

# AGENDA ITEM 8

## APPENDIX I

2015/0327/PAC

SNH COMMENTS



## Scottish Natural Heritage Dualchas Nàdair na h-Alba

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

Steve Callan  
Planning and Regeneration  
Perth & Kinross Council  
Pullar House  
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Perth  
PH1 5GD

By email: [scallan@pkc.gov.uk](mailto:scallan@pkc.gov.uk)

Date: 14/11/2015  
Our ref: A1797648  
Your ref: 15/01691/FLM

Dear Mr Callan

### **Green Burn Wind Farm, West Of Drumderg Wind Farm, Bridge Of Cally The Town and Country (Environmental Impact Assessment) (Scotland) Regulations 2011**

Thank you for seeking the comments of Scottish Natural Heritage (SNH) in respect of the planning application and supporting Environmental Statement (ES).

#### **1. SUMMARY**

##### **1.1 Landscape and Visual Impacts**

Green Burn would extend the existing pattern of wind farms in the area. The addition of Green Burn to this baseline would not result in a significant exacerbation of the existing cumulative impacts.

The proposal would introduce wind farm visibility into areas of the Cairngorms National Park currently unaffected by any of the developments mentioned above. This will include the A93, an important gateway to the National Park, and the Cateran Trail, one of Scotland's Great Trails. Adverse impacts on these receptors would be limited in extent and could be partly mitigated by amendments to the design of the proposal.

We note there is scope to improve the layout to allow a more consistent design with the neighbouring developments and to improve views from within the National Park.

##### **1.2 Dun Moss and Forest of Alyth Mires Special Area of Conservation (SAC) & River Tay Special Area of Conservation (SAC)**

This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, **we object** to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in our appraisal below.

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### 1.3 Other ecology interests

#### **Forest of Clunie Special Protection Area (SPA)**

In our view, it is unlikely that the proposal will have any significant effect on any qualifying interests either directly or indirectly as there is no connectivity with the site's qualifying interests. An appropriate assessment is therefore not required.

#### **Loch of Lintrathen and Loch of Kinnordy Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs)**

The qualifying interests of these sites will not be adversely affected by the proposal. An appropriate assessment is therefore not required.

#### **Protected species and Habitats**

We recommend the implementation of the mitigation measures for a range of habitats and species outlined in Appendix 2, Schedule of Mitigation, of the Environmental Statement.

Wildcat are known to be active in the locality and we recommend mitigation measures are put in place to minimise the impacts on this and other protected species:

## 2. APPRAISAL OF THE IMPACTS

### 2.1 Landscape and Visual Impacts

The proposed Green Burn wind farm would be located on the line of hills that mark the Lowland-Highland Boundary, which forms the backdrop in views from the south. The wind farm would be visible over an extensive area to the south, including Strath Tay and Strathmore and distant views from Perth.

Green Burn would be seen next to the neighbouring Drumderg, Tullymurdoch and Welton of Creuchies wind farm developments. This would create a line of 4 developments visible along the horizon when seen from the south-west, south and south-east. These groups of wind farms would merge in various formations depending on the viewing angle, creating visual confusion and form a large horizontal extent of wind farm development in front of the highland boundary fault. In the event Saddle Hill Wind Farm was consented, it would occupy the gap between Tullymurdoch and Drumderg, and would add to the cumulative impacts of above developments.

We note that although Green Burn would add to the overall extent of wind farm development, in most views it would not significantly add to cumulative adverse effects arising from the existing baseline of Drumderg, Tullymurdoch and Welton of Creuchies.

Mitigation could be considered to amend the layout to allow a more consistent design with Drumderg. In several views, the Green Burn layout appears uneven which can appear to conflict with the more regular, evenly spaced layout of Drumderg.

#### **Cairngorms National Park**

Green Burn would introduce views of a wind farm to lower altitude ground within upper Glen Shee, including the A93, a popular gateway to the Park, and the Cateran Trail, one of *Scotland's Great Trails*. Additionally it would add to wind farm visibility from several popular mountain summits in the Park.

There would be patches of visibility along the A93 up to 2.5km within the Park and also from two stretches of a combined length of around 1km along the Cateran Trail within the Park, both at around 8km distance. There is currently no visibility of the neighbouring consented developments from these areas of the Park. Parts of some turbines would be visible on the southern skyline and this prominent location increases their effects. South-bound travellers on the A93 leaving the Park and users of the Cateran Trail would have partial, and probably

intermittent, views of hubs and some the blades but the approach and setting of the Park would not be affected. Part of these effects could be mitigated by amendments to the layout.

Green Burn wind farm would be seen from several popular summits in the National Park such as Beinn A'Ghlo, Creag Leacach and Driesh. Views from these summits include Drumderg and would include the neighbouring consented wind farms. Visualisations from these mountains show that the addition of Green Burn wind farm would not result in an additional significant cumulative impact because it is in a similar landscape context to Drumderg and is more associated with the transition to the settled lowlands.

## **2.2 Dun Moss and Forest of Alyth Mires SAC**

The planning application boundary falls partially within the boundary for the Dun Moss SAC. While no infrastructure is planned within the SAC, turbine 3 plus its track, crane pad and associated infrastructure are proposed within the catchment for the SAC. The qualifying interest for which the SAC was designated is active raised bog. See <http://www.snh.gov.uk/docs/A423286.pdf> for a summary of the legislative requirements.

Active raised bog and its supporting habitats are vulnerable to changes in water quality, air quality and sedimentation. The lagg zone, a supporting habitat and an integral part of the raised bog, is critical to the bog's structure and function. It forms the transition zone surrounding the raised bog where runoff collects from the rain-fed bog and adjacent mineral soils. The lagg zone is sensitive to changes in water chemistry as even a small change could lead to changes in the flora which could significantly impact upon qualifying interest of the SAC.

There is the potential for an increase in sediment runoff and pollution during the construction phase of this proposal which could affect water chemistry. This could result in a detrimental effect on the lagg zone and, as the lagg zone is critical to the structure and function of a raised bog, result in a significant impact on active raised bog.

We therefore disagree with the conclusions of the ES and in our view; this proposal is likely to have a significant effect on the qualifying interests of this site. Consequently, Perth and Kinross Council is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. However, if the proposal is amended so that the works are done strictly in accordance with the following mitigation, then the proposal will not adversely affect the integrity of the site.

### **The following must be achieved by way of condition(s):**

A detailed site Environmental Management Plan (EMP) and site specific Construction Method Statements (CMS) should be produced and agreed with Perth and Kinross Council, SNH and SEPA prior to work commencing on site and any consent is subject to a condition requiring the implementation of the CEMP and CMS. The EMP and CMS should seek to minimise pollution and sedimentation in the water environment and include the measures outlined in Appendix 2, Schedule of Mitigation, of the Environmental Statement.

You may wish to carry out further appraisal before completing the appropriate assessment.

If Perth and Kinross Council intends to grant planning permission against this advice without the suggested mitigation, you should notify Scottish Ministers.

## **2.3 River Tay SAC**

The development site is approximately 1km from the boundary of the River Tay SAC. The wind farm lies within the catchment of several small burns which are tributaries of the Tay and we consider there to be connectivity with the River Tay SAC. The Environmental Statement identifies the features for which the River Tay SAC is classified, namely Atlantic salmon, otter, river, brook and sea lampreys, and clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels.

See <http://www.snh.gov.uk/docs/A423286.pdf> for a summary of the legislative requirements.

Atlantic salmon and lampreys are vulnerable to changes in water quality and sedimentation. As stated above, there is the potential for an increase in sediment runoff and pollution during the construction phase of this proposal. We therefore disagree with the conclusions of the ES in this respect and in our opinion; this proposal is likely to have a significant effect on the qualifying interests of this site. As a consequence, Perth and Kinross Council is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. However, if the proposal is amended so that the works are done strictly in accordance with the following mitigation, this significant effect can be avoided and an appropriate assessment will not be required.

**The following must be achieved by way of condition(s):**

A detailed site Environmental Management Plan (EMP) and specific Construction Method Statements (CMS) should be produced and agreed with Perth and Kinross Council and SEPA prior to work commencing on site any consent is subject to a condition requiring the implementation of the CEMP and CMS. The EMP and CMS should seek to minimise pollution and sedimentation in the water environment and include the measures outlined in Appendix 2, Schedule of Mitigation, of the Environmental Statement.

The above condition will avoid significant impacts on the River Tay SAC and prevent the need for an appropriate assessment.

If Perth and Kinross Council intends to grant planning permission against this advice without the suggested mitigation, you should notify Scottish Ministers.

## **2.4 Other ecological interests**

### **Protected Species**

We advise that species protection plans (SPP) are submitted prior to commencement of works for comment to both SNH and Perth and Kinross Council and implemented during construction for protected species including, but are not limited to, wild cat, otter, pine marten and breeding birds. We suggest that they include the following:

- Pre-construction surveys for legally protected species are carried out at an appropriate time of year for the species, in the 6 months preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECoW) during construction. The species that should be surveyed for include, but are not limited to, wild cat, otter, pine marten and breeding birds.

Using wildcat as an example (similar principles should applied and tailored to other protected species in their respective SPPs)

- Appropriately sized protection zones must be marked and signed on the ground by the ecologist / EcoW, with appropriate material, around all wildcat dens identified during the pre-works surveys. A 200m radius protection zone must be established around all wildcat dens at any time of year.
- General Mitigation – in all wildcat areas (i.e. where no specific signs found during surveys but known to be locally present)
  - Any temporarily exposed pipe system should be capped when staff are off site to prevent wildcats from gaining access and becoming trapped.
  - All exposed trenches and holes should be provided with mammal exit ramps e.g. wooden planks or earth ramps when Contractors are off site.

- An emergency procedure will be implemented by site workers if wildcat dens are encountered. All work within 200 m will cease, and the ECoW will inspect the site and define mitigation (if required) in line with this SPP.
- Work should be restricted to daylight hours (after official sunrise and before official sunset) to minimise disturbance by people, machinery, light or noise.
- External lighting and noise from generators should be minimal at night.

We would be happy to offer further advice once the pre-construction survey results are available.

Suitable species protection plans should allow significant impacts on protected species to be avoided.

### **Ornithology (non SPA)**

**Black Grouse** – the site is regionally important for its Black Grouse interest with several well used lek sites in and adjacent to the turbines. The development is likely to displace or otherwise dissuade the grouse from using the site resulting in significant impacts on the species at a regional level. The suggested mitigation measures and habitat management plan are not sufficiently detailed to allow us to gauge if they are likely to be successful in preventing these significant impacts.

**Waders** – the site hosts breeding waders. The collision risk assessment and breeding bird records demonstrate that breeding birds are likely to be lost or displaced due to impacts from the development. This would not result in significant impacts on the national populations.

**Osprey** are known to be nesting in the wider locality however there has been limited flight activity over the development site and osprey are not known to be breeding within the planning application boundary.

**Deer** - We recommend that a deer management plan is drawn up to address these impacts. Further information and good practice guidance on the production of these plans is available on our website at <http://www.snh.gov.uk/docs/A1187660.pdf>

### **2.5 Advice on the Environmental Statement**

The Environmental Statement is well presented and follows best practice well in terms on the visualisations produced. The photography is of a high standard and the information is presented clearly.

### **2.6 Ecological Clerk of Works (ECoW)**

We welcome the proposed appointment of an ECoW. We recommend that the role of the ECoW includes provision of ecological advice to inform micrositing and construction activity. This is so that impacts on sensitive habitats and species are reduced or avoided. The ECoW must also have power to stop works if an unexpected event occurs (for example discovery of unknown otter holt, heavy rainfall increasing the risk of sediment control measure failure, etc).

### **2.7 Decommissioning**

Should the wind farm be granted consent, we recommend that an additional consultation is carried out well in advance (e.g. 3-5 years) of the year of decommissioning to ensure all natural heritage considerations are taken into account. Our advice is that further survey work may be required in the year or more prior to decommissioning to fully assess the likely impacts, particularly on legally protected species and protected areas.

For further information or advice in connection with this proposal please contact Matthew Burnett in the first instance ([matt.burnett@snh.gov.uk](mailto:matt.burnett@snh.gov.uk)).

Yours sincerely

*Denise Reed*

**Denise Reed**

Operations Manager – Grampian and Tayside

## **Annex 1 - Compilation of recommended conditions and measures**

**1. We object to this proposal unless it is made subject to the following as a condition of planning to avoid a likely significant effect on the River Tay SAC and to avoid an adverse effect on the integrity of the Dun Moss and Alyth Mires SAC:**

a. A detailed site Environmental Management Plan (EMP) and site specific Construction Method Statements (CMS) should be produced and agreed with Perth and Kinross Council, SNH and SEPA prior to work commencing on site and any consent is subject to a condition requiring the implementation of the CEMP and CMS. The EMP and CMS should seek to minimise pollution and sedimentation in the water environment and include the measures outlined in Appendix 2, Schedule of Mitigation, of the Environmental Statement.

**2. If the proposal is granted approval we also recommend the following additional/enhanced measures to further reduce the impacts on the natural heritage. You may decide to impose conditions to secure these measures, but this would be for you to determine within the context of your own policies.**

a. We recommend that pre-construction surveys for legally protected species are carried out at an appropriate time of year for the species, in the 6 months preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECoW) during construction. The species that should be surveyed for include, but are not limited to, otter, pine marten and breeding birds. The area that is surveyed should include all areas directly affected by construction plus an appropriate buffer to identify any species within disturbance distance of construction activity and to allow for any micro siting needs. We further recommend that the ECoW has a role in drafting any species protection plans that are required, using the information from the ES Appendix 5.2, 5.3 and pre-construction surveys, and that the ECoW oversees implementation of the species plans and any licensing requirements.

b. We recommended the full range of ecological mitigation and enhancement measures identified in the Appendix 2, Schedule of Mitigation, of the Environmental Statement, subject to the advice provided in the attached letter and below.

c. We recommend that a Habitat Management Plan is produced and implemented, with the aim being to manage the site to enhance the value of the dry heath, blanket bog and wetland habitats on the site. It may be useful to request further details of the HMP prior to consent.

d. We recommend that a deer management plan is produced and implemented to consider the effect the changes in land use and habitats may have on the local deer population.

e. We recommend that no works (including construction tracks as well as turbines, and decommissioning work) be undertaken within 750m of any black grouse lek before 9am during the black grouse breeding season, April and May. This is to avoid causing disturbance during the sensitive breeding period.