voltalia

CRUACH CLENAMACRIE WIND FARM

APPENDIX 1.2 SCOPING OPINION

Scottish Government
Riaghaltas na h-Alba
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The Scottish Government
Energy Consents Unit

Scoping Opinion on behalf of Scottish Ministers under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations

CRUACH CLENAMACRIE WIND FARM
Voltalia UK Ltd

September 2023

CONTENTS

1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Voltalia UK Ltd, a company incorporated under the Companies Acts with company number 07489990 and having its registered office at Unit 1 Headley Park 8 Headley Road East, Woodley, Reading, England, RG5 4SA ("the Company") in response to a request dated 23 June 2023 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed **Cruach Clenamacrie Wind Farm** ("the proposed development"). The request was accompanied by a scoping report submitted by Green Cat Renewables Ltd.

1.2 The proposed development would be located approximately 7km east of Oban and approximately 3km south of the A85, located entirely in the local authority area of Argyll and Bute Council. The Site is bordered by Fearnoch Forest to the east, south and west. The Lusragan Burn and Black Loch's tributaries run through the Site. There are no Scheduled Monuments within the Site. Glenamachrie Cairn and An Dun, dun and Glenamachrie Standing Stone are the closest Scheduled Monuments located approximately 0.8km southwest of the Site. Approximately 0.4km to the north of the Site lies Loch Etive Woods Special Areas of Conservation (SAC) which is located within the Clais Dhearg Site of Special Scientific Interest (SSSI). In addition, there are areas of ancient woodland in the forestry surrounding the Site. The nearest settlement is Fearnoch located approximately 2km north-east and the nearest residential property is 0.8 km south-west of the Site.

1.3 The proposed development will comprise of up to eight wind turbines with a blade tip height of 200 metres, having an indicative rotor diameter of 165 metres and indicative hub height of 117 metres.

1.4 There is potential for a battery energy storage system (BESS) of up to 20 Megawatts (MW) included as part of the proposed development which will generate overall approximately 77.6MW.

1.5 The proposed development is anticipated to include the following ancillary components and associated infrastructure:

- Wind turbines;
- Crane hardstandings and laydown area adjacent to each wind turbine;
- Wind turbine foundations;
- Power cables, linking the wind turbines, laid in trenches underground, including cable markers;
- A control building including a substation, parking, and a small storage compound;
- The BESS facility, located adjacent to the substation compound;
- Permanent and temporary power performance assessment (PPA) anemometry mast and/or LiDAR;
- Health and safety and other directional signage;
- New and upgraded access tracks, passing places, and turning heads;
- Drainage works;
- Borrow pits;

- Temporary construction compound; and
- Aviation warning lights to comply with Article 222 of the UK Air Navigation Order (ANO) 2016

1.6 The Company indicates the proposed development would be decommissioned after 50 years and the Site restored in accordance with the decommissioning and restoration plan.

1.7 The proposed development is solely within the planning authority of Argyll and Bute Council.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Green Cat Renewables Ltd (acting as the Company's agent) and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 12 July 2023. The consultation closed on 1st September 2023.

2.2 Extensions to this deadline were granted to:

- NatureScot
- Historic Environment Scotland

2.3 The Scottish Ministers also requested responses from their internal advisors, Transport Scotland and Scottish Forestry. Standing advice from Marine Scotland Science (MSS) has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 36 of the Electricity Act 1989. All consultation responses received, and the standing advice from MSS, are attached in ***ANNEX A and ANNEX B*** .

2.4 The purpose of the consultation was to obtain scoping advice from each consultee on environmental matters within their remit. Responses from consultees and advisors, including the standing advice from MSS, should be read in full for detailed requirements and for comprehensive guidance, advice and, where appropriate, templates for preparation of the Environmental Impact Assessment (EIA) report.

2.5 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.

2.6 To date no response has been received from Argyll and Bute Council and it has been decided that the Scottish Ministers will provide a scoping opinion at this time based on the consultation responses received and that in the event that a response is subsequently received from Argyll and Bute Council, it will be published on the ECU website as an addendum to this scoping opinion.

2.7 In addition to Argyll and Bute Council, the following organisations were consulted but did not provide a response:

- British Horse Society
- Fisheries Trust - Argyll Fisheries Trust
- John Muir Trust
- Mountaineering Scotland
- ScotWays
- Scottish Wildlife Trust
- Scottish Wild Land Group
- Visit Scotland
- Connel Community Council
- Kilmore & Kilbride Community Council
- Taynuilt Community Council
- Dunberg Community Council
- Ardchattan Community Council
- Oban Community Council
- Avich and Kilchrenan Community Council
- Kilniver and Kilmelford Community council

2.8 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.

2.9 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 NatureScot, 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 As mentioned above, it should be noted that Argyll and Bute Council have not responded to the consultation at this time. Their response, once received, will be issued to the developer as an addendum to this scoping opinion and will be published on the ECU website

3.3 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the Company in its request dated 23 June 2023 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.

3.4 A copy of this scoping opinion has been sent to Argyll and Bute Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

3.5 Scottish Ministers expect the EIA report which will accompany the application for the proposed development to consider in full all consultation responses attached in **Annex A and the advice set out in Annex B**.

3.6 Scottish Ministers are satisfied with the scope of the EIA set out in chapter 3 of the scoping report.

3.7 In addition to the consultation responses, Ministers wish to provide comments with regards to the scope of the EIA report. The Company should note and address each matter.

3.8 The proposed development set out in the Scoping Report refers to wind turbines, and other technologies including battery storage. Any application submitted under the Electricity Act 1989 requires to clearly set out the generation station(s) that consent is being sought for. For each generating station details of the proposal require to include but not limited to:

• the scale of the development (dimensions of the wind turbines, battery storage);
• components required for each generating station; and
• minimum and maximum export capacity of megawatts and megawatt hours of electricity for battery storage

3.9 Scottish Water provided information on whether there are any drinking water protected areas or Scottish Water assets on which the development could have any significant effect. Scottish Ministers request that the company contacts Scottish Water (via 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.

3.10 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.

3.11 MSS provide generic scoping guidelines for onshore wind farm and overhead line development https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm or overhead line development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

3.12 In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.

3.13 MSS also provide standing advice for onshore wind farm or overhead line development (which has been appended at Annex B) which outlines what information, relating to freshwater and diadromous fish and fisheries, is expected in the EIA report. Use of the checklist, provided in Annex 1 of the standing advice, should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process. Developers are required to submit the completed checklist in advance of their application submission.

3.14 Scottish Ministers consider that where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), 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. Where a PLHRA is not required clear justification for not carrying out such a risk assessment is required.

3.15 The scoping report identified viewpoints at Table 5.1-5.3 to be assessed within the landscape and visual impact assessment. NatureScot suggests viewpoints from the Oban-Mull and Oban Lismore ferry routes and a wireline from Ben Starav are also included. It requests the proposed BESS should be shown on all visualisations within 7km of the Site boundary.

3.16 NatureScot have requested that Loch Etive Woods SAC is required to be scoped into the detailed assessment. The SAC is immediately adjacent (~140m) to the proposed development.

3.17 With reference to cultural heritage assets Historic Environment Scotland have asked for consideration of SM3887 Duntanachan, cairn SW of and SM3930 Barguillean Farm, dun 205m SSW. Furthermore SM90120 Dunstaffnage Castle should be considered for specific cultural heritage visualisations.

3.18 JRC have objected on the grounds that part or all of the proposed development breaches 460MHz Telemetry and Telecontrol and 1GHz Microwave Point to Point: SCHY 0929167/1. It should be consulted to discuss a solution.

3.19 The noise assessment should be carried out in line with relevant legislation and standards as detailed in section 10 of the scoping report. The noise assessment report should be formatted as per Table 6.1 of the IOA “A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise.”

3.20 As the maximum blade tip height of turbines exceeds 150m the LVIA as detailed in section 5 of the scoping report must include a robust Night Time Assessment with agreed viewpoints to consider the effects of aviation lighting and how the chosen lighting mitigates the effect. NatureScot request the inclusion of a night-time visualisation from VP14 to allow assessment of effects of turbine lighting on the Lynn of Lorn NSA.

3.21 It is recommended by the Scottish Ministers that decisions on bird surveys – species, methodology, vantage points, viewsheds & duration - site specific & cumulative – should be made following discussion between the Company and NatureScot.

3.22 Where borrow pits are proposed as a source of on-site aggregate they should be considered as part of the EIA process and included in the EIA report detailing information regarding their location, size, and nature. Ultimately, it would be necessary to provide details of the proposed depth of the excavation compared to the actual topography and water table, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement, and details of the proposed restoration profile. The impact of such facilities (including dust, blasting and impact on water) should be appraised as part of the overall impact of the working. Information should cover the requirements set out in 'PAN 50: Controlling the Environmental Effects of Surface Mineral Workings'.

3.23 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.

4. Mitigation Measures

4.1 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.

5. Conclusion

5.1 This scoping opinion is based on information contained in the Company'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 Company information in connection with an EIA report submitted in connection with any application for section 36 consent for the proposed development.

5.2 This scoping opinion will not 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.

5.3 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.

5.4 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.

5.5 Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit at the pre-application stage and before proposals reach design freeze.

5.6 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.

5.7 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).

Eleanor McKechnie

Energy Consents Unit
14 September 2023

ANNEX A

List of consultees who provided a response

• Argyll District Salmon Fishery Board	A1
• Civil Aviation Authority	A2-A5
• Crown Estate Scotland	A6
• Defence Infrastructure Organisation	A7-A8
• Fisheries Management Scotlan	A9
• Glasgow Airport	A10
• Glasgow Prestwick Airport	A11
• Historic Environment Scotland	A12-A19
• Highland and Islands Airport Limited	A20
• Joint Radio Company	A21-A23
• NATS Safeguarding	A24
• NatureScot	A25-A32
• Oban & The Isles Airport	A33
• Office of Nuclear Regulation	A34
• BT Radio network	A35-A37
• RSPB	A38-A44
• Scottish Forestry	A45-A47
• Scottish	A48-A50
• SEPA	A51-A61
• Transport Scotland	A62-A64

A1

ARGYLL DISTRICT SALMON FISHERY BOARD

Cherry Park, Inveraray, Argyll, PA32 8XE

Eleanor Mckechnie
Case Officer
Energy Consents Unit
The Scottish Government

1st August 2023

Dear Eleanor,

ECU00004841

Thank you for your correspondence concerning the Scoping exercise for the proposed Cruach Clenmachrie Wind Farm.

Argyll District Salmon Fishery Boards (DSFBs) have a statutory responsibility to protect and improve salmon and sea trout fisheries and is advised by Argyll Fishery Trusts who provide a research and monitoring role for all freshwater fish in the Board's area.

We note that the proposed wind farm is located in the headwaters of two watercourses: River Lonan (to the south) and Allt Nathais (to the north) which support important populations of Atlantic salmon and sea trout. Therefore, Argyll DSFB request that the EIA should include baseline and post construction monitoring of fish populations and macroinvertebrates in these watercourses (as prescribed by Marine Scotland). We would strongly recommend that these guidelines are fully considered throughout the proposed development to demonstrate that the interests of Argyll DSFB have been protected.

We hope you find these comments useful.

Yours,

Robert Younger
Clerk to the Argyll District Salmon Fishery Board

A2

Eleanor Mckechnie

From: Andy Wells <andy.wells@caa.co.uk>
Sent: 17 July 2023 22:02
To: Econsents Admin
Subject: 20230712 CAA comments on Cruach Clenamacrie Wind Farm proposal ECU00004841

Dear Eleanor,

Thank you for the opportunity to comment on the Cruach Clenamacrie Wind Farm planning proposal, which comprises 8 turbines up to 200m to blade tip.

When considering aviation effects, there are typically two aspects to consider; obstacles and electromagnetic impact, including radar. Different aviation stake holders will be affected in different ways.

The CAA requires notification of a change to aviation obstacles if it or they are 100 metres or more above sea level, in accordance with Article 225A of the Air Navigation Order (2016). This is a recent addition to the Air Navigation Order legislation. Additional consideration of the aviation obstacle environment may be required during the initial build phase and the temporary use of cranes that may extend above a height of 100 metres. The CAA works closely with NATS Aeronautical Information Services (providing the relevant information to inform the required publication of UK en-route obstacles in the Aeronautical Information Publication) and the MoD Defence Geographic Centre (obstacle data that the CAA receives is shared and vice versa).

To notify new or existing obstacles, changes to existing obstacles and failures of aviation lighting, please register for the **Airspace Coordination and Obstacle Management Service (ACOMS)** via the CAA customer portal.

Further information is available at:
https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Obstacle-notification/Obstacle-notification/

Aeronautical Obstacle Lighting and Marking

An “en-route obstacle” means a building, structure or erection that is: (a) not in the vicinity of a national licensed aerodrome or a certificated aerodrome; and (b) not an obstacle to which section 47 of the Civil Aviation Act 1982 (warning of presence of obstructions near licensed aerodromes) applies.

The statutory requirement for aviation lighting for civil aviation, set out in the Air Navigation Order, Article 222, Lighting of En-Route obstacles, is any building, structure or erection, the height of which is 150 metres or more above ground level. Aviation obstacle lighting should consist of a medium intensity steady red (2000 candela) light on the nacelles of each turbines, with a second co-located 2000 candela light to act as alternate in the event of a failure of the main light (note that both lights should not be lit at the same time). Both lights should have the capability of being dimmed to 10% of peak intensity to be applied, using one or more visibility measuring devices, when the lowest visibility as measured at suitable points exceeds 5km. At least three (to provide 360-degree coverage) low-intensity (32 candela) lights must be provided at an intermediate level of half the nacelle height ± 10 m.

Any variation to the above en-route obstacle lighting requirements must be agreed with the CAA prior to planning consent; the Ministry of Defence may be an interested party in any proposed variation.

There are various protections put in place in Regulations to protect aviation from collisions with en-route obstacles, as set out in the Standardised Rules of the Air. This includes:

(i) a list of known land based and off shore obstacles that are over 100 m in height are listed in the internationally-standardised aviation reference document for the UK, the UK Aeronautical Information Publication at ENR 5.4;

(ii) a requirement for night visual flight rules (i.e. flying using visual means of air navigation) that flight takes place at a level which is at least 300 m (1000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft;

(iii) a requirement for instrument flight rules (i.e. flying using navigation aids and instruments in the aircraft only) that flight takes place at a level which is at least 300 m (1000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft.

Civil operations may be permitted to operate below these heights by the CAA but only with CAA approval of any safety mitigation plan submitted by the air operator and this mitigation plan would need to set out how en-route obstacles will be considered and addressed.

Daytime flight is unaffected as the person in charge of an en-route aviation obstacle light must display such lights at night only, however daytime visual flight rules (i.e. flying using visual means of air navigation) requires that it is flown at "an indicated airspeed of 140 kts or less to give adequate opportunity to observe other traffic or any obstacles in time to avoid collision."

Within the CAA's publication CAP764, CAA Policy and Guidelines on Wind Turbines, para 3.10 states that "in general terms, structures less than 150 m (492 ft) high, which are outside the immediate vicinity of an aerodrome, are not routinely lit; unless the 'by virtue of its nature or location' argument is maintained…in respect to a proposed wind turbine development, there might be a need to install aviation obstruction lighting to some or all of the associated turbines, when specific concerns have been expressed by other elements of the aviation industry; i.e. the operators…However, this would only be done where it can reasonably be argued that the structure(s), by virtue of its/their location and nature, could be considered a significant navigational hazard.

Instrument Flight Procedures

An Instrument Flight Procedure (IFP) is a set of instructions regarding navigation around aerodromes. Within the design of IFPs, rules are set out regarding obstacle clearance, to ensure the necessary safeguarding. The protected areas for IFPs are complex as it is necessary to consider where the obstacle is in relation to multiple stages of multiple flight paths for multiple types of aircraft. This may be relevant for windfarms built within 30 nautical miles (~55km) of an aerodrome.

Impacts on civil aviation monitoring systems

Wind turbines located within the line-of-sight of surveillance systems (in particular, primary radar) can cause clutter and interference and can result in performance degradation. VHF communications systems may also be affected. These should be considered within the Environmental Impact Assessment and Report.

Our regulatory powers ensure that air navigation service providers undertake appropriate safeguarding activities in respect of their systems and equipment used for the provision of services, that changes to the operating environment are fully considered within their Safety Management Systems and that the operational systems and equipment are functional and being used safely.

We recommend that engagement with all potentially affected aviation stakeholders is undertaken and appropriate mitigation schemes developed, if required.

Aviation Stakeholders

There are a number of officially safeguarded aerodromes which are defined in government circulars. Such aerodromes should have lodged safeguarding maps with planning authorities

identifying the areas in which they need to be consulted. These aerodromes will consider the impacts of the proposed development on their operations and infrastructure with a view to maintaining high levels of aviation safety.

In addition, there may be unlicensed airfields in the area who could reasonably be expected to take an interest in the development. It is also recommended that Emergency Service Helicopter Support Units are consulted as they may operate in the area of concern and be affected by the introduction of tall obstacles.

Regulatory References

Article 222 – Lighting of en-route obstacles

(1) The person in charge of an en-route obstacle must ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval of not more than 52 metres.
(2) The person in charge of an en-route obstacle must, subject to paragraph (3), ensure that by night the lights required to be fitted by this article are displayed.
(3) In the event of the failure of any light which is required by this article to be displayed by night the person in charge must repair or replace the light as soon as reasonably practicable.
(4) At each level on the obstacle where lights are required to be fitted, sufficient lights must be fitted and arranged so as to show when displayed in all directions.
(5) In any particular case the CAA may direct that an en-route obstacle must be fitted with and must display such additional lights in such positions and at such times as it may specify.
(6) A permission may be granted for the purposes of this article for a particular case or class of cases or generally.
(7) This article does not apply to any en-route obstacle for which the CAA has granted a permission to the person in charge permitting that person not to fit and display lights in accordance with this article.

Article 225A.— Notifications relating to en-route obstacles

(1) In respect of an existing en-route obstacle, the relevant person must, as soon as reasonably practicable, notify the CAA in writing of—

(a) the obstacle's type;
(b) the obstacle's position, represented by geographical coordinates in degrees, minutes and seconds;
(c) the obstacle's elevation above mean sea level and height above ground level to the nearest metre or foot; and
(d) the type and colour of any obstacle lighting.

(2) Paragraph (1) does not apply where the CAA has already been notified.
(3) In respect of planned works which have a confirmed commencement date, the relevant person must notify the CAA in writing of the information specified in paragraph (4) in accordance with paragraph (5).
(4) The information referred to in paragraph (3) is—

(a) the obstacle's type, or planned type;
(b) the obstacle's position, represented by geographical coordinates in degrees, minutes and seconds;
(c) the obstacle's elevation above mean sea level and height above ground level to the nearest metre or foot prior to and upon completion of the necessary works;
(d) the type and colour of any lighting to be fitted to it, or to be removed from it; and (e) the scheduled dates of commencement and completion of the works.

(5) Notice under paragraph (3) must be given—

(a) at least 8 weeks before the commencement of the planned works; or
(b) as soon as reasonably practicable where there is insufficient time to give 8 weeks' notice or there is an urgent need to commence the planned works.

6) The relevant person must notify the CAA in writing of the completion of the planned works and whether there has been any change to the information provided under paragraph (4) no later than 30 days after the completion of the works.
(7) In this article— 4 "en-route obstacle" means any building, structure or erection, the height of which is 100 metres or more above ground level; "planned works" means works to—

(a) erect a new en-route obstacle;
(b) increase the height of an existing en-route obstacle;
(c) decrease the height of an existing en-route obstacle;
(d) develop an existing building, structure or erection into an en-route obstacle;

(e) remove an existing en-route obstacle;
(f) fit obstacle lighting to an en-route obstacle; or
(g) remove previously fitted obstacle lighting from an en-route obstacle;

"relevant person" means—
(a) in relation to paragraph (1), the person in charge of an existing en-route obstacle;
(b) in relation to paragraphs (3) and (6), the person in charge of the planned works which would, on completion of those works, result in the creation, modification or removal of an en-route obstacle."

Further information is available at:
https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Obstacle-notification/Obstacle-notification/

I hope that this is helpful. Please let me know if you have any additional queries.

Kind regards

Andy

Andy Wells
Aviation and Windfarm Policy
CAA Strategy and Policy Department
UK Civil Aviation Authority
Tel: 0330 138 1366
www.caa.co.uk
Follow us on Twitter

Please consider the environment. Think before printing this email.

A6

From: Olivia Morrad <olivia.morrad@crownestatescotland.com>
Sent: Friday, August 25, 2023 11:48 AM
To: McKechnie E (Eleanor) <Eleanor.Mckechnie@gov.scot>
Cc: Econsents Admin <Econsents_Admin@gov.scot>
Subject: 20230825 Proposed Cruach Clenmacrie Wind Farm - Scoping opinion Consultation Request.

Good morning

Thank you for your email.

I write to confirm that the assets of Crown Estate Scotland are not affected by this proposal and we therefore have no comments to make.

Kind regards

Olivia Morrad
Assistant Portfolio Co-ordinator
Crown Estate Scotland

t: 0131 376 1506 / 07407378899

Our team are currently working from home. Mail is occasionally being collected from our offices (addresses are at www.crownestatescotland.com/contact-us). Where possible, please email or call us rather than post mail.

A7

Defence Infrastructure Organisation

Teena Oulaghan
Safeguarding Manager
Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Telephone [MOD]: 07970 170934

E-mail: teena.oulaghan100@mod.gov.uk

Your Reference: ECU00004841

Our Reference: DIO10059352

Eleanor McKechnie
Energy Consents Unit
Scottish Government
4th Floor
5 Atlantic Quay
150 Broomielaw
G2 8LU

By email only

28 July 2022

Dear Eleanor,

Application reference:	ECU00004841
Site Name:	Cruach Clenamacrie Wind Farm.
Proposal:	Electricity Act 1989 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Request for scoping opinion for proposed Section 36 application for Cruach Clenamacrie Wind Farm.
Site address:	Approximately 7km east of Oban and approximately 3km south of the A85, located entirely in the local authority area of the Argyll and Bute Council.

Thank you for consulting the Ministry of Defence (MOD) in relation to the scoping through your communication dated 17 July 2023.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

I am writing to advise you that the MOD has concerns with the proposal.

The proposal concerns a development of 8 wind turbines with maximum blade tip heights of 200.00 metres above ground level and a battery energy storage system (BESS) of up to 20MW. The proposed development has been assessed using the location data (Grid References) below provided in Scoping Report dated 23 June 2023.

Turbine no.	Easting	Northing
1	193375	729908
2	193759	729524

3	194897	730186
4	194897	729802
5	194713	730436
6	194356	729746
7	195317	730440
8	193225	729222

The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to their potential to create a physical obstruction to air traffic movements.

Physical Obstruction

In this case the development falls within Low Flying Area 14 (LFA 14), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

To address the impact up on low flying given the location and scale of the development, the MOD would require that conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.

As a minimum the MOD would require that the development be fitted with MOD accredited aviation safety lighting in accordance with the Air Navigation Order 2016.

Summary

The MOD has concerns with this proposal due to the potential impact to low flying aircraft operating in the development area.

The MOD must emphasise that the advice provided within this letter is in response to the information detailed in the developer's document titled "Scoping Report" dated 23 June 2023. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

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

REDACTED

Teena Oulaghan
Safeguarding Manager

Thursday 03/08/2023

Thank you for your correspondence concerning the proposed Cruach Clenmachrie Wind Farm.

Fisheries Management Scotland (FMS) represents the network of 40 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 Argyll District Salmon Fishery Board, and the catchment relating to the Argyll Fisheries 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 FMS MEMBER NETWORK CONTACT DETAILS

Regards,

Brian

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

From: #GLA Safeguarding
To: Eleanor Mckechnie
Subject: RE: Proposed Cruach Clenmacrie Wind Farm - Scoping opinion Consultation Request.
Date: 17 July 2023 11:47:16
Attachments: image001.png
image289314.png
image642418.png
image771628.png
image170046.png
image020889.png
image553071.png

This proposal is located outwith the consultation zone for Glasgow Airport. As such we have no comment to make and need not be consulted further.

Kind regards
Kirsteen

#GLA Safeguarding
#GLA Safeguarding

07808 115 881
glasafeguard@glasgowairport.com
www.glasgowairport.com

Glasgow Airport, Erskine Court, St Andrews Drive, Paisley, PA3 2TJ

From: Eleanor.Mckechnie@gov.scot <Eleanor.Mckechnie@gov.scot>
Sent: 12 July 2023 14:46
Cc: Econsents_Admin@gov.scot
Subject: Proposed Cruach Clenmacrie Wind Farm - Scoping opinion Consultation Request.

A11

Good morning,

On behalf of Glasgow Prestwick Airport, I have reviewed the documentation available on the ECU portal for Cruach Clenmacrie Wind Farm (ECU00004841).

The proposed development lies outside the GPA safeguarding area and consequently we would have no comment or valid objection to make.

Kind regards,

Ian

Glasgow Prestwick Airport Ltd.
Aviation House
Prestwick
KA9 2PL
Scotland
United Kingdom

Ian Hutchinson

Aviation Safeguarding Manager

T: (+44) 01292 511038

M:

ihutchinson@glasgowprestwick.com

www.glasgowprestwick.com

A12

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email to: Eleanor.Mckechnie@gov.scot

Eleanor McKechnie
Senior Case Officer
Energy Consents Unit
Onshore Electricity, Strategy and Consents

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300067068
Your ref: ECU00004841
23 August 2023

Dear Eleanor McKechnie

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Cruach Clenmacrie Wind Farm
Scoping Report

Thank you for your consultation on this Scoping Report which we received on 12 July 2023. We have reviewed the details in terms of our historic environment interests which include 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. In this case, you should contact WoSAS (West of Scotland Archaeology Service)

Proposed Development
We understand that the proposed development comprises up to 8 wind turbines standing up to 200m high, plus ancillary infrastructure including a battery energy storage facility. It is located approximately 7km east of Oban.

Scope of assessment
Potential direct impacts
We can confirm that there are no World Heritage Sites, scheduled monuments, category A listed buildings, or Inventory battlefields, gardens or designed landscapes within the proposed development boundary.

Potential setting impacts
There are a large number of nationally important historic environment assets within our remit in the vicinity of the development whose settings have the potential to be adversely impacted by the proposals. The annex to this letter gives details of a number of assets

we consider have the potential to experience such impacts. This list should not be treated as exhaustive and is only intended as a reference to those assets which at this stage appear most likely to be significantly impacted.

Potential cumulative impacts
We recommend that the potential cumulative impacts of the proposed development in combination with other developments in the vicinity be assessed. This should assess the incremental impact or change when the proposed development is combined with other present and reasonably foreseeable developments.

Scoping Report
We welcome that cultural heritage effects are scoped into the assessment. We also welcome that the operational effects of the proposal on the setting of cultural heritage assets will be assessed as well as direct impacts from construction. We have some concerns about how the assessment of effects on historic environment assets will be undertaken and we have provided further comments on those matters in the attached annex. We strongly recommend that our Managing Change Guidance Note on Setting is used to inform setting assessments. Further information on good practice in cultural heritage assessment can be found in Appendix 1 of the EIA Handbook .

It is important to note that part of the Scoping Report relevant to cultural heritage matters – Appendix 6.1 - does not appear to have been provided by the applicant and our comments in the annex have had to reflect this.

Further information
Guidance about national policy relating to cultural heritage can be found on our website at https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/ .

We hope this is helpful and we would be happy to provide further information and advice to the applicants as they work through the EIA process. Please contact us if you have any questions about this response or require further information on any matter raised. The officer managing this case is Deirdre Cameron who can be contacted by phone on 0131 668 8896 or by email on Deirdre.cameron@hes.scot

Yours sincerely

Historic Environment Scotland

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Annex

Historic Environment Scotland's interest

We are content that the development should not result in any direct physical impacts on nationally designated cultural heritage assets. Any impacts that could result from the development will relate to the settings of such assets.

While we expect all nationally designated sites to be considered within the EIA process, we recommend that any assessment should pay particular attention to the potential for impacts on the settings of the heritage assets listed below.

Gardens and Designed Landscapes

- **GDL00019 Ardchattan Priory**
- **GDL00007 Achnacloich**

Category A Listed Buildings

- **LB4716 Lochnell House, Ardmucknish Bay**
- **LB4717 Lochnell Observatory (St Margaret's Tower) Lochnell Policies**
- **LB38820 St Columba's Roman Catholic Cathedral (Oban)**
- **LB52505 Shore House, Bonawe**
- **LB52504 1-4 Lochandu Cottages (Bonawe)**

Scheduled Monuments

As there are a large number of scheduled monuments within the ZTV it is not possible to address them individually at this point in the EIA process; the list below highlights individual monuments or groups where we consider potentially significant impacts might occur.

- **SM90120 Dunstaffnage Castle** – the EIA should consider views from the upper levels or battlements of the castle and views towards Dunstaffnage from the sea. We recommend the inclusion of a visualisation showing views of the monument with the proposed turbines behind to allow for assessment of these potential impacts.

Glen Lonan - There are two distinct categories and groupings of scheduled monuments along this glen, many of which may be adversely affected by the development. The Scoping Report has identified some, but not all, of the monuments in this area for further assessment. There are several other proposed windfarms likely to impact upon these monuments and their setting – a thorough assessment of cumulative impact will be required.

- **prehistoric cairns and standing stones along the glen** – these sites comprise burial cairns of prehistoric date. Clustered along a key routeway through the landscape, there is often an element of intended intervisibility between them especially evident to those moving through the glen. While moving along the glen between these monuments, the proposed turbines will be visible to differing degrees in views along and to the side of the glen, and in views between these monuments.
- **A network of Iron Age duns and forts along Glen Lonan** – these sites are all located close to the floor of Glen Lonan and are defensive domestic sites of Iron Age date. Clustered around a key routeway through the landscape in much the same way as the prehistoric cairns, there is often intervisibility between them. Monuments like these were deliberately positioned so as 'to see and be seen', thereby controlling access through the landscape and having an oversight of lands that they controlled and were supported by. It is possible that the proposed turbines will be visible in these views from monument to monument and in their wider surroundings, thus interrupting an understanding of the relationship between the monuments and between them and their surroundings that forms part of their setting and cultural significance.

Prehistoric cairns and standing stones around Strontoiler – a discreet group of prehistoric ritual and funerary monuments clustered at the western end of Glen Lonan where the landscape opens up. There is a degree of visibility between each of the monuments, and along Glen Lonan. While turbines will not interrupt views between the monuments, they may impact upon their wider setting. We note that this location has been selected for a viewpoint, but more detailed analysis with the use of wireframes may be required to allow for adequate assessment of setting issues.

Loch Nell – there are several monuments around Loch Nell whose setting may be impacted upon and that should be included for full assessment. **SM4219 Loch Nell, crannog 200m NE of Rubha Namoine**, a settlement of probable medieval date is situated on an island in Loch Nell. It has clear views to the surrounding land, particularly along the NE-SW line of the open valley, across land which may have been controlled or farmed by the occupants. The development would likely be prominent in views towards the northeast and east-northeast and may have an adverse impact upon the monument's setting. At the southwest end of Loch Nell is a small cluster of prehistoric ritual and funerary monuments, including **SM4155 Dalineun, chambered cairn 265m S of Dalaneas**, which from the ZTV also appear to have a high degree of visibility. The monuments clustered around Loch Nell may be of particular concern given the potential cumulative impact from other nearby wind farm proposals.

These lists are not exhaustive, they simply highlight those assets where we consider there is an obvious risk of significant setting impacts. We recommend that heritage assets should be selected for detailed analysis using detailed Zone of Theoretical Visibility (ZTV) analysis.

We expect all nationally designated assets within the ZTV to undergo an initial assessment to determine the potential for effects to their setting. Where potentially significant impacts are identified, further assessment should demonstrate a full appreciation of the setting of each heritage asset affected. This consideration should recognise that impacts may occur on views from, towards or across individual heritage assets as well as from potential changes to their experience. Where relevant, it should also consider the potential for impacts on views from windows, parapets, wall walks etc as the ZTV may not identify all those sites where intervisibility with the development is possible from features higher than the baseline level used for the ZTV. Visualisations should be provided for all sites where potentially significant impacts have been identified. Our Managing Change guidance note on Setting provides further detail on this matter.

Scoping Report

We welcome the inclusion of an Archaeology and Cultural Heritage Chapter in the Report (Chapter 6) but we note that the material provided to ECU by the applicant appears to be missing Appendix 6.1, a gazetteer detailing the cultural heritage assets identified in the baseline study for the Report. As a result, our comments have had to be based on the information provided in the main report and accompanying figures rather than all the information compiled for the scoping process.

We wish to highlight the following matters in the Report -

6.3.1 Study Areas

The report outlines 4 different study areas ultimately extending out to 10km from the development boundary. The reason for this specific limit is not explained clearly, although section 6.5.1 of the Report notes that setting impacts on sites beyond 10km will be scoped out "as most assets beyond that distance are located outwith the ZTV and will also be too distant to have their settings significantly adversely affected by the Proposed Development. This will be confirmed with consultees." No specific information has been provided to support this statement. We recommend that rather than using specific study areas, cultural heritage assets should be selected for detailed analysis using detailed Zone of Theoretical Visibility (ZTV) analysis. Documenting this process in the final EIA Report would allow for a clear understanding of the process undertaken.

The assessment of heritage assets that could experience potentially significant impacts should demonstrate a full appreciation of the setting of those assets. This consideration should recognise that impacts may occur on views from, towards or across individual

heritage assets as well as from potential changes to their experience. Our Managing Change guidance note on Setting provides further detail on this matter.

6.3.3. Impact Assessment

We do not consider this section of the document lays out a clear methodology for assessing the impacts/effects of the proposed development on cultural heritage assets and their settings. In particular the section attempting to define "significant impacts" as used in NPF4 appears to be self-contradictory -

> "Significant adverse impacts on integrity of setting are judged here to relate to whether a change would adversely affect the asset's key attributes or elements of setting which contribute to an asset's significance to the extent that the setting of the asset can no longer be understood or appreciated. It is considered that a significant impact upon the integrity of the setting of an asset will only occur where the degree of change that will be represented by the Proposed Development would adversely alter those factors of the monument's setting that contribute to cultural significance such that the understanding, appreciation and experience of an asset are not adequately retained."

The phrase "not adequately retained" is a term which has been agreed and used at Public Local Inquiry to explain a significant impact on the cultural significance of a heritage asset. Such an impact would not necessarily result in that asset no longer being understood or appreciated. We strongly recommend that the guidance outlined in the Environmental Impact Assessment Handbook should be followed when assessing impacts, effects and their significance.

Visualisations

We note and welcome the proposals to include visualisations of the following cultural heritage assets (the numbering system used relates to Appendix 6.1) –

- **Glenamachrie, cairns 850m ESE of (Asset 5)**
- **Glenamachrie, standing stone 100m E of (Asset 30)**
- **Clachadow, cairn 960m NW of (Asset 31)**
- **Tiroran, cairn 130m SE of (Asset 46)**
- **An Dun, dun 500m ESE of Glenamadrie (Asset 57)**
- **Carn Ban, chambered cairn, Moss of Achnacree (Asset 62)**
- **Glenamachrie, cairns 65m & 300m WNW of (Asset 86)**
- **Ardchattan Priory Inventory Garden and Designed Landscape (centred Asset 102)**
- **Achnacloich Inventory Garden and Designed Landscape (centred Asset 103)**

However, it is not clear why these specific assets have been chosen for this treatment, especially when other nearby sites such as **SM3887 Duntanachan, cairn SW of** and

SM3930 Barguillean Farm, dun 250m SSW of have not been selected despite appearing likely to experience the same degree of impact.

We note that **SM90120 Dunstaffnage Castle** is proposed as a location for the LVIA section of the assessment. While this is welcome, we recommend that this site should also be considered for specific cultural heritage visualisations. Views from the upper level of the castle and battlements, views towards the castle showing the development site in the background, and views towards the castle from the sea would be particularly helpful in assessing impacts.

Visualisations should also be considered for those assets highlighted earlier in this annex and any others identified as having the potential to experience significant impacts from the ZTV analysis. Visualisations that indicate the development would not have a significant impact on an asset's setting can also be very helpful and we that any such illustrations generated as part of the assessment process should also be included in the final EIA Report. We note the statement that cultural heritage viewpoints will be agreed with HES and WoSAS and we would be happy to help with that process.

6.5.1 Scoping out

The Report recommends the following for scoping out -

- Direct impacts on cultural heritage assets outwith the site – we are content for direct physical impacts to be scoped out for our interests.
- Assets outwith the ZTV – we are content for these assets to be scoped out for our interests provided the assessment process is undertaken with an understanding that such assets can form a key element of the setting of other sites.
- Assets beyond 10km study area boundary – the report does not provide sufficient information to support the statement that "most assets beyond that distance are located outwith the ZTV and will also be too distant to have their settings significantly adversely affected". As a result we do not agree that assets beyond the 10km boundary can be scoped out at this stage.

6.5.3. Setting impacts

We note and welcome the commitment to undertake on site assessment of the settings of designated assets.

This section of the Report states that Fearnoch Forest would provide at least partial screening for the development from some directions. Fearnoch is predominantly a commercial conifer woodland and as such is subject to a regular programme of felling and replanting. Recent events such as Storms Arwen and Malik in the winter of 2021-22 have also shown the vulnerability of such woodland to sudden unpredictable damage and removal. For these reason, commercial forestry cannot be considered an effective or permanent screening measure for such developments.

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6.6 Mitigation

This section only addresses mitigation for physical impacts on cultural heritage assets. The EIA process should also include consideration of mitigation by design to avoid, reduce or offset setting impacts on cultural heritage assets. This process should be documented in the EIA Report.

Please let us know if you need any further clarification of the issues raised above. We would be happy to provide further information and advice to the applicants as they work through the environmental impact assessment process

Historic Environment Scotland
23 August 2023

Eleanor Mckechnie

From: Safeguarding <Safeguarding@hial.co.uk>
Sent: 28 July 2023 15:45
To: Eleanor Mckechnie
Cc: Econsents Admin; Safeguarding
Subject: RE: Proposed Cruach Clenmacrie Wind Farm - Scoping opinion Consultation Request.

Follow Up Flag: Follow up
Flag Status: Flagged

Your Ref: ECU00004841
Our Ref: 2023/215/INV

Dear Sir/Madam,

Proposal: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CRUACH CLENMACRIE WIND FARM

With reference to the above proposal, our preliminary assessment shows that, at the given position and height, this development would not infringe the safeguarding criteria and operation of Inverness Airport.

Therefore, Highlands and Islands Airports Limited has no objections to the proposal.

Kind regards,

Nyree Millar-Bell
Aerodrome Safeguarding and Operations Support Officer
Highlands and Islands Airport Limited

From:	JRC Windfarm Coordinations Old
To:	Eleanor Mckechnie
Cc:	SSE microwave
Subject:	Proposed Cruach Clenmacrie Wind Farm - Scoping opinion Consultation Request. [WF204169]
Date:	14 July 2023 10:30:23
Attachments:	image.png

Dear Eleanor,

A Windfarms Team member has replied to your co-ordination request, reference **WF204169** with the following response:

Please do not reply to this email - the responses are not monitored.

If you need us to investigate further, then please use the link at the end of this response or login to your account for access to your co-ordination requests and responses.

Dear Sir/Madam,

***Planning Ref**:*

ECU00004841

***Name/Location**:*

Cruach Clenmacrie Wind Farm

***Site Centre/Turbine at NGR**:*

Proposed Wind Locations

No.	X	Y
T1.	193375	729908
T2.	193759	729524
T3.	194145	730186
T4.	194897	729802
T5.	194713	730436
T6.	194356	729746
T7.	195317	730440
T8.	193225	729222

***Development Radius**:*

0.1km

***Hub Height**: 177m **Rotor Radius**: 82.5m*

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.

The affected links are:

460MHz Telemetry and Telecontrol:

N/A

>1GHz Microwave Point to Point:

SCHY 0929167/1

Operated by:

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

Unfortunately, since these links form part of our critical national infrastructure, no details apart from the link identifiers can now be supplied, due to previous breaches in confidentiality.

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 contact us using the link at the bottom of this email.

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
Wind Farm Coordination | Joint Radio Company | JRC

Regards

Wind Farm Team

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

We hope this response has sufficiently answered your query.
If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email by clicking on the link below or login to your account** for access to your co-ordination requests and responses.

https://breeze.jrc.co.uk/tickets/view.php?id=30954

A24

From:	NATS Safeguarding
To:	McKechnie E (Eleanor)
Cc:	Econsents Admin
Subject:	RE: Proposed Cruach Clenmacrie Wind Farm - Scoping opinion Consultation Request. [SG35803]
Date:	28 July 2023 15:47:25
Attachments:	image002.png image003.png image004.png image005.png image006.png image007.png image008.png

Our Ref: SG35803

Dear Sir/Madam

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

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk

NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

By email to: eleanor.mckechnie@gov.scot

17 August 2023
Your ref: ECU00004841
Our ref: CEA171764

Dear Eleanor

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CRUACH CLENAMACRIE WIND FARM

Thank you for your consultation dated the 12 July 2023 requesting comments on the scope of the Environmental Impact Assessment Report for the proposed the Cruach Clenamacrie wind farm (hereafter referred to as 'the Proposal').

We understand the Proposal will consist of an 8 turbine scheme each with a maximum tip height of 200 metres (m). The Proposal includes a Battery Energy Storage System (BESS), a substation and ancillary infrastructure including access tracks, temporary construction areas, underground cabling etc. The Proposal is located approximately 7 kilometres (km) east of Oban in Argyll and Bute.

1. Summary

We consider that the key issues of interest to NatureScot to be addressed in detail as part of the Environmental Impact Assessment (EIA) process to include:

- Impacts to the Loch Etive Woods Special Area of Conservation and the Clais Dhearg Site of Special Scientific Interest;
- Ornithological impacts, including impacts on golden eagle, white tailed eagle, and other Schedule 1 bird species;
- Impacts on nationally important carbon-rich soils, deep peat and priority peatland habitat; and
- Landscape and visual impacts, including impacts on locally and nationally important landscapes and cumulative impacts;

2. National Planning Framework 4 (NPF4) - Biodiversity

NPF4 introduces a new requirement for all developments to contribute to the enhancement of biodiversity. Scottish Government is committed to preparing guidance on this policy. Meanwhile, we have advice on our website at Planning and development: Enhancing biodiversity (https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-enhancing-biodiversity).

For development proposals for national, major or other EIA development there is a requirement for proposals to demonstrate that they have met a number of criteria, including providing significant biodiversity enhancement. Only when actions result in biodiversity being left in a better state than before development are positive effects secured.

We support the use of a Habitat Management Plan (HMP) on a wind farm site to provide for positive management and enhancement of habitats across the development site to benefit biodiversity and not just mitigate impacts. We note that a HMP is proposed for this development, and we advise that restoration and enhancement measures are located away from turbines and infrastructure for moorland breeding birds, black grouse and foraging and nesting raptors etc. If management is located within the proposed turbine footprint and the immediate surrounding area it will potentially make the wind farm more attractive to foraging birds and thus negate any supposed benefit.

Our current recommendation is that restoration to achieve offsetting (i.e. compensation rather than biodiversity enhancement) would be in the order of 1:10 (lost:restored), meaning enhancement would need to go beyond this ratio.

The EIA Report should offer an outline HMP that sets out broad measures to benefit biodiversity. The outline HMP would then be worked up in detail and implemented should the development be granted permission and be constructed.

3. Loch Etive Woods Special Area of Conservation

The Proposal is located adjacent to the Loch Etive Woods Special Area of Conservation (SAC) protected for its alder woodland on floodplains, mixed woodland on base-rich soils associated with rocky slopes, western acidic oak woodland, and otter (*Lutra lutra*) qualifying interests. Further information is available on our website at https://sitelink.nature.scot/site/8295

The Clais Dhearg Site of Special Scientific Interest (SSSI) is one of the component SSSI which make up the Loch Etive Woods SAC. The SSSI is protected for its dragonfly assemblage, marsh fritillary butterfly (*Euphydryas aurinia*), oligotrophic loch, open water transition fen, upland oak woodland. Further information is available on our website at https://sitelink.nature.scot/site/357

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Energy Consents Unit is required to consider the effect of the Proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements (https://www.NatureScot.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations).

At the closest point, the SAC is 140m to the north and the SSSI is within the development site boundary. We consider that turbines within 250m of the SAC/ SSSI could have the potential to impact directly on the woodland habitat and its associated species through noise and turbulence. The Proposal also has hydrological connectivity with the SAC/ SSSI, as highlighted in *Section 9.4.2 Habitats, Scoping Report* with numerous streams originating within the site and flowing into the SAC/ SSSI. Therefore construction works (i.e. turbine bases, access tracks etc.) may have an impact on the local hydrology with subsequent impact on the qualifying woodland habitat.

The construction and operation of access option 2, as shown in *Figure 2.2, Site layout plan*, would not be supported as it located within the SAC/ SSSI. This would represent an unacceptable loss of habitat undermining the conservation objectives of the SAC and thereby likely having an adverse effect on site integrity, in addition to compromising the objectives of the SSSI.

Our advice is that the Applicant is required to provide sufficient information in order inform a Habitats Regulations Appraisal to determine whether the Proposal is likely to have a significant effect on the qualifying interests of the SAC and to determine if the Proposal will affect the integrity of the SSSI.

4. Ornithology

We note that baseline ornithology surveys were undertaken between April 2021 and February 2023.

We have the following responses to make to the specific questions raised in Section 10.7 of the Scoping Report:

Do consultees agree that the consultation and range of ornithological surveys proposed or undertaken are sufficient and proportionate to inform the design and assessment of the Proposed Development?
Yes.

Do consultees agree with the assessment approach proposed?
Yes. However, at this stage, there is no opportunity to comment on the quality of the work undertaken or the findings of surveys undertaken

We note that the single vantage point (VP) is located on the most prominent hill overlooking the site. This may be contrary to survey guidance (https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms). It is important to minimise the observer's effect on bird behaviour. For this reason observers should try to position themselves inconspicuously so as to minimise their effects on bird movements. Care also needs to be taken not to locate observation points in locations that may lie directly between the site and a roost or nest site of a key target species, as this can seriously influence the behaviour of birds to be surveyed.

The Proposal is located within the golden eagle range G/LAW1 which has only recently become reoccupied. Therefore the Applicant should consult with the Argyll Raptor Study Group with regards to nest sites, alternative nest sites, and recent breeding productivity.

We would also expect Golden Eagle Territory (GET) modelling to be undertaken as part of the EIA to provide a detailed assessment of the current territory (https://www.nature.scot/doc/naturescot-statement-modelling-support-assessment-forestry-and-wind-farm-impacts-golden-eagles).

Cumulative impacts on ornithological interests from other operational and consented wind farm developments should be assessed at the Natural Heritage Zone (NHZ) level. Please ensure the correct data source is referenced for NHZ population figures.

Do consultees agree with the IOFs upon which the Proposed Development may potentially pose significant effects?
Hen harrier, golden eagle, white-tailed sea eagle, and black grouse.

Do consultees hold any existing information that may be considered relevant to the assessment?
Ornithological surveys from neighbour wind farm proposals should prove informative.

The Proposal is located within the G/LAW1 golden eagle range. Satellite data potentially exists for this pair and this should be obtained to inform an assessment allowing for ground-truthing of the vantage point work. We would suggest contacting Phil Whitfield (phil.whitfield@natural-research.org, tel: 01383 823 464) who may be able to provide the data thus giving a far more accurate indication regarding the impacts on golden eagle.

5. Ecology

Any new tracks required to accommodate the Proposal should be subject to the appropriate ecological surveys and assessment. If track widening works are required then ecological surveys should also be conducted in those areas if there is a possibility of protected species or habitats being present. The potential for sharing an access track within Fearnoch Forest with the Corr Chnoc wind farm proposal should be assessed.

As wild deer use the development site, the Applicant should assess the implications of the Proposal on deer and the indirect impacts on other interests (e.g. the Loch Etive Woods SAC, Clais Dhearg SSSI, habitats, neighbours, roads, etc.). This should be presented in the assessment as part of the EIA Report, even if impacts are unlikely. The assessment may indicate the need for management to avoid adverse impacts. If so, we advise the need for a deer management statement, either as part of a Habitat Management Plan or as a stand-alone document. For some sites, the modification of an existing Deer Management Plan covering a wider area may be more appropriate. We do not expect developers to exert control over land that they have no rights over. However, we encourage a collaborative approach with neighbouring landowners and managers to avoid adverse impacts on the interests of all parties. A deer management statement may be included amongst the EIA Report's submitted mitigation measures, or produced to comply with a planning condition. Please see our guidance on what to consider and include in deer assessments and management at development sites (https://www.nature.scot/doc/guidance-planning-and-development-what-consider-and-include-deer-assessment-and-management).

We have the following responses to make to the specific questions raised in Section 9.7 of the Scoping Report:

Do consultees agree with the scope of the surveys as set out above?
Yes. However, at this stage, there is no opportunity to comment on the quality of the work undertaken or the findings of surveys undertaken

Do consultees agree with the assessment method (including features scoped in/out)?
No. The Loch Etive Woods SAC is required to be scoped into the detailed assessment. The SAC is immediately adjacent (~140m) to the Proposal which has the potential for direct and indirect impacts on the woodland habitats and otter qualifying interests. Any plan or project that could affect a European site – no matter how far away it is – should be subject to a Habitats Regulations Appraisal (HRA) and sufficient information is required from the Applicant in order to inform the process.

Do consultees hold any existing ecological data relating to the Site that may further inform the ecological baseline?
No comment.

Are consultees aware of any local nature organisations with whom further consultation should be undertaken?
The Lorn Natural History group have previously undertaken recording within Clais Dhearg SSSI and may prove informative.

The results from the NVC survey should be screened against known habitats important for butterflies, especially marsh fritillary, a protected feature of the Clais Dhearg SSSI, so that micro-siting can be used to maximise mitigation and enhancement. This may negate the need for actual butterfly surveys. We would advise consultation with Butterfly Conservation Scotland. Airds Park and Coille Nathais SSSI and Clais Dhearg SSSI support one of the largest and most important metapopulations of marsh fritillary in North Argyll. Appropriate management aimed at benefiting this species would be welcomed.

6. Peatland

The majority of the site appears to lie within Class 2 peatland soils which are nationally important carbon rich soils, deep peat and priority peatland habitat that could have high conservation value.

NPF4 Policy 5 provides protection for carbon-rich soils and peatlands. Proposals must meet specific requirements including for assessment, project design, mitigation, production of a peat management plan and other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

NatureScot have recently revised our guidance note on carbon-rich soils and priority peatland habitats in development management in light of NPF4: https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management.

This revised note now includes information on the mitigation hierarchy (including the level of offsetting we would expect) and enhancement as well as outlining what information we require from developers as part of the EIA process going forward. It also provides clear advice on how we identify priority peatland and assess whether a development will result in impacts which raise issues of national interest.

We advise that habitat surveys should cover the entire development site. This will help inform redesign or micro-siting where necessary, and will also help identify potential areas for habitat restoration, offsetting and enhancement. The habitat assessment needs to encompass all areas affected by the Proposal, including for example areas indirectly affected by hydrological changes. There can be a split in detail that is submitted across the development boundary, for example the peat depth survey should cover the whole of the development boundary at a low resolution, with greater resolution at locations where the infrastructure is proposed.

To help assess when a proposal could have a significant effect that NatureScot will consider as raising issues of national interest, we have developed an assessment framework based on guidelines for the selection of SSSI for bogs (see Annex 1 and Template of the guidance). **We request that the Template is therefore completed by the Applicant** and if infrastructure (including a 250m buffer) meets the criteria in the Template, an additional map is provided showing these locations (e.g. Sphagnum species) in relation to the Proposal. If available, shape files showing the location of infrastructure, NVC communities and peat depths should also be supplied to us to aid our assessment.

We have the following responses to make to the specific questions raised in Section 8.7 of the Scoping Report:

Is the proposed peat assessment method acceptable?
In accordance with Guidance on Developments on Peatland – Site Surveys (The Scottish Government, 2017), detailed survey on a 10m by 10m grid basis around the centre of each proposed turbine base or other infrastructure including borrow pits and proposed temporary storage sites is recommended.

Is the proposed scope of assessment acceptable?
NPF4 states where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. The baseline depth, habitat condition, quality and stability of carbon rich soils;
ii. The likely effects of the development on peatland, including on soil disturbance; and
iii. The likely net effects of the development on climate emissions and loss of carbon.

Are there any other relevant consultees which should be consulted about the geology, hydrogeology, hydrology and soils assessment?
No comment.

Are there any known flooding problems downstream that could potentially be affected by the Proposed Development?
No comment.

7. Landscape and visual

The Scoping Report (received in electronic format) includes figures showing Zones of Theoretical Visibility (ZTVs) and a list of 19 draft viewpoints. National Scenic Areas (NSA) are not shown on the ZTVs. Draft wirelines are not included. Our comments on landscape and visual considerations are therefore proportionate to the information available.

We have the following responses to make to the specific questions raised in Section 5.7 of the Scoping Report:

Do the Council and consultees agree with the proposed scope of assessment?
As it currently stands, we recommend that an assessment of the impact on the Lynn of Lorn NSA and the Ben Nevis and Glen Coe NSA and their Special Landscape Qualities (SLQ), with supporting assessment visualisations is undertaken in accordance with our draft guidance (which is available upon request). Effects of lighting on the NSA should also be fully considered. The assessment should take account of effects on the NSA and differences in predicted visibility, with a focus on the effect on the NSA SLQs.

It is not clear which viewpoints are selected to show aviation lighting. Suggest inclusion of a night-time visualisation from VP14 to allow assessment of effects of turbine lighting on the Lynn of Lorn NSA.

The turbine lighting assessment should consider the cumulative effects of lights from any other consented or application stage schemes if relevant. The proposed lighting of any cumulative schemes should also be illustrated on all the night time photomontages. If directional lighting is to be employed as a form of mitigation, then it would also be useful to include a lighting intensity ZTV within the assessment (this ZTV should also show the boundaries for the Lynn of Lorn NSA). Night time ZTV and visualisations should be provided in accordance with our guidance.

We encourage the Applicant to consider the full range of available turbine lighting mitigation options. The optimal suite of lighting mitigation currently available would appear to encompass the following:

- A reduced lighting scheme, in which selected turbines (rather than all) are fitted with lighting. This is noting that an application for a reduced lighting scheme can be submitted to the Civil Aviation Authority for approval;
- Dimming mitigation, i.e. mitigation that would reduce brightness from 2000 cd to 200 cd when meteorological visibility in all directions from the turbines is more than 5 km;

- Directional intensity mitigation as a means of reducing intensity when lights are viewed at elevations less than the horizontal plane; and
- Scope for/ openness towards a 'suitably worded planning condition' encompassing a review element to allow for retrospective installation/ activation of a transponder-activated lighting system, should this be approved for use in the UK at that time.

Do the Council and consultees agree with the proposed viewpoints, identified Table 5.1?
We advise additional viewpoints are explored and considered for assessment to ensure a fully representative range of viewpoints. EIA Reports for nearby wind farms in Argyll and further ground-truthing by the consultant may be helpful in informing viewpoint selection.

Suggest inclusion of viewpoints from the Oban-Mull and Oban-Lismore ferry routes with the former from a location within the Lynn of Lorn NSA. A wireline from Ben Starav should also be included to understand effects at elevation from within the Ben Nevis and Glen Coe NSA. The proposed BESS should be shown on all visualisations within 7km of the site boundary.

Do the Council and consultees agree with the scope of the cumulative assessment?
There is a high degree of interest in wind energy development in this area and we advise that the cumulative impact assessment (CLVIA) should focus on potentially significant cumulative interactions - both day time and night time. We would refer the Applicant to our advice on 'Assessing the Cumulative Impact of Onshore Wind Energy Developments' which should be followed, available at https://www.nature.scot/doc/guidance-assessing-cumulative-landscape-and-visual-impact-onshore-wind-energy-developments.

Corr Chnoc wind farm, currently at the scoping stage, is located ~1km to the south west and it would be pertinent to include given the potential for significant cumulative interactions. We defer to Argyll and Bute Council regarding which sites are to be included in the cumulative assessment. However we suggest that should a scoping site (with potential for significant cumulative effects) come forward as an application, we are likely to request that it is included in the assessment; which may cause delay at application stage.

Are the Council and consultees aware of any pre-application stage wind farms that they judge warrant inclusion within the cumulative assessment based on their proximity and/or similar application timescales?
Corr Chnoc wind farm (ECU ref: ECU00004832) and Barachander wind farm (ECU ref: ECU00004865).

Do the Council and consultees agree with the proposed scope of assessment for Residential Visual Amenity?
No comment.

8. General scoping advice

We refer the Applicant to our 'General scoping and pre-application advice' note (https://www.nature.scot/doc/general-pre-application-and-scoping-advice-onshore-wind-farms) which presents our general pre-application and scoping advice, contains links to more detailed guidance, and outlines the type of survey and assessment work that developers may need to undertake to support their application. In addition, Annex 1 contains NatureScot advice on the scope of assessment for turbine lighting. Where the guidance is not followed in the EIA process we would expect explanations to be given in the EIA Report accompanying the application.

Please note we would like to receive a paper copy of the landscape and visual impact assessment figures and zone of theoretical visibility (ZTV) maps of the EIA Report when consulted on the application. We will provide an address for these to be sent to at that time. We would also expect to receive any relevant confidential annex in electronic form.

All of our current standing advice for planners and developers is listed on our website (https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents).

Please do not hesitate to contact me should you have any queries on our advice above.

Yours sincerely

Ruari Dunsmuir

Operations Officer – West
ruari.dunsmuir@nature.scot

Classification: OFFICIAL

Please find our response for the proposed development Cruach Clenmacrie. The airport is already having constructive conversations with the specialists appointed by the site developers. We have a few point below for consideration.

Are consultees agreeable to the matters that are proposed to be scoped out of and into the aviation assessment?

Further consultancy / scoping required :-

- Potential impact the development would have a on a proposed GNSS approach for RWY 01 with 4.49 degree approach angle
- Assess if a VHF interference survey should be carried out with the development falling into the RAG Amber Zone.
- Further clarification on turbulence effects on aircraft on final approach / climb out.
- Clarification on turbine directing in-line with the runway for long finals in terms of heights and OHS breaching.

Are consultees aware of any other specific aviation interests that should be consulted as part of the EIA process?

The airport is in the early stages of scoping a GNSS approach for runway 01. The development may have a significant impact on this due to the height / position of the turbines in relation to the orientation of the RWY. The initial approach angle we are looking at would be around 4.49 degrees. The airport would need to seek further advice on that matter from an aviation specialist.

Kind Regards,

Jon

Jonathan Ireland

Station Manager
Oban & The Isles Airports
North Connel
Argyll, PA37 1SW

t. 01631 572905
m. 07760 990784

Oban & The Isles Airports

A34

From:	ONR Land Use Planning
To:	Econsents Admin
Subject:	ONR Land Use Planning - Application ECU00004841
Date:	28 July 2023 12:32:00
Attachments:	image001.png image001.png

Dear Sir/Madam,

With regard to planning application ECU00004841, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

You can find information concerning our Land Use Planning consultation process here: (http://www.onr.org.uk/land-use-planning.htm).

Kind regards,

Vicki Enston
Land Use Planning
Office for Nuclear Regulation
ONR-Land.Use-planning@onr.gov.uk

OUR REF:- WID13153

Good morning Eleanor

Thank you for your email dated 12/07/2023

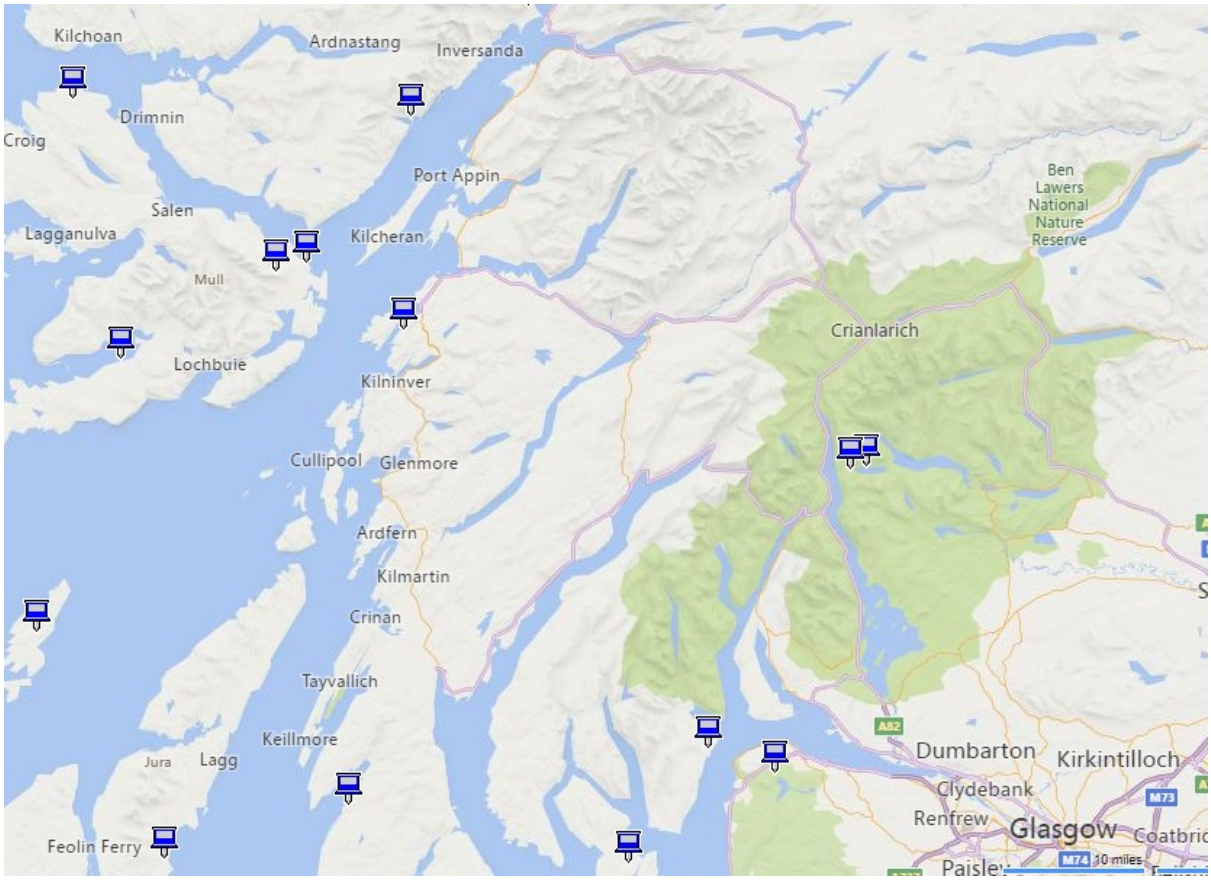
We have studied the proposed windfarm development with respect to EMC and related problems to BT point-to-point microwave radio links.

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

Kind Regards

Chris

A36


Kilchoan
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Inversanda
Drimnin
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Port Appin
Salen
Lagganulva
Kilcheran
Mull
Ben
Lawers
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Reserve
Crianlarich
Lochbuie
Kilninver
Cullipool
Glenmore
Ardfern
Kilmartin
Crinan
Tayvallich
Keillmore
Jura
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Dumbarton
Kirkintilloch
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M73
Renfrew
Glasgow
M74
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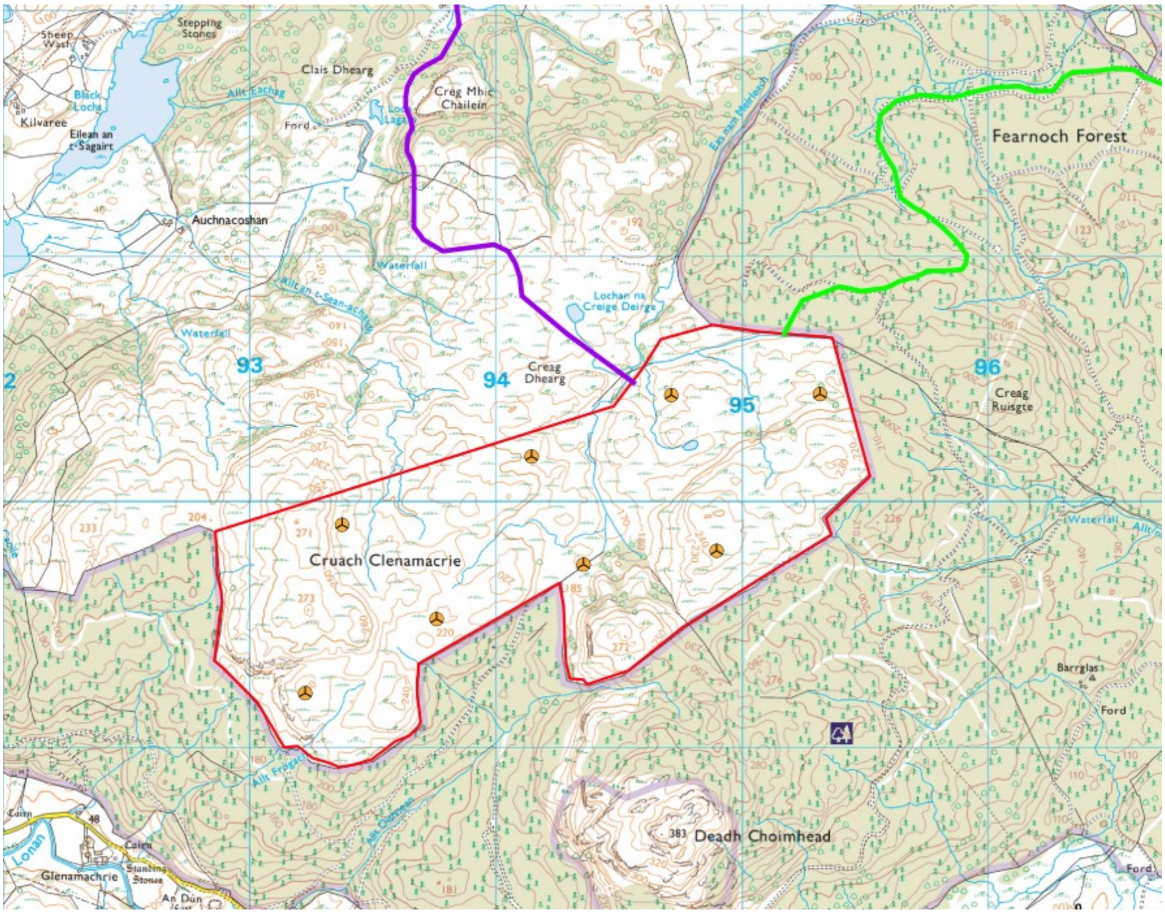
A37



Stepping Stones
Sheep Wash
Clais Dhearg
Black Lochs
Kilvaree
Eilean an t-Sagairt
Creg Mhic Chailein
Ford
Auchnacoshan
Waterfall
Allt an t-Sean-achaidh
Lochan na Creige Deirge
Creag Dhearg
Fearnoch Forest
93
94
95
96
Creag Ruisgte
Cruach Clenamacrie
Deadh Choimhead
Glenamachrie
Standing Stones
An Dùn
Barrglas
Ford
Waterfall
Allt Fraoch
Allt Dubhan
Lonan
Cairn

A38

Eleanor McKechnie
Senior Case Officer
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
Sent by email only to: Eleanor.Mckechnie@gov.scot

02nd August 2023

Dear Ms McKechnie,

ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CRUACH CLENAMACRIE WIND FARM

Thank you for consulting RSPB Scotland on the Scoping Report for the above-named wind farm proposal. RSPB Scotland is supportive of renewable energy deployment due to the urgent need to tackle climate change. However, the associated infrastructure must be carefully sited to avoid negative impacts on sites and species of high conservation concern.

Overall, RSPB Scotland does not consider this to be an appropriate site for a wind farm development and recommends that turbines and ancillary infrastructure are instead located within the surrounding commercial forestry plantation, which is of comparatively low biodiversity value. Without prejudice to our overall position, below we have provided comments on the scoping report that we hope are useful in considering the proposal.

Survey work

Chapter 10 of the Scoping Report on Ornithology describes a range of survey work that has been carried out in relation to the proposal thus far; however, RSPB Scotland has

not received any ornithological survey documentation in association with this consultation. Therefore, our comments are based on available information relating to the proposal at this time. We would welcome sight of the survey findings to further inform our position.

Whilst we note initial survey work has been carried out thus far as detailed in Table 10.2, we would expect further survey work to be carried out in line with the Scoping Opinion once issued by Scottish Ministers, should the proposal be progressed through the consenting process.

Survey work should compare present usage of the proposed site with the potential alteration of habitat, collision, displacement and barrier effects which may occur as a result of the Proposed Development. Survey work should include an assessment of any ancillary/related development such as potential grid connection options, borrow pits and construction/maintenance tracks.

In relation to overhead grid connections for the Proposed Development, it is vital to ensure a feasible route that does not present issues for protected habitats and/or species exists at the earliest possible stage.

Designated Sites

The site of the Proposed Development borders native woodland comprising: 1. part of Plantlife Scotland's core Important Plant Area, 2. the Clais Dhearg Site of Special Scientific Interest (SSSI), and 3. the Loch Etive Woods Special Area of Conservation (SAC).

In combination, this designated woodland and the site of the Proposed Development represent an increasingly rare ecotone in an Argyll context, whereby high-quality native woodland transitions into high-quality open-ground/upland habitats.

Protected Species

RSPB Scotland has not been provided with survey outputs. Therefore, comments made here are based only on the Applicant's summary in Table 10.2 (p.61 of the Scoping document).

RSPB Scotland's assertion that designated woodland and the site of the Proposed Development comprise high-quality native woodland transitioning into high-quality open-ground/upland habitats is supported by the Applicant's summary of findings. These demonstrate that the site of the Proposed Development is utilised by Priority breeding woodland-edge species such as Black Grouse *Lyrurus tetrix* (UK Red Listed, UK Biodiversity Action Plan), and moorland species including Hen Harrier *Circus cyaneus* (Annex 1, Schedule 1, UK Red Listed).

Black Grouse

In the UK, the Black Grouse is a UK Red Listed species and the subject of a Biodiversity Action Plan. This bird species has undergone significant declines in south-west Scotland, with Argyll remaining a key area for them.

Black Grouse leks are frequently traditional sites, used year-on-year by males to display and call competitively. Females attend leks during the core mating season (1st March - 31st May) to select and copulate with the best males. Open ground and low-density native woodland edge habitats suitable for lekking and brood-rearing are under considerable, rising pressure from renewable energy developments and commercial forestry in Argyll.

RSPB Scotland holds historical records of 1 High Regional Priority Black Grouse lek and 2 Medium Regional Priority Black Grouse leks within the site boundary of the Proposed Development. The continued presence of active leks, attended by hens, was confirmed by the Applicant in Table 10.2 (p.61 of the Scoping document):

"A lek comprising up to three males and a single female was recorded during surveys undertaken in 2021 along the Site's northern boundary to the north-east of Cruach Clenamacrie. This lek was reconfirmed the following year, again comprising three males, while a second lek also comprising three males as well as a single female was recorded in the north-east corner of the Site. A single lekking male was also recorded just north of the Site Boundary although this may have been a roving bird affiliated with either of the larger lek sites."

Priority areas were identified by RSPB Scotland using survey work conducted from 2009 - 2015. Full coverage of Argyll was not possible; instead, precedence was given to areas known to host the largest residual Black Grouse populations to ensure that core sites for this threatened bird could be conserved. High Regional Priority areas comprised leks where 3 or more lekking males were recorded between 2009-15, but which did not have overlapping estimated home range territories with other leks with 3 or more males (a home range being 1.5 km radius from a lek). Medium Regional Priority areas comprise leks that are within 5km of priority 1 or 2 areas but with fewer than 3 males. 5 km is half the average dispersal distance of Black Grouse; therefore, these sites are likely to be important for connecting populations. The distance of 5 km is a conservative estimate of dispersal to account for natural barriers that may impede greater dispersal.

It is thus evident from the Applicant's summary that this population is at a minimum stable **over ≥ 8**-years and may in fact be increasing. Were the 2009-15 methodology replicated today, it is likely that the area in which the proposed Cruach Clenamachrie wind farm is to be located would be classified as an area of Highest Regional Priority for Black Grouse - i.e., an area where multiple leks of 3 or more males have overlapping home ranges, providing a population of multiple lekking groups.

RSPB Scotland have not had sight of mapped 2021 and 2022 Black Grouse lek locations. However, we do not consider this to be an appropriate site for a wind farm development because:

1. our recommendation is that leks are buffered from turbine towers by ≥ 500 m;
2. areas within a 1.5 km radius of a lek site comprise core nesting and brood rearing habitat for female Black Grouse, so a high-quality matrix of vegetation to provide chick feeding and sheltering areas needs to be maintained; and
3. the site of the Proposed Development is only *c.* 3 km in length and *c.* 1.5 km in width.

RSPB Scotland instead recommends that turbines and ancillary infrastructure are located within the surrounding commercial forestry plantation, which would not provide a resource to Black Grouse beyond canopy closure. This is because once commercial coupes reach *c.* 14-years of age, the dwarf shrubs and heather that Black Grouse rely on are lost because they cannot tolerate the deep shade under the trees.

Hen Harrier

The Applicant notes extensive early-season display activity and subsequent successful breeding attempts for multiple Hen Harrier nests over 2-years within the site boundary of the Proposed Development in Table 10.2 (p.61 of the Scoping document). NatureScot (formerly Scottish Natural Heritage) advice states that:

"…developers [are expected] to devise turbine layouts that avoid the core foraging ranges around recorded nest sites of hen harriers. Where this is not possible, we would expect the developer to provide a clear, full justification for why this is the case, and measures to address this" (Scottish Natural Heritage, 2016).

Given that the site of the Proposed Development is only *c.* 3 km in length and *c.* 1.5 km in width, the application of appropriate buffers to reduce the collision risk to breeding Hen Harrier (Annex 1, Schedule 1, UK Red Listed) from the proposed 8 wind turbine towers will be challenging to deliver; furthering RSPB Scotland's strong concern that this is an inappropriate site for a wind farm development.

In addition, the requirement to reduce the suitability of habitat within the turbine envelope for Hen Harrier to avoid draw-in will impact negatively on the local availability and quality of Black Grouse brood rearing habitat - the importance of which is noted above.

Cumulative Impact Assessment

Land use in Argyll is increasingly undergoing impacts from windfarm developments and commercial forestry, so the need to consider cumulative impacts in respect of open ground habitat loss is paramount. Loss of this habitat in respect of the Proposed Development will be consequential to open ground foragers and breeding assemblages.

An assessment of cumulative bird impacts in relation to other operational, consented and proposed developments in the planning system within this Natural Heritage Zone is therefore essential.

Siting infrastructure on open habitats - particularly Class 1 and 2 peatland - should be avoided wherever possible. Siting infrastructure within existing plantation forest (which is generally of low biodiversity value) minimises loss of important open ground habitat to priority upland foragers and breeders.

Applicant comments regarding Cumulative Impact Assessment are limited, noting only that existing and proposed Environmental Impact Assessment wind farms will be captured. RSPB Scotland strongly recommends that the Cumulative Impact Assessment captures relevant plans and projects as outlined in NatureScot guidance[1]:

"…all plans or projects in the area, such as mineral extraction, built development, power lines, telecommunications masts, forestry or recreational pressures… Any associated development (i.e., grid connections or track construction) should be considered within the cumulative impact assessment."[2]

Having specific regard to the site of the Proposed Development, we are aware that, if consented, Cruach Clenamacrie wind farm would join other wind farm developments on residual open-ground habitats:

- the operational 20-turbine Carraig Gheal Wind Farm (ECU: ECU00003394) to the southeast,
- the proposed 11-turbine Barachander Wind Farm (ECU: ECU00004865) to the east of Carraig Gheal.

Notwithstanding our pending comments on Barachander Wind Farm, as proposed this wind farm is likely to have a significant negative impact on the Kilchrenan Black Grouse population: this is a lek complex of Highest Regional Priority, which is already experiencing extensive open-ground habitat loss due to commercial afforestation.

Therefore, RSPB Scotland considers that 2 Black Grouse populations in Argyll (Cruach Clenamacrie and Barachander) are currently at risk from proposed wind farm developments. This risk is exacerbated by 1. a lack of residual open ground to deliver Black Grouse mitigation and enhancement activities (via HMP areas), due to the extensive local presence of commercial forestry

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[1] SNH. (2018). *Assessing the cumulative impacts of onshore wind farms on birds*. Available: https://www.nature.scot/sites/default/files/2018-08/Guidance%20-%20Assessing%20the%20cumulative%20impacts%20of%20onshore%20wind%20farms%20on%20birds.pdf

[2] Ibid. Pg 3.

plantations; and 2. a lack of strategic planning for energy infrastructure in Argyll.

Fourth National Planning Framework (NPF4)

RSPB Scotland is supportive of the use of renewable energy due to the urgent need to tackle climate change. However, we are also facing a biodiversity crisis, with significant declines in the abundance and numbers of species in Scotland.

The Applicant notes that:

"*The key policy in NPF4 for the Proposed Development is Policy 11: Energy. The Policy is generally supportive of wind farm development subject to the consideration of a set of criteria.*" (Scoping Report, p.15).

Policies in NPF4 must be read as a whole, meaning the requirements under Policy 3 to deliver positive effects for biodiversity must also be considered in the context of the Proposed Development. Ultimately, the nature and climate crisis are inextricably linked, and action must address this at the scale and pace required.

Policy 3 requires that development proposals contribute to the enhancement of biodiversity. Any potential adverse impacts including cumulative impacts on biodiversity, nature networks, and the natural environment should be minimised through careful planning and design. In particular policy 3(b) states development proposals (for major, national or those that require EIA) will only be supported where it can be demonstrated the proposal will conserve, restore and enhance biodiversity to ensure it is left in a demonstrably better state than without intervention.

RSPB Scotland has not had sight of any outline biodiversity enhancement proposals associated with the Proposed Development, and the Applicant has not provided an indicative site/indicative proposals for a Habitat Management Plan (HMP) area. RSPB Scotland recommends that access to appropriate land for this activity is secured as early in the application process as possible, and that an outline HMP is included with the Environmental Impact Assessment Report. We recommend the Applicant provides sufficient information on proposals for enhancement to assure the Consenting Authority that the proposed development has satisfied the requirements under NPF4.

Lack of strategic planning for energy infrastructure

We are facing a nature and climate emergency, therefore, development proposals for renewable energy, intended to tackle climate change, must do so in a way that does not negatively impact biodiversity, but enhances it. The Proposed Development adds to RSPB Scotland's strong concern that renewable energy developments and associated grid infrastructure are poorly coordinated in Argyll and Bute, risking negative impacts for nature and climate that are entirely avoidable.

To ensure meaningful action on the ground for Argyll and Bute's wildlife, proposals to ensure that habitat management work of greater biodiversity and climate value should be delivered strategically at landscape scale. RSPB Scotland would welcome discussions between industry, developers, applicants and decision makers to address this issue as a priority for the Argyll and Bute area.

NPF4 emphasises the urgent need to respond to the nature and climate crisis, therefore development proposals must critically recognise the opportunity they have to meet this challenge. Specifically, Policy 3 clearly sets out that development proposals are required to contribute to biodiversity enhancement, including criteria that all Environmental Impact Assessment, major and national developments must meet to ensure biodiversity is in a demonstrably better state than without intervention.

Given the expected growth of renewable energy development and associated overhead line upgrades/substation infrastructure across Argyll, RSPB Scotland strongly recommends that a landscape scale, coordinated approach is taken by energy developers and transmission operators. A coordinated approach would:

1. Better evaluate and mitigate the cumulative impact of energy developments.
2. Make the most efficient and impactful use of available land and resources to support coordinated (and ideally, networked) Habitat Management Plans - increasing habitat availability and landscape permeability for protected species (such as Black Grouse in the case of the Proposed Development).

I trust you will find these comments useful going forward. Please do not hesitate to contact me should you require further information or assistance.

Yours sincerely,

REDACTED

Stephanie Cope
RSPB Scotland Conservation Officer for Argyll, Arran and Ardnamurchan.
Cc: Niamh Coyne, RSPB Conservation Planner.
Andy Robinson, RSPB Senior Conservation Officer for Argyll, Arran, Ardnamurchan.

Scottish Forestry

Scoping Opinion –PROPOSED SECTION 36 APPLICATION FOR **CRUACH CLENAMACRIE WIND FARM**– July 2023

Forestry and Woodlands

Scotland's forests make a substantial contribution to the economy at both national and local levels, they provide considerable environmental benefits and help to improve people's quality of life. The Scottish Government aims to maintain and enhance Scotland's forest and woodland resources for the benefit of current and future generations. To achieve this, we need to prevent inappropriate woodland losses (Scotland's Forestry Strategy, 2019).

The Fourth National Planning Framework recognises the importance of forests and woodlands in delivering the National Outcomes of; Environment, communities, economy. Policy 6 aims to protect and expand forests, woodland and trees. The Climate Change Plan places emphasis on the fact that Scotland's woodlands deliver a wide range of benefits, including inward investment and jobs, climate change adaptation and mitigation, and the enhancement of the health and well-being of Scotland's communities. The Scottish forestry sector is worth almost £1 billion per year and employs over 25,000 people.

There is therefore a strong presumption in favour of protecting Scotland's woodland resources and the Scottish Government provides policy direction in the policy on control of woodland removal. Woodland removal should be kept to a minimum and where woodland is felled it should be replanted. The policy supports woodland removal only where it would achieve significant and clearly defined additional public benefits. In some cases, including those associated with development, a proposal for compensatory planting may form part of this balance.

The criteria for determining the acceptability of woodland removal is explained in the policy and the applicant should take them into account when preparing the proposal. Beyond this, the applicant should refer to guidance documents issued by Scottish Forestry (and previously by Forestry Commission - FC) in relation to good forestry practice and sustainable forest management.

Woodland Management and tree felling

Where woodland removal is proposed for development, the relevant Environmental Impact Assessment (EIA) regulations will apply and the EIA Report should justify and provide evidence for the need for woodland removal and the associated mitigation measures.

The first consideration for the applicant should be whether the underlying purpose of the proposal can reasonably be met without resorting to woodland removal. Design approaches that reduce the scale of felling required to facilitate the development must be considered and integration of the development with the existing woodland structure is a key part of the consenting process.

Integration of the project into future forest design plans is a key part of the development process. The removal of large areas of woodland will not be supported. When a proposed development or infrastructure requires to go through forestry, consideration should be given to forest design guidelines. The EIA Report should include a stand-alone chapter on 'Woodland management and tree felling' (a forest plan) prepared by a suitably qualified professional and supported by existing records, site surveys and aerial photographs. In order to present the relevant information about the forest and to secure compliance with the UK Forestry Standard, the applicant should consider the appropriate scope/scale for such plan.

In certain cases a forest plan of the proposed development area only is not appropriate. The applicant should consider the whole ownership, or multiple ownerships, or expands the scope of the forest plan so that to present the relevant information about that forest. Details of the proposed mitigation measures must be included in the EIA Report, not left to post-consent habitat management plans (or others) to decide and implement.

The chapter should describe and recognise the social, economic and environmental values of the forest and the woodland habitat and take into account the fact that, once mature, the forest would have been managed into a subsequent rotation, often through a restructuring (re-designing) proposal, according to the UK Forestry Standard, that would have increased the diversity of tree species and the landscape design of the forest.

The chapter should describe the baseline conditions of the forest, including its ownership. This will include information on species composition, age class structure, yield class and other relevant crop information. The chapter should describe the changes to the forest structure, the woodland composition and describe the work programme:

- the proposed areas of woodland for felling to accommodate the proposed infrastructures, including access roads, tracks, underground pipes and cables and any ancillary structures. Details of the area to be cleared around those structures should also be provided, along with evidence to support the proposed scale and phasing of felling;

- trees felled must be replanted on-site or compensated for (off-site planting) and these areas must be clearly identified in the plan. On-site replanting must always be considered first. The replanting operations must be appropriately described, including changes to the species composition, age class structure, timber production and traffic movements. Tree/shrub species must be suited to the site and the objectives of management;

- areas of open ground in the forest that are designed for biodiversity or landscape enhancement or for recreation opportunities should not be considered for on-site replanting (to compensate for woodland removal in other parts of the forest).

The applicant should consider the potential cumulative impact of existing and the proposed development on the forest resource in respect to the local and regional context. In particular consideration must be given to the implication of felling operations on such things as habitat connectivity, biodiversity, water management, landscape impact, impact on timber transport network and forestry policies included in the local and regional Forestry and Woodland Strategies and local development plans.

A long term forest plan should be provided as part of the EIA Report (as a technical appendix for context) to give a strategic vision to deliver environmental and social benefits through sustainable forest management and describes the major forest operations over a 20 years period.

UK Forestry Standard

The UK Forestry Standard is the Government's reference standard for sustainable forest management in the UK and provides a basis for regulation and monitoring. The Scottish Government expects all forestry plans and operations in Scotland to comply with the standards. Both felling operations and on and off-site compensatory planting must be carried out in accordance to good forestry practice- the EIA Report must clearly state that the project will be developed and implemented in accordance with the standard. A key component of this is to ensure that even-age woodlands are progressively restructured in a sustainable manner: felling coupes should be phased to meet adjacency requirements and their size should be of a scale which is appropriate in the context of the surrounding woodland environment.

Scottish Forestry

On the 1st of April 2019 Forestry Commission Scotland transferred into a new agency of Scottish Government called Scottish Forestry, responsible for forestry policy, support and regulation.

Scottish Forestry is the main forestry consultee and should be consulted throughout the development of the proposal to ensure that proposed changes to the woodland are appropriate and address the requirements of policy on control of woodland removal and the principles of sustainable forest management.

It is important that pre-application discussions takes place with the local Scottish Forestry Conservancy office, the planning authority and other relevant key agencies, at the earliest possible stage of the project, to ensure all parties have a shared understanding of the nature of the proposed development, information requirements and the likely timescale for determination. This collaborative approach will ensure that all forestry issues are identified and mitigated at the earliest opportunity. The applicant should allow sufficient time in their project plan to accommodate such advice.

A48

Wednesday, 26 July 2023

Local Planner
Energy Consents Unit
5 Atlantic Quay
Glasgow
G2 8LU

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk
Follow Us

Dear Customer,

Cruach Clenamacrie Wind Farm, Argyll and Bute, PA34 4QE
Planning Ref: ECU00004841
Our Ref: DSCAS-0090879-RR5
Proposal: The Proposed Development is up to eight wind turbines with a tip height of up to 200m. The wind turbines could have a potential generating capacity of up to 7.2 Megawatts (MW) each, resulting in a total capacity of up to 57.6MW. There will also be a battery energy storage system (BESS) of up to 20MW included as part of the Proposed Development for an overall capacity up to 77.6MW.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that the proposed activity falls partly within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Loch Nell supplies Tullich Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified without delay using the Customer Helpline number **0800 0778 778**.

The proposed infrastructure is located:

- Two of the turbines (most southerly) are located within the Loch Nell catchment
- Two of the turbines are located within the Loch Nell catchment buffer zone, with a further two at the northern edge of the buffer zone
- Two of the turbines (the most northerly) are outwith the catchment

Although this is likely to be low risk to the source supply catchment it would always be the preference of Scottish Water to request that turbines are moved wholly outwith the catchment where possible.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at **www.scottishwater.co.uk/slm**.

We welcome that reference has been made to the Scottish Water drinking water catchment.

The fact that this area is located within a drinking water catchment should be noted in future documentation. Also anyone working on site should be made aware of this during site inductions.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.
Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

A51

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Eleanor Mckechnie
Energy Consents Unit
Scottish Government

Our Ref: 9804
Your Ref: ECU00004841

SEPA Email Contact:
planning.north@sepa.org.uk

By email only to: Eleanor.Mckechnie@gov.uk

19 July 2023

Dear Eleanor Mckechnie

Electricity Act 1989 - Section 36
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Request for Scoping Opinion for Proposed Section 36 Application for Cruach Clenmacrie Wind Farm

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development on 12 July 2023. We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter and would especially welcome further pre-application engagement once further detailed peat probing and habitat survey work has been completed and the layout developed further as a result.

National Planning Framework 4 (NPF4) has recently been published. The guidance referenced in this response is being reviewed and updated to reflect the new policies. It will still provide useful and relevant information, but some parts may be updated further in the future.

Advice for the determining authority

Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

To avoid delay and potential objection the EIA submission must contain a scaled plan of sensitivities, for example peat, GWDTE, proximity to watercourses, overlain with proposed development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, and then reduce, then mitigate significant impacts on the environment. We consider that the issues covered in Appendix 1 attached must be addressed to our satisfaction in the EIA process. This provides details on our information requirements and the form in which they must be submitted.

We have also provided site specific comments in the following section which provides pre-application advice and can help the developer focus the scope of the assessment.

1. Site Specific Comments

1.1 In this case we expect the application to be supported by a comprehensive site-specific Peat Management Plan (PMP) which clearly demonstrates how the mitigation hierarchy outlined in NPF4 Policy 5 has been applied to the site layout. Whilst the proposed peat assessment method is acceptable, we are disappointed to note from section 6.5.2 of the Scoping Report (dated 23.06.23) that currently T2 and T6 are located on deep peat particularly when the Phase 1 survey "indicated that peat is not present across the majority of the site" and states in section 6.4.1 that "where peat has been identified, the peat appears undisturbed". We highlight avoidance should be the first principle.

1.2 We note and welcome the proposal to carry out a NVC survey this summer. In addition to our LUPS- GU31 referenced in the Scoping Report, we highlight NatureScot's Good practice during Wind Farm construction also provides useful information on NVC survey method and mapping requirements and will inform the detail required in the PMP in terms of restoring and/ or enhancing the site into a functioning peatland system.

1.3 In terms of the proposed access routes, our preference is always to keep disturbance to the natural environment to the minimum and promote the use of existing tracks wherever possible. Therefore, our preference is for Option 1 to be secured over Option 2 as this appears to mostly use existing forest tracks and will involve substantially less disturbance of peat and wetlands.

1.4 Based on the information provided at this stage 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 EIA Report provides evidence to confirm this.

1.5 Provided watercourse crossings are designed to accommodate the 1 in 200-year event plus climate change and other infrastructure is located well away from watercourses we do not foresee from current information a need for detailed information on flood risk. Please refer to our updated guide on Climate change allowances for further guidance on this matter.

1.6 As a general comment, although coordinates are useful for each individual turbine, we request individual turbines are clearly labelled on all future site plans submitted with the application rather than just listed in a key with coordinates.

Regulatory advice for the applicant

Details of regulatory requirements and good practice advice 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 local compliance team at: AHSH@sepa.org.uk

If you have queries relating to this letter, please contact planning.north@sepa.org.uk including our reference number in the email subject.

Yours sincerely

Zoe Griffin
Senior Planning Officer
Planning Service

Ecopy to: Agent, corey.simpson@greencatrenewables.co.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 - www.sepa.org.uk/environment/land/planning/.

Appendix 1: SEPA Detailed scoping requirements

This guidance sets out our minimum information requirements and we would welcome receipt and discussion around these prior to formal submission to avoid delays. 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 to avoid delay and potential objection. If there is a significant length of time between scoping and application submission the developer should check whether our advice has changed.

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 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 where 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 should be designed to minimise watercourse crossings and avoid other direct impacts on water features. 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 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. Measures should be put in place to protect any downstream sensitive receptors.

2.2. 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.

2.3 Refer to our Flood Risk Standing Advice for advice on flood risk. Crossings must be designed to accommodate the 0.5% Annual Exceedance Probability flows (with an appropriate allowance for climate change), or information provided to justify smaller structures. If it is considered the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment (FRA) must be submitted. Our Technical flood risk guidance for stakeholders outlines the information we require to be submitted in an FRA. 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 Where proposals are on peatland or carbon rich soils the following should be submitted to address the requirements of NPF4 Policy 5:

a) layout plans showing all permanent and temporary infrastructure, with extent of excavation required, which clearly demonstrates how the mitigation hierarchy outlined in NPF4 has been applied. These plans should be overlaid on:
   i. peat depth survey (showing peat probe locations, colour coded using distinct colours for each depth category and annotated at a usable scale)
   ii. peat depth survey showing interpolated peat depths
   iii. peatland condition mapping
   iv. NVC habitat mapping.

b) an outline Peat Management Plan (PMP) which should include:

• Information on peatland condition.
• Information demonstrating avoidance and minimisation of peat disturbance.
• Excavation volumes of acrotelmic, catotelmic and amorphous peat. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes. • Proposals for temporary storage and handling.
• Reuse volumes in different elements of site reinstatement and restoration.

c) an outline Habitat Management Plan (HMP) which should include:
• Proposals for reuse of disturbed peat in habitat restoration, if relevant.
• Details of restoration to compensate for the area of peatland habitat directly and indirectly impacted by the development.
• Outline proposals for peatland enhancement in other areas of the site.
• Monitoring proposals.

3.2 In order to protect peatland and limit carbon emissions from carbon rich soils, the submission should demonstrate that proposals:

- Avoid peatland in near natural condition, as this has the lowest greenhouse gas emissions of all peatland condition categories.
- Minimise the total area and volume of peat disturbance. Clearly demonstrate how the infrastructure layout design has targeted areas where carbon rich soils are absent or the shallowest peat reasonably practicable. Avoid peat > 1m depth.
- Minimise impact on local hydrology. And
- Include adequate peat probing information to inform the site layout and demonstrate that the above has been achieved. As a minimum this should follow the requirements of the Peatland Survey – Guidance on Developments on Peatland (2017).

3.3 The Peatland Condition Assessment photographic guide lists the criteria for each condition category and illustrates how to identify each condition category. This should be used to identify peatland in near natural condition and can be helpful in identifying areas where peatland restoration could be carried out.

3.4 In line with the requirements of Policy 5d of NPF4, the development proposal should include plans to restore and/or enhance the site into a functioning peatland system capable of achieving carbon sequestration.

3.5 Handling and temporary storage of peat should be minimised. Catotelmic peat should be kept wet, covered by vegetated turves and re-used in its final location immediately after excavation. It is not suitable for use in verge reinstatement, re-profiling/ landscaping, spreading, mixing with mineral soils or use in bunds.

3.6 Disposal of peat is not acceptable. It should be clearly demonstrated that all peat disturbed by the development can be used in site reinstatement (making good areas which have been disturbed by the development) or peatland restoration (using disturbed peat for habitat restoration or improvement works in areas not directly impacted by the development, which may need to include locations outwith the development boundary).

3.7 The faces of cut batters, especially in peat over 1m, should be sealed to reduce water loss of the surrounding peat habitats, which will lead to indirect loss of habitat and release of greenhouse gases. This may be achieved by compression of the peat to create an impermeable subsurface barrier, or where slope angle is sufficiently low, by revegetation of the cut surface.

3.8 To support the principle of peat reuse in restoration the applicant should demonstrate that they have identified locations where the addition of excavated peat will enhance the wider site into a functional peatland system capable of achieving carbon sequestration. The following information is required:

- Location plan of the proposed peatland re-use restoration area(s), clearly showing the size of individual areas and the total area to be restored.
- Photographs, aerial imagery, or surveys to demonstrate that the area identified is appropriate for peat re-use and can support carbon sequestration. This should include consideration of an appropriate hydrological setting and baseline peatland condition.

3.9 In addition, if any proposed re-use restoration areas are outwith the ownership of the applicant, information should be provided to demonstrate agreement in principle with the landowner, including agreed timescales for commencement of the works, and proposed management measures to ensure the restored areas can be safeguarded in perpetuity as a peatland.

3.10 NatureScot's technical compendium of peatland restoration techniques provides a useful overview of the procedural and technical requirements for peatland restoration.

4. Disruption to GWDTE and existing groundwater abstractions

4.1 Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas. A National Vegetation Classification survey which includes the following information should be submitted:

a) A map demonstrating all GWDTE and 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. The survey needs to extend beyond the site boundary where the distances require it.
b) If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. 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. Forest removal and forest waste

5.1. 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. 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.

6. Borrow pits

6.1. 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 250m. 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.
c) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.

7. Pollution prevention and environmental management

7.1. 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 (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of Ecological Clerk of Works, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to the Guidance for Pollution Prevention (GPPs) and our water run-off from construction sites webpage for more information.

8. Life extension, repowering and decommissioning

8.1. 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.

8.2. The submission needs to state 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.

Development Management and Strategic Road Safety
Roads Directorate

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A62

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Eleanor McKechnie
Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Econsents_Admin@gov.scot

Your ref:
ECU00004841

Our ref:
GB01T19K05

Date:
01/08/2023

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CRUACH CLENMACRIE WIND FARM

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report prepared by Green Cat Renewables (GCR) 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 – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

Proposed Development

The proposed development will comprise up to eight wind turbines with a blade tip height of approximately 200m, on a site located approximately 7km east of Oban. The SR states that there is also the potential for a battery energy storage system (BESS) of up to 20MW to be included in the development content.

The nearest trunk road to the site is the A85(T) which lies approximately 3km to the north.

Site Access

We note that two access options for the Site are being considered, both of which involve a direct access from the A85(T). The SR states that the exact location of the site access junction will be confirmed following detailed engineering consideration of the access tracks and junction requirements. The use of an existing junction may be considered, and only one access option would be considered in the EIA Report. While this is considered acceptable, Transport Scotland would state that any proposed changes to the trunk road network must be discussed and approved (via a technical approval process) by the appropriate Area Manager.

At the application stage, we would advise that 1:500 scale plans of any new or modified access from the trunk road will require to be submitted along with visibility splay plans. This will allow the standard of the junction to be assessed. It would be helpful to engage with the Area Manager for the A85(T), Neil MacFarlane, who can be contacted at neil.macfarlane@transport.gov.scot as soon as practicable. It is also noted that Transport Scotland will require a Stage 1 Road Safety Audit to be undertaken for the new or modified junction with the audit report submitted with the application. An Audit Brief should be forwarded to the network manager for approval before the audit commences.

Assessment of Environmental Impacts

Chapter 11 of the SR presents the proposed methodology for the assessment of Transport and Access. We note that the thresholds as indicated within the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Road Traffic are to be used as a screening process for the assessment. Transport Scotland is in agreement with this approach.

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 IEMA 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.

We note that baseline traffic count data will be obtained from multiple sources including:

- Automatic Traffic Count (ATC) surveys located on the A85(T) at the proposed site access junction;
- The Transport Scotland traffic count database for the A85(T) and A82(T); and
- The Department for Transport (DfT) traffic count database.

The SR states that it is proposed to utilise Low National Road Traffic Forecasts (NRTF) for the whole of the study. Transport Scotland is in agreement with this approach.

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.

Abnormal Loads Assessment

The SR indicates that the Transport and Access Chapter will be supported by an Abnormal Load Route survey and that this will identify the physical mitigation associated with the delivery of abnormal loads. We would state that Transport Scotland will require to be satisfied that the size of loads proposed can negotiate the selected route and that their transportation will not have any detrimental effect on structures within the trunk road route path.

The Abnormal Loads Assessment report should identify key pinch points on the trunk road network. Swept path analysis should be undertaken and details provided with regard to any required changes to street furniture or structures along the route.

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

Yours faithfully

REDACTED

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Transport Scotland
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cc Alan DeVenny – SYSTRA Ltd.

ANNEX B

Marine Scotland Science advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.

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Marine Scotland Science (MSS) provides internal, non-statutory, advice in relation to freshwater and diadromous fish and fisheries to the Scottish Government's Energy Consents Unit (ECU) for onshore wind farm developments in Scotland.

Atlantic salmon (*Salmo salar*), sea trout and brown trout (*Salmo trutta*) are of high economic value and conservation interest in Scotland and for which MSS has in-house expertise. Onshore wind farms are often located in upland areas where salmon and trout spawning and rearing grounds may also be found. MSS aims, through our provision of advice to ECU, to ensure that the construction and operation of these onshore developments do not have a detrimental impact on the freshwater life stages of these fish populations.

The Electricity Works (Environmental Impact Assessment) (EIA) (Scotland) Regulations (2017) state that the EIA must assess the direct and indirect significant effects of the proposed development on water and biodiversity, and in particular species (such as Atlantic salmon) and habitats protected under the EU Habitats Directive. Salmon and trout are listed as priority species of high conservation interest in the Scottish Biodiversity Index and support valuable recreational fisheries.

A good working relationship has been developed over the years between ECU and MSS, which ensures that these fish species are considered by ECU during all stages of the application process of onshore wind farm developments and are similarly considered during the construction and operation of future onshore wind farms. It is important that matters relating to freshwater and diadromous fish and fisheries, particularly salmon and trout, continue to be considered during the construction and operation of future onshore wind farms.

In the current document, MSS sets out a revised, more efficient approach to the provision of our advice, which utilises our generic scoping and monitoring programme guidelines (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren). This standing advice provides regulators (e.g. ECU, local planning authorities), developers and consultants with the information required at all stages of the application process for onshore wind farm developments, such that matters relating to freshwater and diadromous fish and fisheries are addressed in the same rigorous manner as is currently being carried out and continue to be fully in line with EIA regulations. At the request of ECU, MSS will still be able to provide further and/or bespoke advice relevant to freshwater and diadromous fish and fisheries e.g. site specific advice, at any stage of the application process for a proposed development, particularly where a development may be considered sensitive or contentious in nature.

MSS will continue undertaking research, identifying additional research requirements, and keep up to date with the latest published knowledge relating to the

impacts of onshore wind farms on freshwater and diadromous fish populations. This will be used to ensure that our guidelines and standing advice are based on the best available evidence and also to continue the publication of the relevant findings and knowledge to all stakeholders including regulators, developers and consultants.

MSS provision of advice to ECU

- MSS should not be asked for advice on pre application and application consultations (including screening, scoping, gate checks and EIA applications). Instead, the MSS scoping guidelines and standing advice (outlined below) should be provided to the developer as they set out what information should be included in the EIA report;
- if new issues arise which are not dealt with in our guidance or in our previous responses relating to respective developments, MSS can be asked to provide advice in relation to proposed mitigation measures and monitoring programmes which should be outlined in the EIA Report (further details below);
- if new issues arise which are not dealt with in our guidance or in our previous responses, MSS can be asked to provide advice on suitable wording, within a planning condition, to secure proposed monitoring programmes, should the development be granted consent;
- MSS cannot provide advice to developers or consultants, our advice is to ECU and/or other regulatory bodies.
- if ECU has identified specific issues during any part of the application process that the standing advice does not address, MSS should be contacted.

MSS Standing Advice for each stage of the EIA process

Scoping

MSS issued generic scoping guidelines (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.

If a developer identifies new issues or has a technical query in respect of MSS generic scoping guidelines then ECU should be informed who will then co-ordinate a response from MSS.

Gate check

The detail within the generic scoping guidelines already provides sufficient information relating to water quality and salmon and trout populations for developers at this stage of the application.

Developers will be required to provide a gate check checklist (annex 1) in advance of their application submission which should signpost ECU to where all matters relevant to freshwater and diadromous fish and fisheries have been presented in the EIA report. Where matters have not been addressed or a different approach, to that specified in the advice, has been adopted the developer will be required to set out why.

EIA Report

MSS will focus on those developments which may be more sensitive and/or where there are known existing pressures on fish populations (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/licence/status/Pressures). The generic scoping guidelines should ensure that the developer has addressed all matters relevant to freshwater and diadromous fish and fisheries and presented them in the appropriate chapters of the EIA report. Use of the gate check checklist should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process:

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:

- any designated area, for which fish is a qualifying feature, within and/or downstream of the proposed development area;
- the presence of a large density of watercourses;
- the presence of large areas of deep peat deposits;
- known acidification problems and/or other existing pressures on fish populations in the area; and
- proposed felling operations.

Post-Consent Monitoring

MSS recommends that a water quality and fish population monitoring programme is carried out to ensure that the proposed mitigation measures are effective. A robust, strategically designed and site specific monitoring programme conducted before, during and after construction can help to identify any changes, should they occur, and assist in implementing rapid remediation before long term ecological impacts occur.

MSS has published guidance on survey/monitoring programmes associated with onshore wind farm developments (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which developers should follow when drawing up survey and/or monitoring programmes.

If a developer considers that such a monitoring programme is not required then a clear justification should be provided.

Planning Conditions

MSS advises that planning conditions are drawn up to ensure appropriate provision for mitigation measures and monitoring programmes, should the development be given consent. We recommend, where required, that a Water Quality Monitoring Programme, Fisheries Monitoring Programme and the appointment of an Ecological Clerk of Works, specifically in overseeing the above monitoring programmes, is outlined within these conditions and that MSS is consulted on these programmes.

Wording suggested by MSS in relation to water quality, fish populations and fisheries for incorporation into planning consents:

1. No development shall commence unless a Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with Marine Scotland Science and any such other advisors or organisations.

2. The WQFMP must take account of the Scottish Government's Marine Scotland Science's guidelines and standing advice and shall include:

    a. water quality sampling should be carried out at least 12 months prior to construction commencing, during construction and for at least 12 months after construction is complete. The water quality monitoring plan should include key hydrochemical parameters, turbidity, and flow data, the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting etc.;
    b. the fish monitoring plan should include fully quantitative electrofishing surveys at sites potentially impacted and at control sites for at least 12 months before construction commences, during construction and for at least 12 months after construction is completed to detect any changes in fish populations; and
    c. appropriate site specific mitigation measures detailed in the Environmental Impact Assessment and in agreement with the Planning Authority and Marine Scotland Science.

3. Thereafter, the WQFMP shall be implemented within the timescales set out to the satisfaction of the Planning Authority in consultation with Marine Scotland Science and the results of such monitoring shall be submitted to the Planning Authority on a 6 monthly basis or on request.

Reason: To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.

Sources of further information

NatureScot (previously “SNH”) guidance on wind farm developments - https://www.nature.scot/professional-advice/planning-and-development/advice- planners-and-developers/renewable-energy-development/onshore-wind- energy/advice-wind-farm

Scottish Environment Protection Agency (SEPA) guidance on wind farm developments – https://www.sepa.org.uk/environment/energy/renewable/#wind

A joint publication by Scottish Renewables, NatureScot, SEPA, Forestry Commission Scotland, Historic Environment Scotland, MSS and Association of Environmental and Ecological Clerks of Works (2019) Good Practice during Wind Farm Construction - https://www.nature.scot/guidance-good-practice-during-wind-farm- construction.

Annex 1 (revised April 2023)

MSS – EIA Checklist

The generic scoping guidelines should ensure that all matters relevant to freshwater and diadromous fish and fisheries have been addressed and presented in the appropriate chapters of the EIA report. Use of the checklist below should ensure that the EIA report contains the following information; the absence of such information ***may necessitate requesting additional information*** which could delay the process:

MSS Standard EIA Report Requirements	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to MSS advice, please set out reasons.
1. A map outlining the proposed development area and the proposed location of: o the turbines, o associated crane hard standing areas, o borrow pits, o permanent meteorological masts, o access tracks including watercourse crossings, o all buildings including substation, battery storage; o permanent and temporary construction compounds; o all watercourses; and o contour lines;			

2. A description and results of the site characterisation surveys for fish (including fully quantitative electrofishing surveys) and water quality including the location of the electrofishing and fish habitat survey sites and water quality sampling sites on the map outlining the proposed turbines and associated infrastructure. **This should be carried out where a Special Area of Conservation (SAC) is present and where salmon are a qualifying feature, and in exceptional cases when required in the scoping advice for other reasons. In other cases, developers can assume that fish populations are present**;			
3. An outline of the potential impacts on fish populations and water quality within and downstream of the proposed development area;			
4. Any potential cumulative impacts on the water quality and fish populations associated with adjacent (operational and consented) developments including wind farms, hydro schemes, aquaculture and mining;			

5. Any proposed site specific mitigation measures as outlined in MSS generic scoping guidelines and the joint publication “Good Practice during Wind Farm Construction” (https://www.nature.scot/guidance-good-practice-during-wind-farm-construction);			
6. Full details of proposed monitoring programmes using guidelines issued by MSS and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure. **At least 12 months of baseline pre-construction data should be included. The monitoring programme can be secured using suitable wording in a condition.**			
7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations. **This can be secured using suitable wording in a condition.**			

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to MSS advice, please set out reasons.
1. Any designated area **(e.g. SAC),** for which fish is a qualifying feature, within and/or downstream of the proposed development area;			
2. The presence of a large density of watercourses;			
3. The presence of large areas of deep peat deposits;			
4. Known acidification problems and/or other existing pressures on fish populations in the area; and			
5. Proposed felling operations.			