed Lochluichart Wind Farm Extension II
Near Dingwall in Scotland

SEPA has been consulted directly by Infinergy by way of their letter dated 12 April 2017, which we received on 13 April 2017. This included a copy of their scoping report for the above project and asked us to respond directly to you.

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 works within and near the water environment including 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 site layout of borrow pits.
- f) Schedule of mitigation including pollution prevention measures.
- g) Borrow Pit Site Management Plan of pollution prevention measures.

- h) Map of proposed water abstractions including details of the proposed operating regime.
- i) Decommissioning statement.

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 We note that Section 2.6 of the Scoping Report states that the wind farm will make as much use of the existing infrastructure, for example access tracks, borrow pits, substation and control building, as possible. As stated in Section 2.10, an existing access track will be utilised for the proposed development.
- 1.2 We note that a National Vegetation Classification survey has been completed. The entire site is dominated by mire wetland with the presence of Groundwater Dependant Terrestrial Ecosystems (GWDTE). Please refer to Section 4 of the attached appendix for more information on disruptions to GWDTE.
- 1.3 In relation to section 4.145 of the scoping report then we refer the developer to the site survey guidance outlined in section 3 of the attached appendix. In this case, where much of the site is on peat, we expect the application to be supported by a comprehensive site specific Peat Management Plan. It needs to be clearly demonstrated that the layout has minimised impacts on peat. The developer should note that a Peat Management Plan is a different submission than a Peat Landslide Hazard and Risk Assessment.
- 1.4 In relation to section 4.181 of the scoping report then it should be noted that all watercourses will have a related flood risk. In relation to section 2.4 of the attached Appendix then provided watercourse crossings are designed to accommodate the 1 in 200 year event and other infrastructure is located well away from watercourses we do not foresee from current information a need for detailed information on flood risk.
- 1.5 Based on the information provided in section 4.180 of the scoping report and available mapping information it seems unlikely that any development will take place within 250 m of a groundwater supply source; if this is the case it would be helpful if the ES provides evidence to confirm this.

Regulatory advice for the applicant

2. Regulatory requirements

- 2.1 Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011.
- 2.2 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 862021.

Should you wish to discuss this letter please do not hesitate to contact me on 01224 266736 or planning.dingwall@sepa.org.uk.

Yours sincerely

Aden McCorkell
Planning Officer
Planning Service

ECopy to: Nick Sage, Infinergy, n.sage@infinergy.co.uk; epc@highland.gov.uk;
david.mudie@highland.gov.uk; Liz.McLachlan@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 the Ordnance Survey 1: 10 000 scale or greater base mapping to provide an adequate scale with which to assess the information. 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 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.

2. Engineering activities in 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 the water environment cannot be avoided then the submission must include a map showing:

- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
- b) A minimum buffer of 50 m 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, 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.

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 (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ 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 CO₂ 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.
- 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 [Developments on peatland: Site surveys and best practice](#)) 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 [Regulatory Position Statement – Developments on 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 If forestry is present on the site, we prefer a site layout which avoids large scale felling as this can result in large amounts of waste material and a peak in release of nutrients which can affect local water quality.
- 6.2 The submission must include a map with the boundaries of where felling will take place and a description of what is proposed for this timber in accordance with [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 The following information should also be submitted:
- a) A map showing the location, size, depths and dimensions of each borrow pit.
 - b) A map showing in relation to each proposed excavation, 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 from working areas.
 - c) A site-specific buffer drawn around each loch or watercourse proportionate to the depth of excavations and at least 10 m 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.

- 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 [Developments on peatland: Site surveys and best practice](#)) 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 CO₂.
- 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 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration.
- 8.2 A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques, regulatory requirements, the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to the [Pollution prevention guidelines](#).

9. Decommissioning / Repowering

- 9.1 Proposals to discard materials that are likely to be classed as waste would be unacceptable under current waste management licensing and under waste management licensing at time of decommissioning if a similar regulatory framework exists at that time. Further guidance on this may be found in the document [Is it waste - Understanding the definition of waste](#).
- 9.2 The layout and the general principles for decommissioning must demonstrate waste minimisation and compliance with the above waste regulatory position.

Flaherty D (Debbie)

From: Liz McLachlan <Liz.McLachlan@snh.gov.uk>
Sent: 29 August 2017 10:06
To: Flaherty D (Debbie)
Subject: RE: Lochluichart wind farm extension II - Scoping Opinion

Hi Debbie

Thanks very much for letting us know.

Regards

Liz

From: Debbie.Flaherty@gov.scot [<mailto:Debbie.Flaherty@gov.scot>]
Sent: 28 August 2017 10:07
To: David.Mudie@highland.gov.uk; Liz McLachlan; planning.dingwall@sepa.org.uk;
Martin.Mackinnon@forestry.gsi.gov.uk; Ruth.Cameron@hes.scot
Subject: FW: Lochluichart wind farm extension II - Scoping Opinion

Dear Key Consultees (Highland Council – David Mudie, SEPA – Aden McCorkell, SNH – Liz McLachlan, HES – Ruth Cameron, FCS – Martin Mackinnon)

Scottish Ministers scoping opinion for of the above wind farm was issued on 26 June 2017 and published to our website where it can be viewed. www.energyconsents.scot

I have been contacted by the developer Infinergy have now changed their design from that originally provided for the Scoping layout (see attached document showing revised turbine locations). The focus on development is now on to the north of the operational Lochluichart/Extension Wind Farm, the reasons for this as follows:

- Further studies have shown that there is greater Grid Capacity available than originally envisaged (at Scoping it was thought 30MW/or 8 turbines), allowing for more turbines to be considered within limits of environmental/technical constraints;
- assumes a “no-subsidy” environment in which any potential consented LXX will operate in, maximising wind resource in individual turbine locations becomes even critical;
- further analysis of onsite wind resource data have led to further micro-siting of turbine locations from Scoping Report turbine layout;
- removal of any turbines in the “corridor” east of Loch na Salach, since Red Throated Diver have returned this Spring to nest (and following recent discussion with SNH);

I would wish to bring this revised layout to the Key Consultees attention in particular Forestry Commission Scotland attention. The turbines appear within the original red line boundary so I have no intention at his stage to ask Infinergy to re-scope.

If you have any comments you wish Consents Officials to note and forward to the developer

Regards

Debbie Flaherty | Senior Case Officer | Energy Consents Unit
The Scottish Government, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU
0131 244 1258 | debbie.flaherty@gov.scot

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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

Joyce Melrose
Energy Consents Unit
The Scottish Government

11 May 2017

Our ref: CNS/REN/WF/INV/Lochluichart Extension II

Dear Joyce

Electricity Act 1989

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 Scoping Opinion Request for Proposed section 36 Application for Lochluichart wind farm extension II, near Dingwall

Thank you for your e-mail, dated 21 April 2010, requesting our scoping advice on the proposed Lochluichart wind farm extension II. We received a copy of the Scoping Report direct from the developers.

1. Background

We have had a number of pre-application discussions and meetings with the developers to identify issues of concern with respect to our remit.

Our consideration of the scoping report is limited to the sections within our remit, namely:

1. The Project Description
2. The key environmental issues

2. Key issues

The applicants will need to examine the history of the currently consented schemes of Lochluichart and its extension and Corriemoillie, particularly the evolution of their design, associated mitigation and the discussions leading towards consents. The Environmental Statement should clearly illustrate whether or not this proposal would undermine the mitigation and design thinking that has been built in to the consented schemes.

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

- Cumulative landscape issues with other windfarms
- Impacts on wild land areas

We will consider any application and ES on its merits. However, due to the sensitive location and the history of the existing development in the area the above points will be key issues which will inform the position we take in relation to an application.

3. Our comments on the Scoping Report

The scoping report includes all the topics that we wish to be covered in the EIA process.

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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 the file sizes manageable.

To guide the applicant, we have provided detailed comments on what should be considered during the EIA process in Annex A of this letter.

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

Yours sincerely

Liz McLachlan

Area Officer
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Annex A – Further details to assist with the EIA for Lochluichart Extension II

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 <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/> .

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 <http://www.snh.gov.uk/planning-and-development/renewable-energy/our-approach-to-renewables/managing-applications/> .

3 Landscape and Visual Impacts

We support the iterative approach which is proposed for the windfarm design and assessment. We recommend that the ES explains the design process used to select the final layout assessed within the ES, any alternatives considered and how landscape and visual mitigation has been incorporated.

In particular due cognisance should be taken of the proximity of the development to the tourist routes of the A835 and the A832 as well as summits of the popular hill walking routes in the area. Sequential viewpoints and an assessment should consider the network of main and secondary roads and other forms of transport including recreational routes within the study area and in particular any routes that are designated for tourist interest.

3.1 Wild Land Areas (WLA)

We note the scoping report recognises the potential impacts of this proposal on a number of wild land areas and proposes to assess those impacts. We confirm that the current approach which should be taken is that detailed in our version of 'Assessing Impacts on Wild Land technical guidance' open for consultation between 26th January and 7th April. However, if there is to be a significant delay between this scoping advice and submission of an application and our final version of the guidance is published we can provide further advice.

We agree with the reasoning provided in the scoping report in relation to the effects on Central Highlands WLA, Flowerdale, Shieldaig – Torridon WLA and Coulin and Ledgowan Forest WLA and that these areas are scoped out of the LVIA as significant effects on these areas are unlikely to occur.

3.2 Visual Assessment

The visual assessment and choice of viewpoint locations should be informed by initial ZTVs of the Lochluichart Wind farm, its first extension and Corriemoillie wind farm and modelled at a suitable scale (OS 1:50,000 base) extended out to a distance of 35kms (distance to be finalised on receipt of information regarding turbine heights).

The visual and cumulative visual assessment should include an assessment from static receptors as well as sequential viewpoints taken along routes used by for example pedestrians and vehicles.

3.3 Cumulative Assessment

The site boundary of this scheme is immediately adjacent to three other schemes. There is the potential that the combined effect of further turbines would be to create a much larger single windfarm. We suggest in the analysis of alternatives consideration is given to the design compatibility with the adjacent schemes, to mitigate cumulative landscape and visual impacts. This should include consideration and analysis of the site capacity to accommodate further development. This would enable the Determining and Statutory Authorities and local community to fully understand the design development and cumulative impacts;

We support the wider assessment of potential cumulative landscape and visual impacts within the study, as outlined in Section 4.141 – 4.143. In particular from the number and location of existing, consented and projects in planning as we have concerns regarding the potential for significant cumulative effects and a subsequent significant erosion of the quality and extent of the wild land resource and regionally designated landscapes.

4 Peat

Carbon rich soils, deep peat and priority peatland habitat has been identified in Scottish Planning Policy as a nationally important mapped resource we therefore support the proposal in the scoping report to assess the impacts on peat.

5 Designated Sites

There are no designated sites within the proposed wind farm boundary. However Glen Affric to Strathconon SPA and Fannich Hills SAC and SSSI, Achanalt Marshes SPA and SSSI and Beinn Dearg SAC and SSSI are all within 10km of the boundary. Further information on these designated sites can be found on through sitelink facility found on our website at <http://www.snh.org.uk/snhi/>

We do not consider the proposal will have any adverse impacts on either Fannich Hills or Beinn Dearg SAC/ SSSI.

Further information on the legislative requirements for SAC's and SPA's can be found on our website at <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/natura-sites/hra-appropriate-assessment/>

6. Protected Species

6.1 Birds

From the information in the Scoping Report seems the applicants appear to have undertaken all the bird survey work we would expect. In regard to Red Throated Diver (RTD), based on the monitoring, we can conclude they no longer breed on Loch na Salach and the corridor that

was originally left to give the birds access to the Loch became redundant once Corrimoillie wind farm was given consent without a similar corridor to allow access from Lochluichart and the Conon & Blackwater valleys. Placing two turbines in the now redundant RTD corridor does not therefore increase the risk to RTD.

Although they state they will undertake Collision Risk Modelling (CRM) it appears from the summary of flights recorded that there was very little activity and there may not be sufficient information to calculate a robust CRM for all the species listed.

Survey results and any possible mitigation measure should be provided in the ES and if necessary in a confidential annex.

6.2 Mammals

We agree with the list of protected mammal species which will need to be surveyed. Due to the mobile nature of mammals survey work should be undertaken within 12 months of the submission date of any application which comes forward and should be extended to include any off site work that may impact on protected species, for example bat surveys should be completed for any bridges that are to be upgraded or re-pointed as a result of this development, and appropriate licenses obtained where applicable.

Survey results and any possible mitigation measure should be provided in the ES and if necessary in a confidential annex.

Based on the results of survey work provided in support of the now constructed wind farms in this location impacts on freshwater pearl mussel can be scoped out.

7. Habitats

We note the whole area has been surveyed at Phase 1 level. In addition we recommend the whole of the area within the Site Boundary and a buffer zone is surveyed in accordance with the standard NVC methodology, with any Annex 1 habitats highlighted using target notes. This will enable the wind farm infrastructure to be located avoiding the most sensitive areas. It is not just the land directly affected by works which may be impacted upon, but also a buffer zone which may be indirectly affected by, for example, alterations to hydrology, vehicle movement compaction or land to be managed as part of compensation or mitigation of the proposal.

We would expect surveys to extend to the proposed access route and new tracks. The ES should also fully consider the potential natural heritage impacts of vehicle movements, track creation and modification along the full length of the proposed routes, including those outwith the development area. 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 importance of habitat types should be analysed, and that the amount of habitat lost will be quantified, we recommend that habitat mitigation measures, including any areas of restoration are described in a dedicated Habitat Management Plan. Further guidance on what to include in Habitat Management Plans can be found on our website (<http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/general-advice-and-information/>)

Advice on peatland habitats is given above.

8. 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/>).

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Scoping opinion for extension to Lochluichart Wind Farm Extension II

I refer to your e-mail of 21 April 2017 requesting the Council's comments on the above scoping opinion. Thank you for allowing an extension of time to respond.

General

Applications that are submitted on-line or in electronic format on CD should ensure that files are presented in manageable sizes i.e. < 3MB and in widely used formats i.e. JPEG files/acrobat adobe pdf. Developers should be aware that Environmental Statements will be placed on the Council website therefore submissions in a user-friendly PDF format are strongly recommended.

Non electronic applications will require additional copies of all plans and documents to support the application and in recognition of the expected consultations to be undertaken. The final number of plans and documents and the arrangements for submitting these documents should be agreed with all consultees.

The Environmental Report submitted in support of any application should be submitted with three distinct elements including:

1. Environmental Elements Affected
2. Significant Effects on the Environment and
3. Mitigation (a clear summary table of all mitigation measures associated with the development proposal. This table should be entitled **draft Scheme of Mitigation** and would be an important element in progressing a consented development through the construction phase.)

The ES will be expected to address the impact consequences of the proposal in full. This can only be achieved through the provision of a complete description of the development at the outset with a thorough assessment undertaken on all elements of the proposal. This must include elements such as any proposed borrow pits, construction camps, access

improvements to the public highway to allow for construction traffic and all abnormal loads, grid connection, etc.

It is considered good practice to set out within the ES the qualifications and experience of all those involved in collating, assessing or presenting technical information.

Alternative Sites

While it is recognised that this proposal is designed as an extension, the ES must also consider alternative options, including alternative sites, for this scale of development i.e. if wind farms are the only alternative then this should include an assessment of alternative sites within a reasonable area of search. This will be particularly important to help address cumulative impact.

Landscape and Visual Impact Assessment

The Council expects the ES to consider the visual impact of the development. This should include the expected impact of any on-site borrow pits, access roads and ancillary buildings/structures regardless of the fact that the principal structures will be the primary concern.

It should be noted that the Council is not supportive of transformers being located externally to each turbine tower in the interests of minimising visual clutter. These should be excluded from the submission.

It is noted that the LVIA is to be undertaken in accordance with the guidance set out in GLVIA3.

The Highland Council's stance on 'effects on specific views' are effects experienced by receptors of views from or to landmark locations. Judgement of value of views should take account of indicators such as those listed in GLVIA3. E.g. -

- relation to heritage assets
- planning designations
- appearance in guidebooks/tourist maps
- through references in literature and art

Where views are from a landmark locations, provision of facilities for their enjoyment eg parking and interpretive material will also be an indicator. However where views are to the landmark no lack of value should be construed solely on the basis of absence of such features. By their nature landmarks may be appreciated for their constancy from a range of routes and locations, with no one spot being perceived as providing the essential view.

With regard to 'effects on general visual amenity' The Highland Council consider these to be effects experienced across an area as receptors move through and within the landscape.

In practice, Visual Impact Assessments often focus on specific views with less emphasis on consideration of the general visual amenity experienced by people. GLVIA3 is clear on the need to identify:

- areas of visibility
- groups of people affected and their susceptibility to change
- nature and scale of visual effect
- whether 'viewpoints' are representative, specific or illustrative

Again we can break this down. Studies should establish:

- the area in which the development may be visible
- the different groups of people who may experience views of the development
- the viewpoints where they will be affected
- the nature of the views at those points
- the approximate or relative number of different groups of people who will be affected by changes in views or visual amenity,

Developers and their consultants are encouraged to think about visual impact in a layered way including:

- experience of people as they move around the area- this might include looking at travel routes as 'typical journeys for receptor groups' rather than assessment of visibility of development over the entire length of a numbered route within the study area.
- identification of any key valued views, recognising that these might be:
 - views from key locations
 - views to any key features

Generally:

- Methodology for the Assessment: must make clear what thresholds are defined for significance of impact.
- Mitigation measures must be clearly identified and their effectiveness evaluated. This applies to all aspects of the development, including tracks borrowpits, compounds, control buildings, lay-down areas etc.

The Visual Impact Assessment report should not be an esoteric document which can only be deciphered by Landscape and Planning professionals. Any member of the public who may be affected should be able to recognise themselves in the receptor descriptions and understand what impacts they are likely to experience. The assessment should be Receptor-led in preference to Viewpoint-led.

The Council is pleased to see that the applicant intends to involve the Council in viewpoint selection. It should be noted that the requirements of SNH and the Council may differ, with the Council probably looking for more specific viewpoints based on known OS viewpoints or local landmarks where visual amenity may be the key issue as opposed to those 'representative' views that are more important to determine impact on landscape resource. The purpose of the selected and agreed viewpoints shall be clearly identified and stated in the supporting information. It should therefore be clear that the viewpoint has been chosen for the purpose of landscape assessment, visual impact assessment, cumulative assessment, sequential assessment, to demonstrate a representative view or for assessment

of impact on designated sites, communities or individual properties. Given the potential scale of turbine viewpoints may need to be considered beyond the 35km radius.

Viewpoints within 5 kilometres of a development should be precisely identified on an A4 size Ordnance Survey extract at a scale of 1:25000. The position of the development and the proposed field of view of photography shall be shown on the map. Viewpoints located more than 5km from a development shall be identified on an A4 size Ordnance Survey extract at a scale of 1:50,000 and the development and the proposed field of view of photography shall be shown on the map. The Council may also specify on a large scale plan an exact viewpoint position that they wish to be used and provide a reference photograph.

The Council expects visualisations provided as part of the ES to be undertaken in accordance with The Council's Visualisation Standards for Wind Energy Development available on the Council's website by clicking [HERE](#).

Transport

The Council has a locus at the port of Invergordon which is where turbines are likely to be delivered. While this route has been used before, the use of larger turbines may require the route to be re-assessed, in particular the effect on any structures.

Noise

It is anticipated that the simplified noise criterion will be applied, however consideration will be required on how this will operate within the cumulative context, particularly how compliance can be achieved.

Aviation and Radar

Turbine lighting is most likely to be required but should be of an infra-red type design. Where this is not possible the Environmental Report should propose mitigation to limit night time effects.

Hydrology and ground conditions

As part of the water environment assessment the developer requires to ensure that Private Water Supplies are taken into account as part of the baseline survey and that suitable mitigation measures are identified, where necessary, to protect them.

Cultural Heritage

The approach to the archaeological study should aim to:

- Identify the cultural heritage baseline within the proposal area.
- Assess the proposed development site in terms of its archaeological and historic environment potential.
- Consider the potential impacts of construction and operation of the proposed development on the cultural heritage resource.
- Propose measures (where appropriate) to mitigate any predicted adverse impacts.

Baseline information should be gathered through desk assessment of existing cultural heritage records and sources of information. The Highland Council Historic Environment Team recommends that data sources should include as a minimum:

- The Highland Council Historic Environment Record (HER).
- The National Monuments Record for Scotland (NMRS).
- Historic Environment Scotland's databases of listed buildings, Scheduled Ancient Monuments and monuments proposed for scheduling.
- The Inventory of Gardens and Designed Landscapes in Scotland (1988).
- Relevant Local and Structure Plans.
- Vertical stereo aerial photographic coverage held by RCAHMS and The Highland Council Archaeology Unit.
- Ordnance Survey map coverage from 1850 onwards, and any other readily available early cartographic sources held at the National Library of Scotland Map Library.
- Bibliographic references and early parish accounts.

This work should identify all scheduled monuments, archaeological sites and landscapes, listed buildings, historic gardens and designed landscapes and conservation areas – both within the boundary of the development area and within the Zone of Theoretical Visibility (ZTV), once that has been identified.

The information gathered through desk assessment should be further assessed and augmented by non invasive field reconnaissance survey of the total application/site area. This will be conducted in order to assess the presence / absence, character, extent and condition of sites, monuments and landscape features identified by the desk-based assessment. The survey will also identify any further features of cultural heritage interest not detected from the desk assessment and assess the area's potential for the discovery of further, as yet unrecorded archaeological sites. A representative sample of digital data resulting from the survey (i.e. maps showing site boundaries and feature extents, site plans, descriptions, photographs, drawings etc) will be supplied to the Archaeology Unit to enable an accurate record of the historic environment to be maintained and included in the Highland Historic Environment Record.

Both the direct impact of all elements of the proposed development on cultural heritage assets and their indirect impact on the wider landscape setting of these assets, both individually and cumulatively should be assessed.

All potential direct and indirect impacts should be clearly laid out in the EIA. Appropriate mitigation should be devised which states how impacts are to be avoided or reduced.

Policy

The ES should not consider planning policy. However, the Council would expect to see a supporting document designed to address the specific relevant policies of the Scottish Government and The Highland Council. This would need to consider the newly adopted Onshore Wind Energy Supplementary Guidance, including an assessment of the ten criteria that relate to siting and design in particular.

I trust that this advice is of use to you and the developer.

Yours faithfully

DAVID MUDIE
Team Leader – Development Management
Planning and Development Service