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The Scottish Government
Energy Consents Unit

Scoping Opinion on behalf of The Scottish Ministers under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Carn Fearna Wind Farm
Carn Fearna Wind Farm Limited

14 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 Carn Fearna Wind Farm Limited, a wholly owned subsidiary of Statkraft UK Limited, and a company incorporated under the Companies Acts with company number 14542188, and having its registered office at 19th Floor 22 Bishopsgate, London, United Kingdom, EC2N 4BQ. ("the Company") This scoping opinion is issued in response to a request dated 30 June 2023 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Carn Fearna Wind Farm ("the proposed development"). The request was accompanied by a scoping report prepared by SLR Consulting Limited.

1.2 The proposed development would be located approximately 1.5km north east of the village of Garve in Ross-shire, located entirely within the planning authority area of The Highland Council.

1.3 The proposed development will comprise up to 14 turbines, with a tip height of up to 200 metres.

1.4 In addition to the turbines, there will be ancillary infrastructure including:

- permanent foundations supporting each turbine;
- widening/improvement works to existing tracks onsite;
- new onsite access tracks providing access from the public highway and to all turbine locations and to include turning heads and passing areas;
- potential watercourse crossings / culverts;
- crane hardstandings and associated laydown areas adjacent to each turbine;
- power cables linking the turbines laid in trenches underground;
- one permanent and one temporary anemometry mast;
- search areas for two borrow pits;
- a possible offsite turning area adjacent to the A835;
- site signage;
- biodiversity enhancement areas;
- a substation compound including a control building and battery storage; and
- a temporary site construction compound.

1.5 The Company indicates the proposed development would be in operation for 40 years. At the end of the operational life, the proposed development would be decommissioned, or an application may be submitted to extend the life of the wind farm or to repower the site. The decommissioning period would take up to a year.

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

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between SLR Consultancy and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 4 July 2023. The consultation was due to close on 25 July 2023.

Extensions to this deadline were granted to:

- The Highland Council;
- Historic Environment Scotland; and
- Transport Scotland.

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 Consultation responses***.

2.2 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.

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

2.4 The following organisations were consulted but did not provide a response:

- British Horse Society;
- Civil Aviation Authority;
- Cromarty Firth Fishery Board;
- Fisheries Management Scotland;
- John Muir Trust;
- Oban Airport;
- ScotWays;
- Scottish Wildlife Trust;
- Scottish Wild Land Group;
- Visit Scotland;
- Woodland Trust;
- Beauly Community Council;
- Cromarty Community Council;
- Dingwall Community Council;
- Garve & District Community Council;
- Kilmorack Community Council;
- Kiltearn Community Council;
- Marybank, Scatwell and Strathconon Community Council;
- Maryburgh Community Council;
- Muir of Ord Community Council;
- Resolis Community Council; and
- Strathpeffer Community Council.

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

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

3. The Scoping Opinion

3.1 This scoping opinion has been adopted following consultation with The Highland Council, NatureScot, Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which the 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 The Scottish Ministers adopt this scoping opinion having taken into account the information provided by the Company in its request dated 30 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.

3.3 A copy of this scoping opinion has been sent to The Highland Council for publication on their website. It has also been published on the Scottish Government ECU website at www.energyconsents.scot.

3.4 The 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 Annex B**.

3.5 The Scottish Ministers are satisfied with the scope of the EIA set out in the scoping report.

3.6 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.

3.7 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.

3.8 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. The Scottish Ministers request that the Company contacts Scottish Water (via EIA@scottishwater.co.uk) and makes further enquiries to confirm whether there are 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.

3.9 The 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.

3.10 MSS provide generic scoping guidelines for onshore wind farm and overhead line development Onshore Renewables Interactions - gov.scot (www.gov.scot) 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.

3.11 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.

3.12 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.

3.13 The 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 Proposed electricity generation developments: peat landslide hazard best practice guide - gov.scot (www.gov.scot), 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.

3.14 The scoping report identified viewpoints at Table 6-1 to be assessed within the landscape and visual impact assessment ("LVIA"). The Highland Council have suggested additional viewpoints in section 3.22 of their consultation response. NatureScot have advised that viewpoints from within the Ben Wyvis National Nature Reserve should be considered in the LVIA. Ferintosh Community Council have requested a viewpoint at Culbokie. Mountaineering Scotland have proposed that Am

Faochagach (NH303793) be used as a viewpoint instead of viewpoint 19 (Ben Dearg), due to its closer proximity to the proposed development. They have also suggested an additional viewpoint on An Coileachan.

3.15 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.".

3.16 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 effects.

3.17 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.

3.18 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'.

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

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 the 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. The 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).

Nicola Kennedy
Energy Consents Unit
14 September 2023

ANNEX A

List of consultees who provided a response.

• The Highland Council	A1-A29
• Historic Environment Scotland	A30-A36
• NatureScot	A37-A42
• Scottish Environment Protection Agency	A43-A51
• Scottish Forestry	A52-A54
• Transport Scotland	A55-A57
• Aberdeen Airport	A58
• BT	A59
• Conon Bridge Community Council	A60
• Contin Community Council	A61-A63
• Crown Estate Scotland	A64
• Defence Infrastructure Organisation	A65-A67
• Edinburgh Airport	A68
• Ferintosh Community Council	A69
• Glasgow Airport	A70
• Glasgow Prestwick Airport	A71
• Highlands and Islands Airports Limited	A72-A73
• Joint Radio Company	A74-A76
• Mountaineering Scotland	A77-A78
• NATS Safeguarding	A79
• Office for Nuclear Regulation	A80
• RSPB Scotland	A81-A86
• Scottish Water	A87-A88

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland, Scottish Forestry and Marine Scotland (in the form of standing advice from Marine Scotland Science)

See Section 2.4 above for a list of organisations that were consulted but did not provide a response.

A1

The Highland Council
Comhairle na Gàidhealtachd

Please ask for: Michael Kordas
Direct Dial: 01349 86 8426
e-mail: Michael.Kordas@highland.gov.uk
Our Ref: 23/03238/SCOP
Your Ref: ECU00004785
Date: 25 August 2023

Energy Consents Unit
Per: Ms. Nicola Kennedy

By email only to: Nicola.Kennedy@gov.scot

Dear Nicola,

PLANNING REFERENCE: 23/03238/SCOP

DEVELOPMENT: CARN FEARNA WIND FARM - EIA SCOPING REQUEST FOR THE ERECTION AND OPERATION OF A WIND FARM, COMPRISING UP TO 14 WIND TURBINES WITH A TIP HEIGHT OF APPROXIMATELY 200M, BATTERY ENERGY STORAGE SYSTEM (BESS) AND ANCILLARY INFRASTRUCTURE

LOCATION: LAND 4KM NORTH EAST OF GARVE

Thank you for requesting this Environmental Impact Assessment (EIA) Scoping Request for the above project. We received the consultation on 4 July 2023 by email and we are grateful for the extension of time to make comments.

Our view on the scope of the assessment may be subject to change on a number of topics within the EIAR if the scale of development, in terms of the number and height of turbines, changes. Whilst unlikely, this application may reduce in scale to a level that would be considered as an application under the Town and Country Planning (Scotland) Act 1997 (As Amended). If this is the case, we would require a revised scoping response under the relevant regulations.

The remainder of this letter constitutes THC's Scoping Response. Throughout the response we have sought to address the questions posed in the Scoping Report where they are applicable to the Highland Council. We trust this response helps inform ECUs Scoping Direction and is helpful to the applicant when formalising any forthcoming application.

Please note that Nature Scot and SEPA are understood to be responding separately, directly to ECU.

A2

SCOPING RESPONSE

Applicant:	**Carn Fearna Wind Farm Limited**
Project:	**Carn Fearna Wind Farm -EIA Scoping request for the erection and operation of a wind farm, comprising up to 14 wind turbines with a tip height of approximately 200m, Battery Energy Storage System (BESS) and ancillary infrastructure**
Project Address:	**Proposed Carn Fearna Windfarm, Land 4KM North East Of Garve**
Our Reference	**23/03238/SCOP**

This response is given without prejudice to the Planning Authority's right to request information in connection with any statement, whether Environmental Impact Assessment Report (EIAR) or not, submitted in support of any future application. These views are also given without prejudice to the future consideration of, and decision on, any planning application received by The Highland Council (THC).

THC request that any EIAR submitted in support of an application for the above development take the comments highlighted below into account; many of which are already acknowledged within the Supporting Information. In particular, the elements of this report as highlighted in parts 3, 4 and 5 should be presented as three distinct elements.

Where responses have been received by internal consultees these are available to view online and should be taken as forming part of the scoping response from THC. If any further responses are received these will be forwarded on in due course.

1.0 Description of the Development

1.1 The description of development for an EIAR is often much more than would be set out in any planning application. An EIAR must include:

- a description of the physical characteristics of the whole development and the full land-use requirements during the operational, construction and decommissioning phases. These might include requirements for borrow pits, local road improvements, infrastructural connections (i.e., connections to the grid), off site conservation measures, etc. A plan with eight figure OS Grid co-ordinates for all main elements of the proposal should be supplied;
- a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- the risk of accidents, having regard in particular to substances or technologies used;
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light / flicker, heat, radiation, etc.) resulting from the operation of the development; and,
- the estimated cumulative impact of the project with other consented or operational developments.

2.0 Alternatives

2.1 A statement is required that outlines the main development alternatives studied by the applicant and an indication of the main reasons for the final project choice. This is expected to highlight the following:

- the design chapter should clearly set out the design evolution of the scheme including constraints to the delivery of that scheme;
- the range of technologies that may have been considered – we note that the 'Project Background' statement within the Scoping Report advises that one turbine company has discontinued turbine models as justification for new applications however does not appear to advise that the applicant has attempted to source turbines of approved dimensions from any other source.
- locational criteria and economic parameters used in the initial site selection;
- options for access;
- design and locational options for all elements of the proposed development (including grid connection); and,
- the environmental effects of the different options examined.

The assessment should also highlight sustainable development attributes including, for example, an assessment of carbon emissions / carbon savings.

3.0 Environmental Elements Affected

3.1 The EIAR must provide a description of the aspects of the environment likely to be significantly affected by the development. The following paragraphs highlight some principal considerations. There are a number of wind energy developments in the area, and you are encouraged to use your understanding of these in assessing your development and the potential for cumulative effects to arise. The EIAR should fully utilise this understanding to ensure that information provided is relevant and robustly grounded.

Land Use and Policy

3.2 The current Development Plan comprises the:

- Fourth National Planning Framework (NPF4) adopted in 2023
- Highland-wide Local Development Plan (HwLDP) adopted 2012
- Inner Moray Firth Local Development Plan (IMFLDP) adopted 2015
- Associated Supplementary Guidance (SG), with particular regard to the Onshore Wind Energy Supplementary Guidance (OWESG) (2016) and Part 2b (2017)

A large number of policies will apply to this proposal from the above development plan documents. This response does not attempt to detail all which may be relevant, as such, it is recommended that the applicant/agent reviews all these plans and documents prior to submission to establish the planning policy context for the EIA. The scope of the EIA should, however, address all the relevant issues covered within NPF4, HwLDP, IMFLDP, IMFpLDP2 and the Council Supplementary Guidance. It is noted that this proposal has not yet been submitted for major pre-application advice and the Council would recommend this is done timely. Of particular relevance will be NPF4 & HwLDP and the associated SG documents. IMFLDP will have limited relevance to this proposal, as its focus is mainly on regional and settlement strategies and identifying specific site allocations. However, certain aspects of the strategies for the local area and settlements may help to inform plans for community engagement and/or community benefit. IMFLDP does however establish boundaries (including any refinements) of the Special Landscape Areas (SLAs) across the plan area. The SLA citations webpage summarise key characteristics, qualities, sensitivities, and measures for enhancement and must be used to assess the potential impacts of the proposed development.

3.3 Whilst not yet part of the adopted development plan, the Council has been preparing the Inner Moray Firth proposed Local Development Plan 2 (IMFpLDP2) 2022. This was submitted to Scottish Ministers for Examination, with the process commencing on 22 May 2023. Applicants are advised to monitor the DPEA webpage, as this provides the most up to date position of the LDP examination. Given the advanced stage of IMFpLDP2, it is considered the 'settled view' of the Council and therefore carries some weight in the decision-making process. Like IMFLDP its focus is mainly on regional and settlement strategies and identifying specific site allocations. However, Policy 2 (Nature Protection, Preservation & Enhancement) is relevant to all forms of developments and requires national developments to include appropriate measures to integrate nature-based solutions and enhance biodiversity, in proportion to the nature and scale of the proposed development. Nevertheless, as Policy 2 is similar in terms and scope to NPF4 Policy 3, the satisfaction of NPF4 Policy 3 would also likely fulfil the requirements of IMFpLDP2 Policy 2.

3.4 The Onshore Wind Energy Supplementary Guidance, on pages 19 and 20, lists ten landscape and visual criteria that the Council use as a framework for assessing proposals. In considering landscape and visual impacts, the assessment should pay particular attention to these 10 criteria, as these will be used in the future appraisal of an application and should therefore also form part of the applicant's own assessment. The SG also defines the Council's "Spatial Framework" for onshore wind energy proposals.

3.5 The Council has recently commenced the preparation of a new-style Highland Local Development Plan (HLDP), with the intention to undertake the evidence-gathering stage of the new LDP throughout 2023, with the tentative programme including an Evidence Report in 2024 and subsequent Gate Check, with Proposed Plan stage in 2025. Once adopted this new style HLDP will supersede and replace HwLDP and the Council 'area' LDP. The programme of work includes the review of the coverage and content of its current suite of Supplementary Guidance, to establish which aspects should be covered within the new Local Development Plan itself, which aspects should be covered within non-statutory planning guidance and any aspects no longer required. Applicants are advised to monitor the Council's annual Development Plans Newsletter, as this provides the most up to date timetable for this work. The latest version was approved by the Council's Economy and Infrastructure Committee on the 2 February 2023 (Item 15) and is available on the Council Development Plans webpage.

3.6 The Council also recognises the importance of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, as the legislative tool for addressing Scotland's Climate & Ecological Emergency, which the Council committed to under its own Climate and Ecological Emergency declaration in May 2019. This includes the acceptance that given Highland's land mass and geography make up, the area has enormous potential to significantly contribute to the production and supply of renewable energy. However, this commitment must be taken in balance along with all other considerations of a particular site/route. It is nonetheless appreciated that the proposal would add to the security of the national grid; however, such developments should be located, sited, and designed appropriately and thus assessed against the wider development plan policies.

3.7 On 21st December 2022 the Scottish Government published its Onshore wind: policy statement 2022, this statement sets out the Government ambition to deploy a minimum of 20GW of onshore wind by 2030, up from the 8.7GW of existing generation capacity in June 2022. However, the statement also notes that (as of June 2022) there is as much as 11.3 GW of onshore wind currently in the pipeline (awaiting consent, awaiting construction and under construction). The document notes to achieve this ambition and to deliver to the climate change targets the roll out of onshore wind will need to go further and faster than before (Section 1.1.2), but it recognises that a balance is required and that no one technology will allow Scotland to reach its net zero targets. The document is clear that in achieving a balance, environmental and economic benefits to Scotland must be maximised. The document recognises that to achieve the above ambition, there may be a need to develop onshore wind energy developments on peatland. However, it notes large areas of peatland are degraded and reversing degradation through peatland restoration is therefore central to mitigating and adapting to the nature crisis. Moreover, it notes the onshore wind sector in Scotland has made remarkable advances over the past decade in mitigation and restoration solutions for peatland. Therefore, where peatland is present on the site, the right balance on the benefits from onshore wind deployment and the impacts on our carbon rich habitats is paramount.

3.8 Benefits to rural areas, such as provision of jobs and opportunities to restore and protect natural habitats, are also highlighted in the document. The scale of the proposed development is likely to a number of benefits however the scale of these benefits will need to be assessed for accordance with NPF4.

3.9 In relation to the impact of onshore wind in relation to landscape and visual amenity, the document sets out that to achieve the climate targets, and the ambition for the minimum installed capacity of 20GW by 2030, that the landscape will change. It however sets out that the right development should be permitted in the right place.

3.10 Developer Contribution, Community Benefit & Community Wealth Building will all need to be considered as the scheme develops. With Developer Contribution sought towards Transport (including Active Travel), Green Infrastructure, Water & Waste and Public Art/Realm in compliance with NPF4 Policy 18 (Infrastructure first), HwLDP Policy 31 (Developer Contributions) and Developer Contributions Supplementary Guidance (2018).

3.11 Community benefit being a goodwill contribution voluntarily donated by a developer. It is for the benefit of communities affected by developments where this will have a long-term impact on local resources and the local environment and whilst it is a separate issue to planning, the Council wants to make sure that local communities benefit directly from the use of their local resources and are compensated for the disruption and inconvenience associated with large scale development work. The Council's Community Benefit policy contains contacts for any further discussion on this and the Council would advocate early engagement.

3.12 Community Wealth Building is intended to encourage, promote, and facilitate a new strategic approach to economic development as set out in NPF4 Policy 25. This Policy indicates examples of what contributions by development proposals to community wealth building could include: improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets. However, that is not an exhaustive list. A report to the meeting of The Highland Council on 29 June 2023 provided an introduction to: the background and principles of Community Wealth Building; the work already being undertaken which contributes towards community wealth building; and an update on the proposed approach being taken to develop a Community Wealth Building Strategy for Highland Council.

https://www.highland.gov.uk/download/meetings/id/81834/item_11_developing_a_community_wealth_building_strategy

3.13 The following direct land use and policy observations are made in respect of the EIA Scoping request:

- The identification of NPF4 as a key Planning consideration and outline of policies is welcomed. However, it is noted that several other policies will be relevant over and above those noted and these should be included as part of the any scheme.
- The inclusion of the National Planning Guidance and advice is also welcomed and appropriate.

- The identification of HwLDP and the policies therein is again welcomed and appropriate and whilst NPF4 is now adopted, HwLDP will continue to be used alongside it, until it is replaced by a new style LDP. The Council notes that legislation and planning law indicates that if there is incompatibility between the LDP and the NPF, whichever is the more recent shall prevail. That requirement does not take away from the fact that the HwLDP must, whilst still part of the adopted Development Plan, be part of the consideration.
- The identification of the Inner Moray Firth Local Development Plan noted and welcomed and please refer to the information above regarding the plan role in establishing the SLAs boundaries. No reference is made to the Inner Moray Firth proposed Local Development Plan 2 and this should be addressed, again please refer to the section above regarding its importance and progress.
- The inclusion of references to the Onshore Wind Energy SG is noted, a review of the Council other SG document should also be considered.
- Pleased to see reference being made to the Council's Visualisations Standards for Wind Energy Developments and that this work will be undertaken by a Chartered Landscape Architect. All visualisations must be provided that accord with the Council's Visualisation Standards for Wind Energy Developments. It is recommended that the ten landscape and visual criteria set out in the Council Onshore Wind Energy Supplementary Guidance could be useful to guide the assessment of the design and assessment of the proposal. Others will comment on the appropriateness of the study areas proposed, cumulative impact scenarios and suggested viewpoint locations.
- Final route selection should avoid areas of Carbon Rich Soils, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found and that detailed peat assessment will be required to guide development away from the most sensitive areas and to help inform potential mitigation. The CPP mapping is a starting point, identifying likely presence of nationally important resource; the developer should undertake a specific peat assessment to inform the siting, design, or other mitigation in order to at least substantially overcome significant effects on CPP. Attention is drawn to NPF4 Policy 5 (Soils) & HwLDP Policy 55 (Peat & Soils) & the advice outlined in the Council Onshore Wind Energy Supplementary Guidance at paragraph 4.34 on page 24.
- The Highland Wind Turbine Mapping (updated in January 2022) is available online and shows existing windfarm activity in the area, which could potentially assist in the consideration of the cumulative impacts of this proposal alongside other developments within the locale.
- To assess any energy storage proposals, sufficient information would need to be provided on:
    - the type and nature of storage facility proposed, such as scale and appearance and whether any associated buildings with the wind farm scheme are designed in a way which is sympathetic to the local area and existing pattern of development;
    - the electricity network benefits and capacity proposed (noting that energy storage is typically considered to be part of 'generation');

  - the potential impacts, for example any pollution risks and particular requirements for decommissioning.

- The following natural, built, and cultural heritage features are within or border to the proposal and these should all be considered as part of the scoping works.
  - North-eastern part of the Site falls within the Ben Wyvis SLA.
  - East part of the site falls within Wild Land Area 29. Rhiddoroch - Beinn Dearg - Ben Wyvis Affecting 6no. turbines).
  - Several Historic Environment Records located within and around the proposed site.
  - Carn Gorm SSSI bounds the eastern site boundary
  - Approximately the eastern half of the site falls within the Black Isle Landscape Study Area.
- The following natural, built and cultural heritage features are within proximity to the proposal, and these should all be considered as part of the scoping works.
  - The Glen Affric to Strathconon SPA approximately 3km to the south-west of the site across the A835 public Road.
  - The Ben Wyvis NNR approximately 1km to the north-east.
  - The Ben Wyvis SAC approximately 1km to the north-east.
  - The Ben Wyvis SSSI approximately 1km to the north-east.
  - The Ben Wyvis SPA approximately 2.5km to the north-east.
- It is noted that the northern part of the site lies within the RAF Tactical Training Area, as such the MOD should be consulted in early course.
- A review of the Native Woodland Survey of Scotland should be undertaken and utilised to inform the design extent of the scheme and the impacts on the woodlands fully assessed. Any proposals for compensating planning should also be identified. Reference should be made to Council's – Trees, Woodlands and Development Supplementary Guidance and Development guidance - Forest and Woodland Strategy.
- The development should also consider potential significant effects to the permanent or temporary habitat loss and degradation of Protected species with appropriate assessments and mitigation included.
- As the proposed turbines are above 150m AGL height, they will require aviation lighting for civil aviation purposes as per the CAA Policy Statement on Lighting of Onshore Wind Turbine Generators in the United Kingdom with a maximum blade tip height at or in excess of 150m Above Ground Level (2017). Consequently, the need for assessment of night-time impacts on landscape and visual receptors is required. This assessment should include consideration of darkness hours during winter months – noting that these hours will include not only night-time but also some periods when receptors (people) may still be going about their daytime activities.

Sustainability

3.14 The Council's Sustainable Design Guide SG provides advice and guidance on a range of sustainability topics, including design, building materials, and minimising environmental impacts of development. A Sustainable Design Statement is required. Wind farms produce a sustainable form of energy; however, the Council will need to be satisfied in reaching a conclusion on any consultation or application that the development in its entirety is in fact sustainable development. In order for us to do so we recommend that matters related to the three pillars of sustainable development are fully assessed in the information that supports the application. The wind farm needs to be considering the provision of energy systems within the holistic demand cycle of the network. The developer needs to consider the impact of the installation and the prospective long-term use of the energy to accommodate the requirements of a decarbonised energy provision for Scotland and the Highlands. The application should include a statement on how the development is likely to contribute to the Scottish Government Energy Efficient Scotland roadmap and provide the Highlands with secure and clean electricity supplies.

3.15 Energy storage technology is of interest to the Council as an emerging new aspect of renewable energy developments with considerable potential benefits for energy generation, efficiency, and supply. In broad principle the inclusion of infrastructure for energy storage in renewable energy proposals can be supported, given the benefits. Any associated buildings with the wind farm scheme must be designed in a way that is sympathetic to the local area and existing pattern of development. However, the Council would need to understand the detailed design of the facility proposed, such as scale and appearance, and it would be beneficial to have information to explain the specific electricity network benefits and capacity.

3.16 The developer should also consider the potential for generation of alternative fuels as part of the development. Consideration to be given to an element of local use of the energy and particular use of Hydrogen generation if there is an opportunity in the development for redundancy supply profiles. The Council also encourage the inclusion of electric car charging facilities within all new developments. A strategy for the provision of charging points within the development should be submitted with the application.

Landscape and Visual

3.17 The Council expects the EIAR to consider the landscape and visual impact of the development, which should conform with the overall methodology set out in GLVIA3. The Council makes a distinction between the two. While not mutually exclusive, these elements require separate assessment and therefore presentation of visual material in different ways. It is the Council's position that it is not possible to use panoramic images for the purposes of visual impact assessment. The Council, while not precluding the use of panoramic images, require single frame images with different focal lengths taken with a 35mm format full frame sensor camera – not an 'equivalent.' The focal lengths required are 50mm and 75mm. The former gives an indication of field of view and the latter best represents the scale and distance in the landscape i.e., a more realistic impression of what we see from the viewpoint. These images should form part of the EIAR and not be separate from it. Photomontages should follow the Council's Visualisation Standards:

https://www.highland.gov.uk/downloads/file/12880/visualisation_standards_for_wind_energy_developments

3.18 Separate volumes of visualisations should be prepared to both Highland Council Standards and NatureScot guidance. These should be provided in hard copy. **It would be beneficial for THC's volume to be provided in an A3 ring bound folder for ease of use**. The use of monochrome for specific viewpoints is useful where there are a number of different wind farms in the view. We are happy to provide advice on this matter going forward. All existing turbines should be re-rendered even if they appear to be facing the viewer in the photograph to ensure consistency.

3.19 All elements of a development are important to consider within any EIAR, including the visual impact of the tracks, substations, battery storage and on-site borrow pits etc. Therefore, the assessment should include the expected impact of these elements, which should have their own site layout and elevation plans, notwithstanding that the principal structures will be a primary concern.

3.20 It should be noted that there may be several similar applications in the area that are yet to be determined / concluded in the vicinity of the application, which may or may not help clarify the weight towards particular policy elements in the final planning balance. We consider that the cumulative assessment should be undertaken over a Study Area the same as the visual assessment, a minimum 45km Study Area. We recommend that you utilise our interactive Wind Turbine map, which is up to date as of 17 January 2023, to identify other schemes within the Study Area. The map can be accessed on the link below:

https://highland.maps.arcgis.com/apps/webappviewer/index.html?id=5ec04b13a9b049f798cadbd5055f1787

3.21 As far as possible, the viewpoints should correspond with the viewpoints used for existing wind energy schemes within the area. The detailed location of viewpoints will be informed by site survey, mapping and predicted ZTVs. Failure to do this may result in abortive work, requests for additional visual material and delays in processing applications/consultation responses. Community Council's may request additional viewpoints and it would be recommended that any pre-application discussions with the local community, and associated reporting on consultation undertaken, take this into account.

3.22 The Landscape Officer has indicated that they are generally satisfied with the methodology and scope of the landscape and visual impact assessment as noted in the Scoping Report. The applicant should however, consider the following additional viewpoints:

- In the locus of the Great Glen Way, where it runs on a minor road near Ladycairn, at approximate OS Gride Reference (256050, 838998)
- In the area of the Fodderty Cemetery on the A834 between Dingwall and Strathpeffer.
- On the A835 in the vicinity of Garbat
- On the A832 between Achanalt and Knockban
- In the vicinity of the Heights of Fodderty / Heights of Keppoch.

3.23 The Landscape Officer raised several other additional concerns. In addition to effects on individual Landscape Character Types and Areas, the LIA should consider effects on the combinations and interactions of Landscape Characters and features which give rise to local sense of place. In this location that may include the relationship of the landmark Ben Wyvis within the Rounded Moorland Massif, to the Rounded Rocky Hills of the site and the Rounded Hills and Moorland Slopes and Wooded Glens and Rocky Moorland landscapes which wrap around their bases and lower slopes., separating them from the lower famed landscapes of Easter Ross.

3.24 It is important for assessors to remember that Visual Effects are defined by GLVIA3 not just as effects on views, but as 'Effects on specific views and on the general amenity experienced by people'. It should be the case that some viewpoints are 'Specific Viewpoints', addressing key and promoted views, while others are 'representative viewpoints' which represent effects on particular types of receptor in a more generalised area where similar effects may be experienced over a wider geographical area, as well as some 'illustrative views 'chosen to demonstrate a particular effect. In discussion with the case officer, the Landscape Officer has suggested additions representative viewpoint locations. The VIA should clearly spell out which category each viewpoint falls into and ensure that the analysis assesses the effects on specific view and the effects on general amenity experienced by people.

3.25 THC generally prefers the term 'Hours of Darkness' over 'Night-Time' in recognition of how extensive hours of darkness can be in the Highlands. It is pertinent to the assessment to understand that Hours of Darkness Effects will be visible during people's working day and commuting hours for a significant part of the year and that sensitivities of receptors to these effects must account for this.

3.26 Gardens and Designed landscapes are considered as assets due to their design and relationship to the wider landscape in addition to their historic nature. Therefore, it would be appropriate for any aspects relating to landscape setting, or relationship to the wider landscape to be considered in the LVIA chapter, if necessary in addition to appearing in the Cultural Heritage Chapter.

3.27 The Council acknowledges that there will be some micrositing of the viewpoints to avoid intervening screening of vegetation boundary treatments etc. We would recommend that the photographer has in their mind whether the VP is representative or specific and also who the receptors are when they are taking the photos. We have also found that if the photographer has a 3D model on a laptop when they go out on site, it helps the orientation of the photography. Please note that the Council does not consider forestry a permanent fixture in the landscape and therefore expects LVIA's to assume bare earth, along with 'permanent' physical infrastructure, baseline conditions, in order that effects are understood based on worst case scenarios.

3.28 The purpose of the selected and agreed viewpoints shall be clearly identified and stated in the supporting information. For example, it should be clear that the VP has been chosen for landscape assessment, or visual impact assessment, or cumulative assessment, or sequential assessment, or to show a representative view, or for assessment of impact on designated sites, communities, or individual properties.

3.29 We are content with a Study Area of 45km, given the scale of the turbines. Given the size of the turbines and the landscape sensitivities of this site and the surrounding area, we would expect a detailed assessment of effects should be undertaken for the whole Study Area.

3.30 Furthermore, the LVIA Chapter of the EIAR should clearly set out the methodology including:

- Definitions of each point on the scale of magnitude of change which is used by the applicant in reaching a conclusion on the magnitude of change;
- Definitions of each point on the scale of sensitivity of receptor which is used by the applicant in reaching a conclusion on the sensitivity of receptor;
- The threshold to which the applicant considers a significant effect is reached. For the avoidance of doubt the Council consider that Moderate impacts can be significant, and it is recommended that the EIAR takes this approach as well;

A clear matrix approach supported by descriptive text setting out how you have reached your conclusion of effect on landscape character, designated landscapes, visual receptors, and residential amenity.

3.31 When assessing the impact on recreational routes please ensure that all core paths and long-distance trails, are assessed. The assessments of these routes should include a sequential assessment of how the development will be experienced in relation to existing and consented wind farms. We expect an assessment of the development's visual impacts on surrounding settlements.

3.32 The development will further extend the number of proposals of this type in the surrounding area, necessitating an appropriate cumulative impact assessment. It is considered that cumulative impact will be a significant material consideration in the final determination of any future application. The Study Area for a cumulative LVIA (CLVIA) should extend to 45km. Given the cumulative impact of renewable energy in this area it is expected that the applicant should present images for presentation within the Panoramic Digital Viewer deployed by the Council – see visualisation standards document. If the applicant wished to utilise this tool there may be an associated cost per image to be inserted which should be discussed with the Council prior to submission. To view current or determined schemes in the Council's Panoramic Viewer please see the link below:

http://www.highland.gov.uk/panoramicviewer

3.33 We expect the Landscape Impact Assessment to refer to the Council's Onshore Wind Energy Supplementary Guidance and expect an assessment of the proposal against the criterion set out in the Council's OWESG at pages 19 and 20 to be included within the LVIA chapter of the EIAR. The site is located within the Black Isle, Surrounding Hills and Moray Firth Coast Landscape Character Areas Study within the Addendum Supplementary Guidance: "Part 2B", December 2017 - being part of the Highland Strategic Capacity content of the suite: "Onshore Wind Energy Supplementary Guidance, November 2016 (with addendum, December 2017).

3.34 An assessment of the impacts of the proposal on landscape should assess the impacts on any landscapes designated at a national and local scale. While NatureScot will respond separately to ECU on landscape and other matters, their draft guidance on assessing the impacts on Special Landscape Qualities should be followed and Nature Scot would welcome consultation over which qualities should be scoped in for detailed assessment once the full list of VPs is finalised.

3.35 In addition, the assessment of Special Landscape Areas (SLA) must be undertaken using the SLA citations available from the Council's website. The Council considers it appropriate to include assessments of the development's impacts on the special qualities of the SLA's.

3.36 We expect an assessment of the impact on all potentially effected WLAs to be included within the EIAR given the proximity to a number of WLAs and the theoretical visibility of the scheme from within WLAs. NatureScot will provide further assessment advice on WLAs.

3.37 The impacts of aviation lighting must be assessed through the EIA process. Further advice on aviation lighting is available from NatureScot however generally the impact of aviation lighting on WLAs and SLAs and areas where there would be an expectation of dark skies should be included.

3.38 The residential visual amenity should be assessed for all properties, settlements, housing groups within 2km of the turbines within the LVIA.

Cultural Heritage

3.39 The EIAR needs to identify all designated sites which may be affected by the development either directly or indirectly. This will require you to identify:

- the architectural heritage (Conservation Areas, Listed Buildings);
- the archaeological heritage (Scheduled Monuments);
- the landscape (including designations such as National Parks, National Scenic Areas, Special Landscape Areas, Gardens and Designed Landscapes and general setting of the development; and,
- the inter-relationship between the above factors.

3.40 We would expect any assessment to contain a full appreciation of the setting of these historic environment assets and the likely impact on their settings. It would be helpful if, where the assessment finds that significant impacts are likely, appropriate visualisations such as photomontage and wireframe views of the development in relation to the sites and their settings could be provided. Visualisations illustrating views both from the asset towards the proposed development and views towards the asset with the development in the background would be helpful.

3.41 Historic Environment Scotland (HES) are anticipated to provide comment on the assessment methodology for heritage assets within their remit given that there are a large number of heritage assets in the vicinity of the development.

3.42 The Council's Archaeologist advises that they are largely satisfied that the information presented in the scoping report.

3.43 In regard to the specific questions posed, they made the following comments:

Q10.1:

Upstanding remains should be identified by survey, rather than the survey only being targeted at already-known assets. The potential for buried features or deposits to be present should be stated in the report. If available, lidar data should be included in the study to enable identification of upstanding remains within the application boundary.

Q10.2:

The assets and matters scoped out of the report are accepted.

Q10.3:

No additional assets beyond those listed in the scoping report, are proposed here.

Q10.4:

Visualisations should be produced in accordance with Highland Council's Visualisation standards for Wind Energy Developments. As a minimum these should be carried out for all designated assets where a moderate/significant impact is predicted.

Ornithology

3.44 The presence of Schedule 1 Birds and qualifying interests of Special Protection Areas and other areas designated for aviary interests must be included and considered as part of the planning application process; not as an issue that can be considered at a later stage. Any consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted by the EC. Please refer to any comments from NatureScot and RSPB in this respect.

3.45 An assessment of the impacts to birds through collision, disturbance, and displacement from foraging / breeding / roosting habitat will be required for both the proposed development site and cumulatively with other proposals. The EIAR should be clear on the survey methods and any deviations from guidance on ornithology matters.

Ecology

3.46 The EIAR should provide a baseline survey of the bird and animals (mammals, reptiles, amphibians, etc.) interest on site. It needs to be categorically established what species are present on the site, and where, before a future application is submitted. Further the EIAR should provide an account of the habitats present on the proposed development site. It should identify rare and threatened habitats, and those protected by European or UK legislation, or identified in national or local Biodiversity Action Plans. Habitat enhancement and mitigation measures should be detailed, particularly in respect to blanket bog, in the contexts of both biodiversity conservation and the inherent risk of peat slide (see later). Details of any habitat enhancement programmes (such as native- tree planting, stock exclusion, etc.) for the proposed site should be provided. It is expected that the EIAR will address whether or not the development could assist or impede delivery of elements of relevant Biodiversity Action Plans.

3.47 The developer should undertake a specific peat assessment to inform the siting, design, or other mitigation in order to overcome significant effects on peatland and Carbon Rich Soils, Deep Peat, and Priority Peatland Habitat (CPP). Attention is drawn to paragraph 4.34 on page 24 of the OWESG, which discusses peat and CPP. We also expect an up-to-date National vegetation Classification (NVC) survey and a commitment to undertake peatland restoration on an area of increased size to that of the application site. The Environmental Impact Assessment Report (EIAR) should provide details of all direct, indirect, permanent, and temporary impacts to any bog habitat present on the site.

3.48 The EIAR should address the likely impacts on the nature conservation interests of all the designated sites in the vicinity of the proposed development. It should provide proposals for any mitigation that is required to avoid these impacts or to reduce them to a level where they are not significant. NatureScot can also provide specific advice in respect of the designated site boundaries for SACs and SPAs and on protected species and habitats within those sites. The potential impact of the development proposals on other designated areas such as SSSI's should be carefully and thoroughly considered and, where possible, appropriate mitigation measures outlined in the EIAR. NatureScot provide advice on the impact on designated sites.

3.49 If wild deer are present or will use the site an assessment of the potential impact on deer will be required. This should address deer welfare, habitats, and other interests.

3.50 The EIAR needs to address the aquatic interests within local watercourses, including downstream interests that may be affected by the development, for example increases in silt and sediment loads resulting from construction works; pollution risk / incidents during construction; obstruction to upstream and downstream migration both during and after construction; disturbance of spawning beds / timing of works; and other drainage issues. The EIAR should evidence consultation input from the local fishery board(s) where relevant.

3.51 Further advice can be found in Nature Scot's consultation response on ecology in relation to the surveys required and the adequacy of the work already undertaken.

3.52 The EIAR should include a map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems (GWDTE) and buffers, these habitats are easily damaged by insensitive drainage.

3.53 NPF4's commitment to deliver positive effects for biodiversity through development. Policy 3 states that, 'Development proposals for national, major and of EIA development should only be supported where it can be demonstrated that the proposal will conserve and enhance biodiversity, including nature networks within and adjacent to the site, so that they are in a demonstrably better state than without intervention, including through future management.' A draft or outline Habitat Management Plan (HMP) and Species Protection Plan (SPP) should be produced as part of the EIA, including any proposals for mitigation and enhancement in relation to important habitats and species. Any compensatory planting plans should be carefully considered and included in the HMP. The HMP should include a comprehensive monitoring programme for all habitat improvements, and breeding birds on the site. Remote sensing using radar or infra-red cameras should be considered, to help inform future development and decision making within the industry with regards to eagles. Lastly, the HMP (or other document) should also include a protocol for reporting collisions to NatureScot.

Water Environment

3.54 The EIAR needs to address the nature of the hydrology and hydrogeology of the site, and of the potential impacts on water courses, water supplies including private supplies, water quality, water quantity and on aquatic flora and fauna. Impacts on watercourses, lochs, groundwater, other water features including bog pools surrounding the proposed infrastructure, and sensitive receptors such as water supplies, need to be assessed and it demonstrated will not be degraded by site drainage and excavations. Measures to prevent erosion, sedimentation or discolouration will be required, along with monitoring proposals and contingency plans. Assessment will need to recognise periods of high rainfall that will impact on any calculations of run-off, high flow in watercourses and hydrogeological matters. The applicant is strongly advised at an early stage to consult Scottish Environment Protection Agency (SEPA) as the regulatory body responsible for the implementation of the Controlled Activities (Scotland) Regulations 2005 (CAR), however it is likely that a map and assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any flood risk assessment, and details of any related CAR applications will be required to be included with the EIAR –SEPA will identify whether a CAR license is necessary and the extent of information required they will require to assess any license application.

3.55 If culverting should be proposed, either in relation to new or upgraded tracks, then it should be noted that SEPA has a general presumption against modification, diversion or culverting of watercourses. Schemes should be designed to avoid crossing watercourses, and to bridge watercourses where this cannot be avoided. The EIAR will be expected to identify all water crossings and include a systematic table of watercourse crossings or channelising, with detailed justification for any such elements and design to minimise impact. The table should be accompanied by photography of each watercourse affected and include dimensions of the watercourse. It may be useful for the applicant to demonstrate choice of watercourse crossing by means of a decision tree, taking into account factors including catchment size (resultant flows), natural habitat and environmental concerns. Further guidance on the design and implementation of crossings can be found on SEPA's Construction of River Crossings Good Practice Guide.

3.56 The Council's Flood Risk Management Team had no comments to make at this stage. However, there are a number of watercourses on the site therefore the following applies:

- A minimum of a 50m buffer of all watercourses / bodies and turbines/crane hard-standings, which should be shown on a suitably scaled drawing;
- All tracks should be kept a minimum 10m away from any waterbody except water crossings;
- Access tracks not acting as preferential pathways for runoff and efforts being made to retain existing natural drainage wherever possible;
- Natural flood management techniques should be applied to reduce the rate of runoff where possible; use of SuDS to achieve pre-development runoff rates and to minimise erosion on existing watercourses;
- Water crossings in the form of culverts or bridges, or upgrades to existing crossings must be designed to accommodate to 1 in 200 year flood event, plus climate change;

- Land rising within any floodplain to be avoided; if ultimately required, compensatory storage must be provided; and,
- The EIAR should be informed by the Council's Flood Risk and Drainage Impact Assessment SG.

3.57 The need for, and information on, abstractions of water supplies for concrete works or other operations should also be identified. The EIAR should identify whether a public or private source is to be utilised. If a private source is to be utilised, full details on the source and details of abstraction need to be provided.

3.58 The applicant will be required to carry out an investigation to identify any private water supplies, including pipework, which may be adversely affected by the development and to submit details of the measures proposed to prevent contamination or physical disruption. This information should be in the form of a map and assessment of impacts upon groundwater abstractions and buffers. Highland Council has some information on known supplies, but it is not definitive. An on-site survey will be required.

Noise

Operational Noise

3.59 The applicant will be required to submit a noise assessment with regard to the operational phase of the development. The assessment should be carried out in accordance with ETSU-R-97 "The Assessment and Rating of Noise from Wind Farms" and the associated Good Practice Guide published by the Institute of Acoustics.

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

Cumulative Noise

3.61 The noise assessment must take into account the potential cumulative effect from any other existing or consented or, in some cases, proposed wind turbine developments. Where applications run concurrently, developers and consultants are advised to consider adopting a joint approach with regard to noise assessments. The noise assessment must take into account predicted and consented levels from such developments. The good practice guide offers guidance on how to deal with cumulative issues. Where existing development has consented limits higher than suggested above, the applicant should agree appropriate limits with the Council's Environmental Health Officer.

3.62 The assessment should include a map showing all wind farm developments that may have a cumulative impact and all noise sensitive properties including any for which a financial involvement relaxation is being claimed. The assessment should include a table of figures that includes the following:

- The predicted levels from this development based at each noise sensitive location (NSL) at wind speeds up to 12m/s

- The maximum levels based on consented limits from each existing or consented wind farm development at each NSL. If any reduction is made for controlling property or another reason, this should be made clear.
- The predicted levels from each existing or consented wind farm development at each NSL.
- The cumulative levels based on consented and predicted levels at each NSL.

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

Noise Exposure

3.63 When assessing the cumulative impact from more than one wind farm, consideration must be given to any increase in exposure time. Regardless of whether cumulative levels can meet relevant criteria, if a noise sensitive property subsequently becomes affected by wind turbine noise from more than one direction this could result in a significant loss of respite.

Background Noise Measurements

3.64 If background noise surveys are required, these should be undertaken in accordance with ETSU-R-97 and the Good Practice Guide. It is recommended that monitoring locations be agreed with the Council's Environmental Health Officer. Where a monitoring location is to be used as a proxy location for another property, particular care must be taken to ensure it is not affected by other noise sources such as boiler flues, wind chimes, etc. which are not present at that other property.

3.65 Difficulties can arise where a location is already subject to noise from an existing wind turbine development. ETSU states that background noise must not include noise from an existing wind farm. The GPG offers advice on how to approach this problem and in some cases, it may be possible to utilise the results from historical background surveys.

3.66 It is recommended that the developer's noise consultant liaises with Environmental Health at an early stage to finalise the proposed methodology.

Amplitude Modulation

3.67 Research has been carried out in recent years on the phenomenon of amplitude modulation arising from some wind turbine developments. However, at this time, the Good Practice guide does not provide definitive Planning guidance on this subject. That being the case, any complaints linked to amplitude modulation would be investigated in terms of the Statutory Nuisance provisions of the Environmental Protection Act 1990.

Construction Noise

3.68 Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. Generally, people are tolerant of construction noise during typical working hours which are taken to be 8am to 7pm Monday to Friday and 8am to 1pm on Saturdays. Works for which noise is inaudible at the curtilage of any noise sensitive property could still be carried out out-with these times.

3.69 If the applicant intends to undertake noisy work out-with the aforementioned times, they will be required to submit a detailed construction noise assessment for the written approval of the planning authority. The assessment should include: -

1) A description of construction activities with reference to noise generating plant and equipment.
2) A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations.
3) A description of any noise mitigation methods that will be employed and the predicted effect of said methods on noise levels.
4) A prediction of noise levels resultant at the curtilage of noise sensitive receptors.
5) An assessment of the predicted noise levels in comparison with relevant standards.

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

3.71 Regardless of whether a construction noise assessment is required, it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities. The applicant will be required to submit a scheme demonstrating how this will be implemented. Particular attention should be given to the use of tonal reversing alarms and ground compaction plant which are often the most intrusive noise generating elements of a large construction project.

Traffic and Transport

3.72 Highland Council’s Transport Planning Teams interests will relate largely to the impact of development traffic on the Council maintained road network and its users during the construction phase of the project. Transport Scotland’s interest will relate to the impact of development on the trunk road network.

3.73 In addition to the Policy, Guidance and Legislation documents listed, we recommend that reference is made to the following documents:

- Roads and Transport Guidelines for New Developments
- Guidance on the Preparation of Transport Assessments

3.74 We recommend that the route assessment process includes early consultation with the Highland Council Structures Team for implications to structures along Council maintained roads. A point of contact for that would be Simon Farrow, Principal Engineer Simon.farrow@highland.gov.uk. The assessment process should also consider the implications to vulnerable road users that could be impacted by the proposed works.

3.75 For the construction stage, any submission should provide a breakdown of the anticipated vehicle movement profiles through the predicted 12-month construction programme. This should again be broken down by at least AIL's, standard large commercial goods vehicles (HGV's) and other construction-related traffic.

3.76 When compiling data on predicted traffic movements serving this development, the assessment should set out and justify all assumptions made in support of the trip levels used. This includes for example any assumptions made about the amounts of material that could be obtained from borrow pits within or close to the site. However, if insufficient information has been gathered to determine the appropriateness of any material within the site for use in the works, we'll expect the assessment process to have reviewed the worst-case scenario of no such suitable materials being found within the site.

3.77 We note and welcome that the submitted report refers to identifying and determining the implications of other committed developments in the area. This should include other committed developments that have the potential to influence traffic levels on the proposed construction access route(s), including other energy generation and distribution schemes proposed in the area. Highland Council Planning Service should be able to review and comment on any committed developments that the assessment may need to take account of. It is important to recognise that the public roads serving this site are heavily influenced by tourist traffic during the busier summer season. Any submission should recognise this and clearly set out how this has been recognised in the assessment process. Also, the predicted traffic generated by any timber extraction required in connection with this development should be recognised in the assessment

3.78 A Construction Traffic Management Plan (CTMP) may need to be provided as a form of mitigation for the predicted impacts of construction traffic. We see the measures in a CTMP being supplementary and complementary to any physical road improvements deemed necessary through the above referenced assessments. The measures in a final CTMP should be developed using feedback from engagement undertaken with local community groups (eg Local Community Councils), with consideration given to the following:

- Avoidance of HGV routing past schools during their opening and closing times. • No convoying of HGV or site staff vehicles. Drivers will be asked to resolve convoys by spacing out if this arises during routing to/from the site.
- Agreed routes to be used by all site staff, contractor, sub-contractor and deliveries unless origin/destination from elsewhere within the local area.
- Steps to be taken for deterring / preventing construction traffic using nondesignated routes to and from the site.

- Providers of products and materials to this development (e.g. aggregate or concrete, staff minibuses if used etc) should consider marking their vehicles with a unique number identifier on the front, sides and rear of the vehicles and a windfarm identifier. This enables easy identification in the event of problems arising, such as speeding or discourteous driving, as registration number plates are difficult to obtain. This is a well-established practice in other parts of The Highlands and has been found to be effective. It also helps to avoid issues with traffic from other developments being wrongly associated with this proposal
- Set up a single point of contact for local residents to use in the event of problems or concerns, such as in the above bullet point. This should be telephone and website details as a minimum, with consideration of Twitter and Facebook as appropriate. All such details should be provided to Community Councils for their notice boards and websites.
- Toolbox talks established with all suppliers, contractors, site staff etc to encourage careful and courteous driving at all times. Particular attention should be made to driving through villages and settlements, with cognisance of relevant speed restrictions and local conditions/limitations

3.79 We would expect any submission to clarify the willingness to enter into a formal 'Wear & Tear' Agreement (Section 96 of the Roads (Scotland) Act 1984) with Highland Council. This is to protect The Council from any extraordinary expenses in having to repair the local public roads from any damage inflicted by the construction traffic activities of this development. As with CTMP's, we would see this as supplementary to any physical improvements deemed necessary to make the local public roads safe and usable by all when being used for construction access to this development.

3.80 Any submission should set out the intended arrangements for surveying and recording the existing condition of the local public roads impacted by the proposed construction access route(s) prior to any works commencing at this site. It should then clarify how the condition of those roads will be reviewed during and at the end of the proposed development, along with how any repairs deemed necessary will be undertaken.

3.81 Depending on the construction routes settled on, The Council is likely to require some form of financial security / road bond that they'd be able to call on in the event of the Developer not being able to repair damage inflicted to the roads by their construction activities to the satisfaction of The Council as the Local Roads Authority. Again, any submission should clarify the Promoters willingness to consider some form of road bond or other financial security linked to a 'Wear and Tear' agreement.

3.82 When undertaking pre-works condition surveys, the Promoter may want to use that data to consider whether any works are required to repair or stabilise the existing roads forming the proposed construction access route(s) before their construction traffic starts to make use of them. It could be of benefit to the Promoter to work with Highland Council on such up-front repairs, as this could limit or remove the need for temporary restrictions to their proposed construction access arrangements during their works whilst emergency road repairs are undertaken.

3.83 The Transport Planning Team made the following comments in relation to the specific questions posed in the Scoping Report:

Q12.1 – Study Area

The scope of the study area will need to be informed by the proposed sources of key plant, materials and labour and the anticipated routes connecting those sources to the development site.

Q12.2 – Traffic Surveys

This will need to be agreed with Transport Scotland as the Trunk Road Authority. Note our above comments about the seasonality of traffic movements on the A835(T)

Q12.3 – Other Committed Developments

Information about any other committed developments in the area that this assessment should take into account will need to be sourced from Highland Council Planning Service.

3.84 Transport Assessment Methodology:

1. Identify all public roads affected by the development, including routes from any ports used to receive and/or store turbine component parts. It is expected that the developer will submit preferred access route(s) for the development, both for abnormal loads and for general construction traffic, staff and suppliers. All other possible access route options should be identified, having been investigated in order to establish their feasibility. This should clearly identify the pros and cons of all the route options and therefore provide a logical selection process for arriving at the preferred route(s). The size of the proposed turbines may require an assessment for getting out of the preferred port, when chosen, as ports in the area may not have accommodated such large components before.

2. Set out the existing nature and condition of the public roads, including:

- The road name and number, where applicable.
- Road widths, including any pinch points.
- The nature of their horizontal and vertical alignments, including any known steep gradients.
- An appraisal of the carriageway strength including, where necessary, construction depths and road formation where there is likely to be significant impacts.
- The location of any structures either spanning or supporting the roads, including a description of their nature (eg bridge, culvert etc), any width, and height or weight restrictions and where necessary, an assessment of their load carrying capability. This work should be undertaken by a suitably capable and qualified consulting engineer acceptable to The Council.
- The nature and quantum of properties and other development types serviced by the roads. In addition to the quantum of residential properties, specific recognition should be made of any sensitive facilities such as schools, businesses or other community facilities along the roads.

- The nature and quantum of existing traffic flows on these roads. This should include reference to how often the roads are used by school or commercial bus services and whether the routes are used by pedestrians, cyclists and equestrians. Our Public Transport Team may be able to assist with info on school and scheduled bus services (public.transport@highland.gov.uk)

- The historic pattern of road safety collision data (minimum 5-years worth of data) along the access route(s), identifying any locations where clusters of incidents could warrant specific road safety mitigation to safely manage the impacts of development-related traffic.

3. Identify the anticipated impacts from the proposed development, including any cumulative impacts from other developments that have the potential to be happening at the same time. These impacts should include:

- The quantum of new traffic impacting on these roads throughout the construction, operation and decommissioning periods of this development. This should cover:
    - numbers of light and heavy vehicles (differentiated)
    - numbers of abnormal loads
    - profiles of anticipated new traffic movements throughout the duration of the works •

- Any impacts to existing carriageways, structures, verges or other aspects of these public roads. This should include information on swept paths and gradient analysis where it is envisaged that the passage of traffic could be problematic.

- Trial Runs for abnormal loads to be carried out in order to prove the route is achievable and/or to establish the extent of works required to facilitate transportation.

- The location of any new or changes to existing accesses off these public roads to be used for accessing this development. This should include the extent of existing visibility from each of the accesses onto the public roads.

- Any impacts or restrictions needing to be imposed on existing road users.

- Any impacts or restrictions needing to be imposed on adjacent properties or local communities serviced by these public roads.

4. Set out the proposed mitigation measures needed to tackle the anticipated impacts set out above. This should include:

- The location and nature of any carriageway widening or strengthening. • Works to improve the visibility at proposed access points with public roads and at junctions along the proposed access routes.

- The location and nature of any strengthening or widening needed to existing structures.

- The provision of new or enhanced passing places on single track roads. • Road safety measures deemed necessary to effectively manage the impacts of any identified road safety issues.

- Traffic management proposals deemed necessary to enhance compliance with the traffic management plan associated with the construction and ongoing operation of this development.

It should be noted that any such mitigation may need to be specifically considered within the wider considerations of the EIA, depending on the form, scale and location of the works proposed and their potential impacts to any existing environmentally sensitive sites.

5. Details of any residual effects on the road network and its users following the implementation of the proposed mitigation outlined above and any actions proposed associated with those residual effects.

3.85 The above information is not exhaustive and shall be used as a guide for submission of all relevant information in relation to roads, traffic and transport matters arising from the development proposals, which shall be in the form of a Transport Statement/Assessment forming part of the Environmental Statement submission. The EIAR must also consider the implications on the Trunk Road network as part of the EIAR process.

Geology and Soils

3.86 The EIAR must consider the risks of engineering instability relating to presence to peat on the site. A comprehensive peat slide risk assessment in accordance with the Scottish Government Best Practice Guide for Developers will be expected. Assessment should also address pollution risk and environmental sensitivities of the water environment. It should include a detailed map of peat depth and evidence that the scheme minimises impact on areas of deep peat. The EIAR should include site-specific principles on which construction method statements would be developed for engineering works in peat land areas, including access roads, turbine bases and hard standing areas, and these should include particular reference to drainage impacts, dewatering and disposal of excavated peat.

3.87 As previously noted, the EIAR should include a full assessment on the impact of the development on peat. Policy 55 Peat and Soils, of the Highland Wide LDP, states that development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. As such, the site-wide peat depth survey as proposed in the Scoping Report is welcomed in order to ensure that the final infrastructure design avoids deep peat over 50cm and any sensitive habitats. The mitigation hierarchy must be followed, with impacts avoided and minimised where possible.

3.88 SEPA can provide detailed advice on methodology for peat probing and the peat assessment. The peat depth survey should be presented as a table detailing re-use proposals.

3.89 Carbon balance calculations should be undertaken and included within the EIAR with a summary of the results provided focussing on the carbon payback period for the wind farm.

3.90 The EIAR should fully describe the likely significant effects of the development on the local geology including aspects such as borrow pits, earthworks, site restoration and the soil generally including direct effects and any indirect. Proposals should demonstrate construction practices that help to minimise the use of raw materials and maximise the use of secondary aggregates and recycled or renewable materials. Where borrow pits are proposed the EIAR should include information regarding the location, size and nature of these borrow pits including information on the depth of the borrow pit floor and the borrow pit final reinstated profile, Site Management Plan and pollution prevention measures. Borrow pits should be located in an area demonstrating the least environmental impact, while any aggregate sourced from offsite should not impact on the chemistry of the existing groundwater and must be of a high enough quality not to cause siltation to waterbodies or wetlands. Including this information can avoid the need for further applications.

Forestry

3.91 Blocks of commercial forestry are present on the application site. The EIAR should indicate all the areas of woodland / trees that would be felled to accommodate the development, including any off site works / mitigation. Compensatory woodland is a clear expectation of any proposals for felling, and thereby such mitigation needs to be considered within any assessment. If so minded, permission is only likely to be granted on the basis that compensatory planting proposals are identified in advance. Compensatory planting should be within the Highland area and not form part of an already approved forestry plan/proposal that has gained FC funding. Any proposed compensatory planting areas will be the subject of the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017, and therefore a separate application will be required to be submitted to SF for a formal opinion on whether consent is required. For more information please see: https://forestry.gov.scot/support-regulations/environmental-impact-assessment. Areas of retained forestry or tree groups should be clearly indicated and methods for their protection during construction and beyond clearly described. If timber is to be disposed of, details of the methodology for this should be submitted.

3.92 The development, if granted consent, would likely release carbon throughout the construction period. While the Council note that over time the carbon release on the site will be balanced by the generation of electricity. It is considered that to offset the carbon release in the construction period that native woodland could be created. This should be on an appropriate site located within THC's area and as close as possible to the application site.

Contaminated Land

3.93 Considering the greenfield nature of the site presented in the Scoping Report, there are no specific concerns in this respect.

Aviation, Radar and Telecoms

3.94 The EIAR needs to recognise community assets that are currently in operation for example TV, radio, tele-communication links, aviation interests including radar, MOD safeguards, etc. In this regard the applicant, when submitting a future application, will need to demonstrate what interests they have identified and the outcomes of any consultations with relevant authorities such as Ofcom, NATS, BAA, CAA, MOD, Highlands and Islands Airports Ltd, etc. through the provision of written evidence of concluded discussions / agreed outcomes. We consider the results of these surveys should be contained within the EIAR to determine whether any suspensive conditions are required in relation to such issues.

3.95 There should be continued dialogue with HIAL over the impact on the radar at airports in the area, in particular Inverness Airport. The MOD will advise of aviation lighting requirements, and we suggest early talks with the MOD and CAA regarding acceptable methods to mitigate impacts from such lighting. As things stand, HIAL and NATS both advise that the development would be unlikely to infringe the safeguarding criteria of either organisation however any changes to the proposal may change their respective responses. The MOD advises that the development will be required to be fitted with aviation safety lighting and that you will be require to provide it with sufficient data to ensure that structures can be accurately charted in the interests of aircraft safety.

3.96 If there are no predicted effects on communication links as a result of the development, the EIAR should still address this matter by explaining how this conclusion was reached.

Socio-Economic, Recreation and Tourism

3.97 We consider that this should have its own chapter in the EIAR to ensure that these matters are appropriately addressed and not lost in other assessments. The EIAR should estimate who may be affected by the development, in all or in part, which may require individual households to be identified, local communities or a wider socio economic groupings such as tourists and tourist related businesses, recreational groups, economically active, etc. The application should include relevant economic information connected with the project, including the potential number of jobs, and economic activity associated with the procurement, construction, operation and decommissioning of the development.

3.98 Estimations of who may be affected by the development, in all or in part, which may require individual households to be identified, local communities or a wider socio economic groupings such as tourists and tourist related businesses, recreational groups, economically active, etc. should be included. The application should include relevant economic information connected with the project, including the potential number of jobs, and economic activity associated with the procurement, construction, operation and decommissioning of the development. In this regard wind farm development experience in this location should be used to help set the basis of likely impact. This should set out the impact on the regional and local economy, not just the national economy. Any mitigation proposed should also address impacts on the regional and local economy.

Public Access

Access Management Plan

3.99 The EIAR should include an Access Management Plan to be developed in consultation with the Highland Council as Access Authority and other relevant stakeholder groups including neighbouring Community Councils, Companies, and Development Trusts. The AMP should accord with NPF4 Policies 11 (Energy) and 20 (Blue and Green Infrastructure) as well as HwLDP Policy 77 for Outdoor Access. The AMP should cover existing access and how that will be dealt with during the development, and future access provision within and linking to the development. The AMP should be clearly referred to in the EIAR Contents so that the Council's Access Officer can readily find it.

3.100 As a point of note, any vehicular gates that may be locked for security purposes, must have access compliant bypass gates alongside them at the time of installation.

3.101 The Council's Access Officer would welcome further discussion to assist you with your Access Management Plan.

Miscellaneous: Health and Safety and Shadow Flicker

3.102 The EIAR needs to address all relevant climatic factors which can greatly influence the impact range of many of the preceding factors on account of seasonal changes affecting, rainfall, sunlight, prevailing wind direction etc. From this base data information on the expected impacts of any development can then be founded recognising likely impacts for each phases of development including construction, operation, and decommissioning. Issues such as dust, air borne pollution and / or vapours, noise, light, shadow-flicker can then be highlighted. Consideration must also be given to the potential health and safety risks associated with lightning strikes and ice throw given the proximity of recreational routes through the site.

3.103 Depending on the proximity of the working area to houses etc. the applicant may require to submit a scheme for the suppression of dust during construction. Particular attention should be paid to construction traffic movements.

3.104 A number of the aforementioned matters should be addressed by a CEMD for the proposal. While acceptable in principle we would request that an Outline CEMD is included with the application as well as an outline Decommissioning and Reinstatement Plan.

3.105 Given that the final layout for the turbines and the candidate turbine is yet to be selected, a shadow flicker assessment should be undertaken as part of the EIAR. That said, if there are no properties within 11 rotor diameters the matter of shadow flicker will not require detailed assessment but should still be addressed in the EIAR.

4.0 Significant Effects on the Environment

4.1 Leading from the assessment of the environmental elements the EIAR needs to describe the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium, and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- the existence of the development;
- the use of natural resources; and,
- the emission of pollutants, the creation of nuisances and the elimination of waste.

4.2 The potential significant effects of development must have regard to:

- the extent of the impact (geographical area and size of the affected population);
- the trans-frontier nature of the impact;
- the magnitude and complexity of the impact;
- the probability of the impact; and,
- the duration, frequency, and reversibility of the impact.

4.3 The effects of development upon baseline data should be provided in clear summary points.

4.4 The Council requests that when measuring the positive and negative effects of the development a four point scale is used advising any effect to be either strong positive, positive, negative, or strong negative.

4.5 The applicant should provide a description of the forecasting methods used to assess the effects on the environment.

5.0 Mitigation

5.1 Consideration of the significance of any adverse impacts of a development will of course be balanced against the projected benefits of the proposal. Valid concerns can be overcome or minimised by mitigation by design, approach, or the offer of additional features, both on and off site. A description of the measures envisaged to prevent, reducing and where possible offset any significant adverse effects on the environment must be set out within the EIAR statement and be followed through within the application for development.

5.2 The mitigation being tabled in respect of a single development proposal can be manifold. Consequently, the EIAR should present a clear summary table of all mitigation measures associated with the development proposal. This table should be entitled draft Schedule of Mitigation. As the development progresses to procurement and then implementation this carries forward to a requirement for a Construction Environmental Management Document (CEMD) and then Plan (CEMP), which in turn will set the framework for individual Construction Method Statements (CMS).

5.3 The implementation of mitigation can often involve a number of parties other than the developer. In particular local liaison groups involving the local community are often deployed to assist with phasing of construction works – abnormal load deliveries, construction works to the road network, borrow pit blasting. It should be made clear within the EIAR or supporting information accompanying a planning application exactly which groups are being involved in such liaison, the remit of the group and the management and resourcing of the required effort.

Michael Kordas MRTPI

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A30

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By email to: Econsents_Admin@gov.scot

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Enquiry Line: 0131-668-8716
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Our case ID: 300066891
Your ref: ECU00004851

29 August 2023

Dear Nicola Kennedy

Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Carn Fearna Wind Farm
Scoping Report

Thank you for your consultation which we received on 04 July 2023 about the above scoping report, and for allowing us extra time to respond. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

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

Proposed Development

We understand that the proposed development comprises up to 14 wind turbines with a tip height of up to 200m, together with associated infrastructures including battery storage.

Scope of assessment

Scoping report
We welcome that archaeology and cultural heritage issues are scoped into the assessment. We welcome that direct impact, impact on the heritage significance of an asset due to change within its setting and cumulative impact are assessed. We have provided further comments in the **Annex** to this letter.

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Potential direct impacts

We can confirm that there are no scheduled monuments, category A-listed buildings, inventory battlefields, gardens and designed landscapes or world heritage sites within the boundaries of the proposed development.

Potential impacts on the setting of assets

There are a number of nationally important historic environment assets within our remit in the vicinity of the proposed development whose settings have the potential to be significantly adversely impacted by it. Our detailed comments are in the **Annex** to this letter. The list of assets highlighted should not be treated as exhaustive and is only intended as a reference of those assets which at this stage appear most likely to be significantly impacted.

Potential cumulative impact

We are largely content with the proposed approach for assessing potential cumulative impact as mentioned in Chapter 10.3.10 of the scoping report, but we recommend that the type of development to be considered should not be limited to wind farm at this stage. We would suggest the applicant consider the potential cumulative impact from the proposed development also together with, at the minimum, the proposed Spittal – Loch Buidhe – Beauly 400 kV Overhead Line, which is located to the east and southeast of development.

Further information

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

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Adrian Lee and they can be contacted by phone on 07500 579626 or by email on adrian.lee@hes.scot.

Yours faithfully

Historic Environment Scotland

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Annex

Scoping report

We welcome that Chapter 10 of the report states that direct impact, impact on the heritage significance of an asset due to change within its setting and cumulative impact will be assessed. We note that impact on setting is described as an indirect impact in the report. For the purposes of EIAs, indirect impact applies to indirect physical impact only, and setting impact should be considered separately. Setting impacts are generally direct and result from the proposal causing change within the setting of the heritage asset that affects its cultural significance or the way in which it is understood, appreciated and experienced. We would refer the applicant to the discussion of direct, indirect and setting impacts in the cultural heritage appendix of the EIA Handbook (page 182).

We welcome the initial setting appraisal in Appendix 10.2 prepared for determining any potential for setting impacts from the proposed development, and that a bare-land Zone of Theoretical Visibility (ZTV) at tip height (Figure 10.1) and historic mapping have been used to inform the scoping assessment for the assets within the site boundary and within 10km of the proposed turbine locations. However, we generally recommend that a ZTV is used in the first instance to establish which assets should be assessed. It is also important to take into account that the setting of an asset can include, amongst other factors, views to, across and beyond the asset. Further, given the high degree of visibility out to c. 20km and beyond as indicated in the ZTV, we do not consider the 10-km study area as being sufficient in this case. In this case, we would be content with a study area of 20km from the proposed turbine location. Impacts on the settings of the designated assets should be assessed using our Managing Change Guidance Note on Setting.

In regards the Level of Effect Matrix in Table 10-4, we would expect the applicant to set out in the EIA Report how the impact significance on our historic environment interests has been derived and the basis of the judgements. This is to ensure that the proposed matrix does not lead to underestimation of impacts. Figure 6 of the EIA Handbook (page 75) has also provided an example of a matrix showing impact significance related to sensitivity and magnitude of change.

The applicant has indicated in chapter 10.3.8 that they consider a suite of mitigation measures may be suitable depending on the outcome of the EIA relative to cultural heritage assets. For setting impacts, potential mitigations considered include altering the proposed turbine layout, reducing turbine height, and changing the colour of turbines. We welcome these proposed mitigations at this stage. However, detailed assessment may demonstrate that deletion of turbines may be required.

The applicant may wish to note that the new strategy for Scotland's historic environment "Our Past, Our Future" has been adopted in June 2023 in lieu of "Our Place in Time (OPiT 2014)" (Section 10.5.2 refers). Also, we would like to clarify that the source of the definition of "Cultural significance" as quoted in the first paragraph of Section 10.3.5 was The Burra Charter 2013 (Australia ICOMOS, 2013) rather than Historic Environment Policy for Scotland (HEPS). The applicant should also clarify the refence of "Annex 1 of HEPS (2019b)" in the third paragraph of Section 10.3.5, as there is no Annex to HEPS.

Historic Environment Scotland's interest

The following designated historic environment assets are in the vicinity of the development and have the potential to be impacted by it. The list of assets highlighted is not considered to be exhaustive, and we would recommend that a wider search is undertaken of the surrounding area for potential impacts in the first instance. It is possible that once a wider study area has been established, additional assets in our remit may need to be assessed. Any impacts to the settings of assets should be assessed appropriately to determine whether these will be significant.

Scheduled monuments

Assets scoped in

The scoping report has identified a number of scheduled monuments within the 10-km study area for assessment. We would welcome the production of both wireframes and photomontages for each of these assets, namely *Knock Farril Fort* (SM1672), *Heights of Brae Chambered Cairn* (SM2312), *Clachan Corrach Chambered Cairn* (SM2466), and *Henge, 135m SW of Fiodh Mhor* (SM13745). *Knock Farril, fort, Knockfarrel, Fodderty* (SM1672), in particular, is situated to the southeast of the proposed development in a prominent position which would have afforded it views over natural routes from the west and northwest to the east coast via Garve. In this connection, the proposed development has the potential to result in a significant adverse impact to the setting of this asset.

Assets proposed to be scoped out

We noticed that the applicant has also proposed to scope out a number of scheduled monuments from within the 10-km study area indicated in the report, but one of these could potentially be affected by the development. *Little Garve, bridge over Black Water* (SM2720) has an aesthetic quality which contributes to its setting. It is a long-humped back bridge dating to the 1760s, constructed by Major Caulfield as part of the Contin to Poolewe military road.

The ZTV has indicated that 9 turbines will be visible from the bridge and, though partial screening by woodland to the east may mitigate this to some extent, the proposed height

of the turbines in the present application may lead to a significant impact on the setting. The proposed development is clearly visible on the approach to this bridge from the west, along the route of the old military road with the mature woodland providing little screening until very close to the bridge. The mature woodland to the east of the bridge is of 19th century origin, with the hill ground being shown as moorland on Roy's military map (1747-1752) but forested by the time of the 1st edition of the OS 6-inch map (Ross-shire, lxxiv, 1881). The hill-ground to the east of the bridge, where the proposed development is located, would have been prominent on the approach to the bridge from the west in the 18th century, though not necessarily of great strategic importance in relation to its use as military infrastructure. Nevertheless, the expansive views on approach to the bridge will have been key to the experience of users of the military road as a route from west to east from the 18th century onwards. It should also be noted that woodland should not be depended upon to mitigate impacts on designated assets, due to its vulnerability to storm damage and disease.

Due to the potential for a significant setting impact concerning the approach to *Little Garve, bridge over Black Water* (SM2720), we recommend that this asset should be scoped in for further assessment and wireframe is produced to illustrate the setting impact.

Assets outwith 10km of the proposed turbine location

Within our suggested 20-km study area, there are two clusters of scheduled monuments to the southeast of the proposed development where the analysis of just one site from each cluster would facilitate understanding of the potential setting impacts of the proposed development:

- Cluster of scheduled monuments between Conon Bridge and Muir of Ord
  - *Balvaird Wood, chambered cairn 450m NNE of East End* (SM4741)
  - *David's Fort, homestead moat, Balavil Wood* (SM2500)
  - *Drumrunie, chambered cairn 170m WNW of Drumrunie Cottage* (SM4565)
  - *Muir of Conon, chambered cairn 630m ENE of East End* (SM4652)
  - *Balvaird, chambered cairn 250m E of Balvaird House* (SM3635)
  - *Cairn Irenan, chambered cairn* (SM3122)

- Cluster of scheduled monuments around the Cromarty Firth
  - *Mulchaich, chambered cairn 80m NE of Auchencairn* (SM3145)
  - *Urquhart, Old Parish Church* (SM5696)
  - *Mulchaich, settlement 400m NE of* (SM3146)
  - *Drummondreach, dun 400m E of* (SM3655)
  - *Carn Mor, dun* (SM4579)
  - *Whiteleys, chambered cairn 300m SW of Craig Ruadh* (SM3846)

We recommend that, at minimum, wireframes should also be produced to illustrate the view from at least one of the scheduled monuments in each of the abovementioned clusters. This would help illustrate the possible setting impact on these sites, some of which were probably situated to facilitate good views of the natural routeways from the west and northwest to east coast which passed through Garve.

Category A-listed buildings and inventory gardens and designed landscapes

Assets scoped in

We welcome that both the *Fairburn Tower* (LB14030) and associated inventory gardens and designed landscapes (GDL00174) will be scoped into assessment. The category A-listed 16th Century towerhouse of *Fairburn Tower* has recently been restored by the Landmark Trust. The tower is located within open parkland and there appears likely to be widespread visibility of the proposed turbines from the tower and its surrounding inventory garden and designed landscape. The tower was built to be an impressive building that has a commanding presence within the surrounding area. Views to and from the tower that contribute to an understanding, appreciation and experience of this are important. There are extensive views north from the surrounding designed landscape across Strathconon to Ben Wyvis that are also important.

We recommend that the assessment should consider potential impacts on important views to and from the tower, and that wireline visualisations indicating how the proposed turbines would look from the tower, and in any other important views within the designed landscape, should be produced. If potential for significant impacts is identified, then we recommend a photomontage should be produced to illustrate these impacts and inform mitigation if appropriate.

Assets proposed to be scoped out

We do not agree that *Castle Leod* (LB7826) and associated garden and designed landscape (GDL0094) should be scoped out of assessment. This Inventory Garden and Designed Landscape extends across the lower northern slopes and floor of the River Peffery valley. The Main Drive is accessed directly from the A834 and comprises a formal 17th century avenue that leads to Castle Leod. We consider that there is potential for views looking north along the avenue that runs from the lodge on the A834 (LB7827) to the castle, to be affected.

We recommend that wireline visualisations demonstrating the potential visibility of the proposed development in important views looking north along the Main Drive to the castle should be produced. These would help establish if there is potential for significant

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impacts. If potential for significant impacts is identified, then we recommend a photomontage is produced to illustrate these impacts and inform mitigation if appropriate.

Historic Environment Scotland
29 August 2023

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

Ms Nicola Kennedy
Energy Consents Unit
Scottish Government
By Email: Econsents_Admin@gov.scot

21 July 2023
Your Ref: ECU 04851
Our Ref: CEA 171626

Dear Ms Kennedy

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Request for scoping opinion for the erection of Carn Fearna Wind Farm, near Garve (Highland Region).

Thank you for your email dated 4 July, requesting our comments on this scoping consultation.

1. Background

This site has planning history. It was subject to a previous Application in 2013 (The Highland Council Planning Reference: 13/04791/FUL) for Carn Gorm Wind Farm (14 turbines, 115m to blade tip height). This Application was refused planning permission following appeal in November 2015 (PPA-270-2117).

We note that a high proportion of bird survey work has already been completed ahead of Scoping.

2. Summary

The key issues to address within the Environmental Impact Assessment (EIA) include:

- **The impacts upon golden eagle linked to Glen Affric to Strathconnon Special Protection Area (SPA)**
- **Impacts upon Rhiddoroch - Beinn Dearg – Ben Wyvis Wild Land Area (WLA).**
- **Potential impacts to Ben Wyvis National Nature Reserve (NNR)**
- **Peatland and Protected species (e.g., wildcat)**

3. Our comments on Scoping

3.1 Protected Areas – European Sites

Glen Affric to Strathconnon SPA
We welcome that this SPA is being considered in context to its potential connectivity to the development, where survey work has already identified golden eagle use.

An appreciation of how important the development site is for foraging golden eagle, should be included within the shadow HRA for SPA golden eagle. This should be provided in context to any displacement effects the wind farm may have and whether that is likely to affect the SPA eagle population. A shadow Habitats Regulation Appraisal (HRA) should be included within the EIA Report, expanding on the impacts from the development using the site's Conservation Objectives (focussing on 'population'), see: https://apps.snh.gov.uk/sitelink-api/v1/sites/10233/documents/29.

We would also welcome an assessment of cumulative collision risk on the SPA eagle population. However, as yet, the cumulative spreadsheet is not yet complete. Therefore, please contact us again in the autumn to gauge its availability.

Cromarty Firth SPA and Inner Moray Firth SPA
We welcome that these Protected Areas are to be scoped into the EIA process. Foraging habitats for greylag geese are not well represented near this development. However, as this proposal lies within connectivity distance of both SPA's for greylag goose, we agree that collision risk should be assessed. VP survey work should aim to provide good data representation at peak passage times when goose movements are likely to occur, mainly in the spring & autumn periods, see our guidance on this issue, https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms.

Up-to-date population estimates are likely to be available from key sources involved in organising the annual Grey Goose Surveys, see: https://www.bto.org/our-science/projects/goose-and-swan-monitoring-programme/taking-part-gsmp. However, in relation to completing any shadow HRA, we recommend that the assessment is carried out in context to the greylag goose population size for each individual SPA. This information can be found on each SPA citation on our website using SiteLink, for example see: https://sitelink.nature.scot/site/8515.

Ben Wyvis SPA
Although this Protected Area is >1.6km away & no dotterel have been recorded during VP watches, we still recommend that this SPA is scoped-in and included within a shadow HRA for completeness. Including this feature within an HRA and taking it through 'due process' will show everyone what effects (or not) the development is likely to have.

Ben Wyvis SAC (SSSI)
There is potential for upland habitats (e.g., blanket bog) to be affected by deer that might be displaced from the development area. Bog restoration work is in progress within this nearby Protected Area and NNR staff are being especially vigilant in ensuring deer trampling pressure is kept very low to help ensure public funds are being safeguarded for climate change benefit. Therefore, we would welcome that this issue is duly considered within the EIAR and assessed within a shadow HRA.

3.3 Protected Areas – Nationally important
Ben Wyvis National Nature Reserve (NNR)
We note that this nationally important Protected Area is not well presented within the list shown in Section 2.2 of the Scoping Report, even though this proposal is in proximity to the NNR. The NNR takes its name from the iconic mountain which is a well-known and popular Munro to climb.

NNR status is applied to land and water of acknowledged conservation significance, with nature being managed to agreed high standards. NNRs are managed primarily for nature and for the public to enjoy them. Therefore, access and enjoyment of the countryside is actively encouraged. For Ben Wyvis NNR, this includes visitors being exposed to a special upland experience and that also includes enjoyment and appreciation of impressive landscapes.

We recommend the EIAR considers the potential for the proposed wind farm to affect people's enjoyment of this NNR and thus upon the objectives of NNR designation and its overall integrity. At this present time, we have no 'standard' method of assessment for NNR's. However, it would seem reasonable for an assessment to follow LVIA methods in the first instance using visuals

taken from key viewpoints within the NNR. For the avoidance of doubt, potential impacts to this NNR should be scoped in. We would be happy to discuss appropriate NNR viewpoints and to have further dialogue over assessment methods in due course.

More information about Ben Wyvis NNR can be found on our website, see: https://www.nature.scot/enjoying-outdoors/visit-our-nature-reserves/ben-wyvis-national-nature-reserve.

Carn Gorm SSSI
This Protected Area can be scoped out if the wind farm infrastructure is to be in a similar position to that shown within the site layout plan (Fig. 3.1), which intimates that this Protected Area is unlikely to be affected.

3.4 Wild Land

Rhiddorch – Beinn Dearg – Ben Wyvis Wild Land Area (WLA)
This development could potentially result in significant adverse effects and cumulative effects on highly sensitive landscapes linked to the nationally important Rhiddoroch - Beinn Dearg - Ben Wyvis WLA. Should this proposal significantly affect the qualities of this WLA and the mitigation proposed to reduce impacts on this WLA are deemed insufficient, this may lead us to object.

For the previous Carn Gorm proposal, Paragraph 84 of the Appeal Decision Notice for the Carn Gorm proposal, states the following in relation to concluded effects on the Wild Land Area:

'I have considered whether these significant adverse effects (on Wild Land Area 29) could be substantially overcome…For example, whether a condition requiring omission of one or more turbines would make the development acceptable. I have concluded that the adverse effects could not be overcome in this way'.

The proposed Carn Fearna Wind Farm, 14 turbines to blade tip height of up to 200m, would be around 85m taller than the previous Carn Gorm Wind Farm proposal and is likely to raise similar and potentially intensified issues on Wild Land. Effects would result from the proposals siting, partly within the boundary of the WLA, which would be difficult to overcome through design mitigation.

NPF4 Policy 4g states that, *'Development proposal in areas identified as Wild Land…must be accompanied by a Wild Land Impact Assessment which sets out how design, siting and other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land…'*. Given the proposals siting partly within and predicted visibility of the proposal over WLA 29 (Figure 6.4: Blade Tip ZTV), potential effects on WLA 29 will require to be fully understood. We welcome the developer's commitment to complete a Wild Land assessment using our technical guidance, see: https://www.nature.scot/doc/assessing-impacts-wild-land-areas-technical-guidance.

To gauge cumulative effects upon this WLA, the Highland Council would be best to advise which other proposals should be considered.

We advise that effects from lighting on WLA 29 be considered, given predicted visibility of the proposal and the high sensitivity of WLAs to the effects of lighting. Paragraph 6.3.12 states that night-time visualisations from three viewpoints will be included and that these are agreed with us in advance. It should also be noted that the cumulative effects of lighting will also be required.

The Wild Land assessment should set out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of this WLA.

3.5 Peatland

Our Peatland Guidance has been updated to reflect NPF4. Therefore, please look through this to gauge what needs to be provided within the EIA Report to help gauge 'condition' & 'quality' of peatland habitats that may be affected, see: https://www.nature.scot/general-pre-application-and-scoping-advice-onshore-wind-farms.

We welcome that an outline HMP is going to be provided to help *offset losses & impacts* to peatland habitat from the development. Please note that we advise any area of peatland restoration should be at least 10x the scale of that impacted by the development. Our reasoning for this is outlined within our updated guidance.

3.6 Protected Species

We welcome that the developer has identified the Strathpeffer Wildcat Priority Area, reinforcing the requirement for dedicated survey work of this species in context to the wind farm and any associated access track works or upgrades. We welcome that the Scoping Report includes full reference to our Best Practice Guidance on Protected Species, which we anticipate will be used throughout this development.

We recommend that protected species surveys should be undertaken on pine marten, red squirrel and mountain hare. Our new mountain hare guidance is available on our website, see: https://www.nature.scot/doc/standing-advice-planning-consultations-mountain-hare.

4 Concluding comments

Information & advice on *Developing with Nature* (NPF4) and *delivering ecological enhancement* can be found on our website, see; https://www.nature.scot/doc/developing-nature-guidance. We welcome this within Scoping, with outline enhancement proposed for inclusion in the HMP.

Please let me know if you need clarification or any further information following our advice.

Yours sincerely

David Patterson
Operations Officer, Central Highland.
David.patterson@nature.scot

Annex A – Follow-up to questions within Scoping Report (where we have comments to provide)

Q4.3. Do consultees have any comments or suggestions in relation to the Preliminary Representative Viewpoint Locations shown in Table 6-1 and illustrated on Figure 6.4?

We would advise that the Applicant consult NatureScot on the proposed scope of the Wild Land Assessment at the earliest opportunity. This should include WLA qualities to be assessed and proposed assessment/ viewpoints.

Q7.5 Do consultees agree with those ecology features which have been scoped out from the EIA?
We recommend that the potential effects for deer to be displaced from the development boundary affecting Ben Wyvis SSSI / SAC should be scoped in. For Ben Wyvis SAC, assessment should be provided within the shadow HRA.

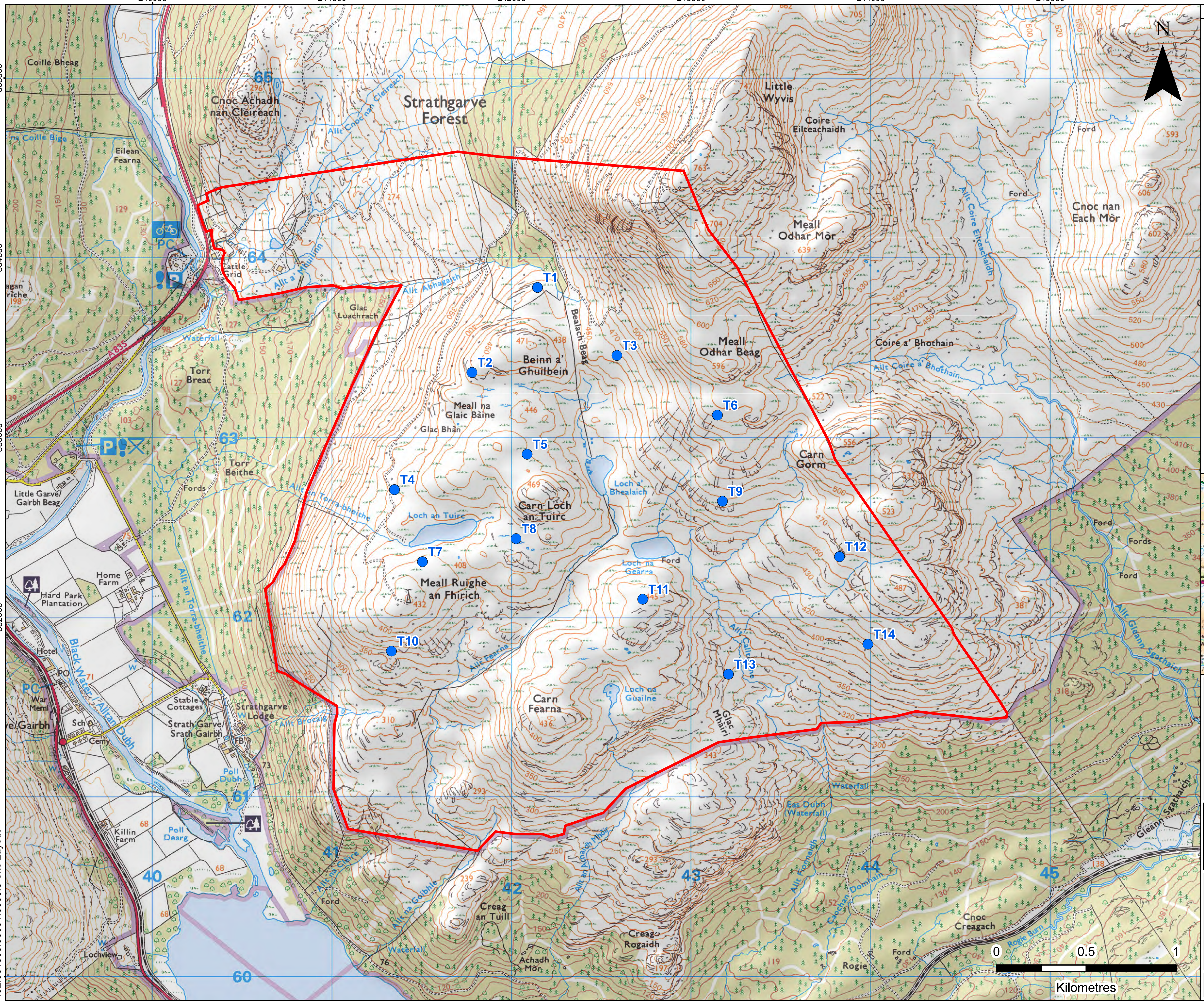
Perhaps, the only exception where operational effects on mammals should be scoped-in, would be if a wildcat breeding den was found in proximity of wind farm infrastructure.

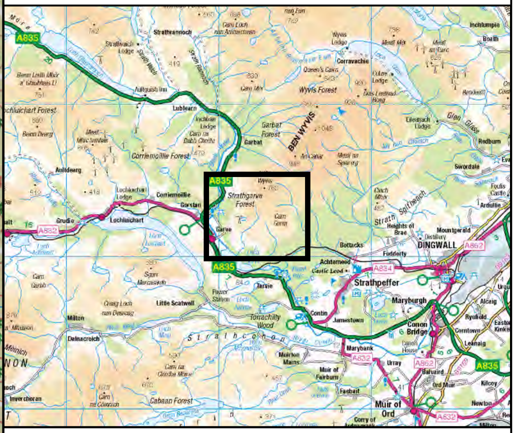
Q7.6 Are there any other relevant consultees who should be contacted, or other sources of information that should be referenced with respect to the ecology assessment?
Birdtrack could be another useful source of baseline bird & mammal information.

Q8.1 Do consultees agree that the range of ornithology surveys that have been carried out is sufficient and appropriate?
Slavonian grebe and Capercaillie could be highlighted as a key species to be aware of in context to survey work. Clarification that these species have been given due consideration would be helpful, as habitats appear relatively suitable close-by.

Q8.9 Can NatureScot or RSPB Scotland provide any up-to-date population numbers of golden eagle of the Glen Affric to Strathconon SPA, and wintering greylag goose population numbers of the Cromarty Firth SPA and Ramsar, and Inner Moray Firth SPA and Ramsar, to inform the assessment?
The SPA eagle population will be identified on the SPA citation, as per above weblink to the SPA Protected Area website page. Yes, we can provide details of eagle nest locations (issued under a data agreement) for use within an EIA Confidential Annex. We may also have some bird data linked to managing Ben Wyvis NNR, which we can provide if it is relevant. Please just email me what details you would like, but please be focussed with your request if possible – happy to discuss in advance. Please see our comments as above for SPA greylag geese.

A42





LEGEND

Site Boundary

Proposed Turbine Location

Statkraft

SLR

4/5 LOCHSIDE VIEW
EDINBURGH PARK
EDINBURGH
EH12 9DH

T: +44 (0)131 335 6830
www.slrconsulting.com

CARN FEARNA WIND FARM

SCOPING REPORT

SITE LAYOUT

FIGURE 3.1

Scale	Date
1:20,000 @ A3	JUNE 2023

402.064563.00001.0003.3 Site Layout

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A43

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Nicola Kennedy
Planning Department
Energy Consents Unit

By email only to: Econsents_Admin@gov.scot

Our Ref: 9693
Your Ref: ECU00004851

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

26 July 2023

Dear Nicola

ECU00004851
Wind Farm (Generating station of >100 <200 MW Capacity)
Carn Fearna Wind Farm, located approximately 1.5km north east of Garve, located entirely in the local authority area of the Highland Council

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development on 04 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 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 planning authority / determining authority

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

Living Wage Employer
UKAS TESTING 1327

Chairman
Bob Downes

CEO
Nicole Paterson

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

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

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 below 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 also provide the following site specific comments which should provide pre-application advice and can help the developer focus the scope of the assessment.

1. Site specific comments

1.1 A small section of the site, in proximity to the proposed location of Turbine 1 is forested. Depending on location of access and associated infrastructure it might prove possible to scope this issue out.

1.2 Significant parts of the site are on peat and carbon rich soils, in accordance with NPF4 Policy 5 (Soils) the Environmental Report will need to be supported by a comprehensive site specific Peat Management Plan that is underpinned by the mitigation hierarchy and the principle of avoidance. Several of the proposed turbine locations look problematic in this regard, most notably Turbine 5.

1.3 The peat probing data shown on Figure 9.2 (Peat Probing Plan) dates from 2013 is thought to be from the previous Carn Gorm Wind Farm proposal that was refused permission on appeal in 2015 (ref: PPA-270-2177). The only information provided to date relating to the proposed layout of this proposal relates to the location of the turbines. Once there is greater certainty as to the proposed location of all other aspects (access tracks, crane pads, hard standing areas, borrow pits, etc.) supplementary peat probing will need to be undertaken at an appropriate resolution to inform the site layout.

1.4 Given the presence of an existing access track from the A835 we would wish to see this used. There are also tracks on site that should be utilised, notably for Turbines 2, 4, 7 and 10.

1.5 Based on the information provided at this stage it seems unlikely that any development will take place within 250m of a groundwater supply source; if this is the case it would be helpful if the EIA Report provides evidence to confirm this.

1.6 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.

2. Regulatory advice for the applicant

2.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, 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: enter team email NHNI@sepa.org.uk.

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.

Kind regards,

Jonathan Werritty
Senior Planning Officer
Planning Service

E-copy to: nicola.kennedy@gov.scot

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: Detailed scoping requirements

This appendix 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. National Vegetation Classification survey (NVC) habitat mapping.
b) an outline Peat Management Plan (PMP).
c) an outline Habitat Management Plan (HMP)

Detailed advice

a) Development design in line with the mitigation hierarchy

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.

b) The outline PMP should also 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.

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.

c) The outline HMP 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.

3.8 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.

Scottish Forestry
Coilltearachd na h-Alba

A52
Glèidhteachais a Gàidhealtachd's nan Eilean
"Fearann – coilleach"
Rathad Fodderty
Inbhir Pheofharain

Highland and Islands Conservancy
"Woodlands"
Fodderty Way
Dingwall

IV15 9XB

highland.cons@forestry.gov.scot
Tel: 0300 067 6950

Conservator
Neach Dion Arainneachd
John Risby

10th July 2023

Nicola Kennedy
Energy Consents Unit
The Scottish Government

by email: Econsents_Admin@gov.scot

Dear Nicola,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM

Thank you for consulting Scottish Forestry on the Scoping Report for the proposed **CARN FEARNA WIND FARM** (proposed development). Scottish Forestry is the Scottish Government agency responsible for policy, support and regulation of the forestry sector in Scotland. As such we comment on the potential impact of development proposals on forests and woodlands.

The first consideration for all woodland removal decisions should be whether the underlying purpose of the proposals can reasonably be met without resorting to woodland removal. Scottish Government's Policy on Control of Woodland Removal clearly sets out a strong presumption in favour of protecting Scotland's woodland resources.
https://forestry.gov.scot/support-regulations/control-of-woodland-removal

In line with Scottish Government's wider objective to protect and expand Scotland's woodland cover, applicants are expected to develop their proposal with minimal woodland removal. Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits.

The following criteria for determining the acceptability of woodland removal should be considered relevant to this application –

- ***Woodlands with a strong presumption against removal***
  Only in exceptional circumstances should the strong presumption against woodland removal be overridden. Proposals to remove these types of woodland should be judged on their individual merits and such cases will require a high level of supporting evidence.

Where woodland removal is justified, the Compensatory Planting (CP) area must exceed the area of woodland removed to compensate for the loss of environmental value.

- ***Woodland removal with a need for compensatory planting***
  Design approaches that reduce the scale of felling required and/or converting the type of woodland to another type (such as from tall conifer plantation to low-height, slow growing woodland), must be considered from the earliest stages, rather than removing the woodland completely. The purpose of any required CP is to secure, through new woodland on site (replanting) or off site (on appropriate sites elsewhere), at least the equivalent woodland-related net public benefit embodied in the woodland to be removed.

Adopted and published by Scottish Ministers on Monday 13 February 2023, National Planning Framework 4 - Policy 6 Forestry, Woodlands and trees identifies several themes that should be considered relevant to this application –

b) Development proposals will not be supported where they will result in:
i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Conclusion
In direct response to the questions set out in the scoping report; due to the presence of Native Woodland within the site boundary Scottish Forestry advise the developer to provide a dedicated chapter on Forestry within the EIA report, this will enable the developer to describe the woodland loss and how the policies set out in this letter are addressed or it will describe the mitigations that enable the retention of the woodland.

Scottish Forestry welcomes the developers commitment within the Scoping Report to ensure that any proposed changes to woodland address the requirements of the Control of Woodland Removal Policy and other relevant guidance.

Scottish Government's policy on control of woodland removal: implementation guidance February 2019 https://forestry.gov.scot/support-regulations/control-of-woodland-removal provides guidance on the level and detail of information Scottish Forestry will expect within the

Scottish Forestry
Coilltearachd na h-Alba

EIA Report, to help us reach an informed decision on the potential impact of the proposed development.

Scottish Forestry advised the developer to include detailed information on the types and areas of forestry to be felled and restocked as a result of the proposed development. Detailed information on any compensatory planting proposals should also be provided. All felling, restocking and compensatory planting proposals must be compliant with the UK Forestry Standard. https://forestry.gov.scot/sustainable-forestry/ukfs-scotland

Any additional felling which is not part of the planning application will require permission from Scottish Forestry under the Forestry and Land Management (Scotland) Act 2018 (the Act). For areas covered by an approved Long Term Forest Plan (LTFP), the request for additional felling (and subsequent restocking) areas needs to be presented in the form of LTFP amendment. https://forestry.gov.scot/support-regulations/felling-permissions

The applicant should note that any compensatory planting required as a result of the proposed development, may also need to be considered under The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017. https://forestry.gov.scot/support-regulations/environmental-impact-assessment and should follow the process for preparing a woodland creation proposal, as set out in our guidance booklet: Woodland Creation Application Guidance. https://forestry.gov.scot/support-regulations/woodland-creation

Please don't hesitate to contact me if you have any questions regarding Scottish Forestry's response.

Yours sincerely
REDACTED

Dunstan Cribb
Operations Manager (Regulations and Development)
Highland and Islands Conservancy

Development Management and Strategic Road Safety
Roads Directorate

George House 36 North Hanover St Glasgow G1 2AD
Direct Line: 0141 272 7379, Fax: 0141 272 7350
gerard.mcphillips@transport.gov.scot

A55

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Nicola Kennedy
Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Econsents_Admin@gov.scot

Your ref:
ECU00004851

Our ref:
GB01T19K05

Date:
31/07/2023

Dear Sirs,

ELECTRICITY ACT 1989

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by SLR Consulting Limited (SLR) 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

We understand that the Proposed Development would comprise up to 14 wind turbines with a blade tip height of up to 200m located approximately 1.5km northeast of the village of Garve in Ross-shire. The nearest trunk road to the site is the A835(T) from which access is proposed.

Site Access

We note that it is proposed to form a new access to the site from the A835(T). We also note that it is proposed that speeds would be recorded by means of an Automatic Traffic Count (ATC) survey at the proposed site entrance in order to determine the 85th percentile speeds. This in turn would determine the design speed for visibility splays.

It should be noted that the design of any new or modified access junction will require to be compliant with the Design Manual for Rads and Bridges. We would also state that the design will require to be supported by a Stage 1 Road Safety Audit which should be undertaken in accordance with DMRB GG119.

A Road Safety Audit Brief should be submitted to Transport Scotland in the first instance setting out the scope of the audit and details of the audit team. The Road Safety Audit and designer's response to the audit should be submitted to Transport Scotland to allow the consultation process to be concluded.

We would also 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 for the A835(T) who is Marco Bardelli who can be contacted at marco.bardelli@transport.gov.scot.

Assessment of Environmental Impacts

Chapter 12 of the SR presents the proposed methodology for the assessment of Site Access, Traffic and Transport. This states 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 indicates that potential trunk road related environmental impacts such as driver delay, community severance and delay, vulnerable road users and road 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 the proposed study area for use in the traffic and transport assessment will focus on the A835(T) from its junction with the A9(T) to the site access. Base traffic for the A835(T) to the south of Loch Garve will be obtained from the Department for Transport (DfT) website, with a further Automatic Traffic Counter (ATC) placed close to the proposed site access and a second ATC placed on the A835(T) "in an appropriate location". Transport Scotland is satisfied with this approach but would add that baseline traffic flows would be subject to Low National Road Traffic Growth factors to determine the future year baseline. We would also state that a threshold assessment should be undertaken for the A9(T) as well as the A835.

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

Abnormal Loads Assessment

The SR states that a Route Survey Report (RSR) has been prepared by Pell Frischmann, dated June 2021 and the findings from this will be referenced within the EIA Report. The SR states that this report concludes that access to the wind farm is considered feasible, with various road modifications and interventions.

While this is considered acceptable, we would add that Transport Scotland will require to be satisfied that the proposed size of turbines can negotiate the selected route and that their transportation will not have any detrimental effect on structures within the trunk road route path.

The RSR will require to identify any 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. The RSR should be included with the application for review.

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

Gerard McPhillips

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.

From:	#ABZ Safeguarding
To:	Nicola Kennedy
Subject:	RE: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM
Date:	17 July 2023 09:37:03
Attachments:	image001.png image078394.png image392917.png image436283.png image577947.png image067563.png image052813.png image756541.png image125313.png

This proposal is located outwith the consultation zone for Aberdeen Airport. We therefore have no comment to make and need not be consulted further.

Kind regards
Kirsteen

Aberdeen International Airport

#ABZ Safeguarding
abzsafeguard@aiairport.com
www.aberdeenairport.com
Aberdeen International Airport Limited, Dyce, Aberdeen, AB21 7DU

CURRENT HOLDER OF FOLLOWING AWARDS

• Scottish Airport of the Year 2022.

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From:	radionetworkprotection@bt.com
To:	Nicola Kennedy
Cc:	radionetworkprotection@bt.com
Subject:	WID13148 - REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM
Date:	05 July 2023 13:46:05
Attachments:	image004.png Carn Fearna Wind Farm - Scoping Report Text_FINAL.pdf

BT Group

-

-

OUR REF; WID13148

Thank you for your email dated 04/07/2023.

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

The conclusion is that the Turbine locations provided within the attached should not cause interference to BT's current and presently planned radio network.

Kind Regards

Lisa Smith
National Radio Planner
Network Planning

BT Group

This email contains information from BT Group that might be privileged or confidential. And it's only meant for the person above. If that's not you, we're sorry - we must have sent it to you by mistake. Please email us to let us know, and don't copy or forward it to anyone else. Thanks.

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British Telecommunications plc
R/O : 1 Braham Street, London, E1 8EE
Registered in England: No 1800000

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A60

From: cononcommunitycouncil@gmail.com
To: Nicola Kennedy
Subject: Conon Bridge Community Council
Date: 07 July 2023 22:15:38

The Community Council in Conon Bridge is currently in abeyance. This email box is not being monitored.

Contin Community Council Points for Carn Fearna Scoping Study response v2

Background

We are concerned about the sudden increase in proposals for wind turbines in the area. In scoping and application at present there are plans for 75 turbines between Dingwall and Garve, each 200 m high (0.45 GW) (Hunterston A nuclear power station was 0.3 GWe). There is also a proposal by SSEN for the Spittal-Loch Buidhe-Beauly 400kV Reinforcement Pylons with preferred options centered around Contin involving towers 57 m high.

Electricity generation in the Highlands from wind already greatly exceeds local demand, but we have the most expensive electricity in mainland UK and significant fuel poverty (no mains gas). Any plans to generate electricity should be in locations as close as possible to the demand in order to generate in the most sustainable way and avoid industrialisation of the Highlands on a large scale.

Given that a previous proposal for this site was rejected on grounds of unacceptable visual impact, how is this proposal different, other than that the turbines are much bigger?

Detailed comments

1. S4.5. Given the very high visibility of this proposed development to the east, we consider the proposed 10 km mail-shot radius to be seriously inadequate and suggest 20 km or more, perhaps focussing on the area from which all 14 proposed turbines will be visible. Because the population is sparse to the north and west, this does not expand the mailing list disproportionately. We welcome the efforts to engage, but wish to be assured that this will be in ‘listen and learn’ mode, amenable to change, rather than ‘decide and defend’.
2. S6.2.6. ZTV Background maps need to include both zoomed-in and zoomed-out versions, such that visibility can be assessed in nearby settlements. We ask for the inclusion of a map calculated for hub height, since this indicates substantial visibility.
3. Table 6-1, consistency of view points with Tarvie proposal and all views should include both proposed developments. List should be a logical OR of locations. View point 6 should be selected to be an accessible point in the village giving the clearest view of the proposed development. We request that a view point is added for the View Rock (24594 85735) unless it can be shown that this would be entirely screened, even once the trees are harvested.
4. It is important the generated views include zoomed-in views, equivalent to that perceived by the eye without moving the head, as well as wider views. Ben Wyvis dominates the landscape; a view of Ben Wyvis in which it does not dominate is not representative of perception. We consider the Ben Wyvis massif to be an area of high landscape sensitivity. We would point out that Ben Wyvis is the nearest Munro to the large population centre of Inverness, such that car parking is an issue and enforcement measures are necessary in summer.

5. S6.3.6, 11. These are a wholly inadequate discussion of a very important point. There are a number of wind-farms already operating in the area, and proposals for 3 others immediately adjacent. We need a ZTV map that combines all visible tips, both built and currently proposed. Both wide-area and zoomed-in so that we can see the detailed effect around settlements.
6. ZTV maps should be calculated for the height of a first floor window; this is what you see when you get up or go to bed – a daily reminder.
7. SS7 and 8. Non-wind-farm proposals are scoped out of these assessments. Given that other electricity infrastructure is an integral part of the policies that might permit this development, the possible Spittal-Beauly link should be scoped-in to these assessments.
8. S9. There needs to be an awareness of the possible effects of introducing Ca-rich highly alkaline water associated with concrete, into a Ca-poor acidic environment. Given the known occurrence of sub-economic pegmatite bodies in the Carn Gorm area, there is the possibility that the proposed works will discover other pegmatites that may be of economic interest. The development should not sterilise these.
9. There seem to be no proposals to establish a noise baseline by measurement. There is significant seasonality in the weather at the proposed location. Background noise measurements should cover a variety of weather conditions, so 2-3 weeks monitoring is unlikely to be sufficient.
10. S11.5.2 is very dismissive of amplitude modulation. We are satisfied that the effect is real. Assessment after construction cannot lead to a solution – what other proposals are there?
11. S12.2.1. We do not understand why loads will pass the proposed site entrance, turn around, and then return to the site entrance?
12. The A835 trunk road between Contin and Garve is challenging, with poor visibility bends and summits, and has traffic associated with the very popular North Coast 500 route (used by cyclists as well as by motorists) and episodic traffic associated with discharge from the Stornoway ferry. Points west of Garve and south of Ullapool rely on the affected section of A835 to access larger shops in Dingwall and Inverness. There are regular and disruptive accidents with the current traffic load. There is no practicable alternative to this route – the next shortest route from Garve to Contin is ~100 miles. Even temporary closure of the road for abnormal loads is likely to cause major chaos and place pressure on the settlements of Contin and Garve, neither of which have public toilets. The effect of the development on cyclists could be mitigated by developing the proposed off-road route from Contin to Garve. This would be a planning gain.
13. The layout of Contin village is such that most residents live on the north side of the A835, and all the village amenities are on the south side, so nearly everyone has to cross a road that can be very busy at times. We have been campaigning for a crossing for years and would appreciate support for this from this and from the Carn Fearna proposal, both of which can only increase traffic.
14. Traffic on the A835 is episodic (associated with ferry arrivals at Ullapool) and seasonal (associated with tourism). The proposed traffic monitoring is insufficient to quantify this and must be improved.
15. The proposed site access area at Silver Bridge is also an important access point for recreation in the area, with parking and toilets. It is on a bend with poor visibility on a fast road. Changes will be necessary in this area to preserve access and improve safety.
16. This development is likely to interact negatively with the informal but popular Round Ben Wyvis mountain bike route.

17. S14. We perceive negligible direct economic benefit from the construction of the proposed development. Nett Benefit Retained is rather more important than Gross Value Added. We see an overall disadvantage from the general industrialisation of an area that is attractive to tourists because it is not industrialised. The very high visibility of the proposed development is significant in this regard – visitors to the area via the A835 will see a monumental wind farm at the same time as they first see Ben Wyvis.
18. There is a potential benefit from payments. The value of these needs to reflect the value of the electricity proposed to be generated and the needs of the area. A substantial number of properties in the Contin area have very poor insulation, leading to EPC ratings of F or G. Householders are struggling with heating bills. Typical improvement costs are of the order of £20-30k/property. Will the developers be contributing sufficient money to fix these houses over the next 10 years? 1% revenue minimum contribution is suggested, which will allow us to improve 60-70 houses over 10 years.
19. S16.8. There will be substantial volumes of soil and rock produced by excavations for footings and for access roads etc. What is the planned fate of these wastes?
20. S16.9. Typos!
21. Although policy is that the availability or otherwise of a grid connection is not a factor in the determination of a wind-farm application, we are concerned that development in this general area will exceed the capacity of local grid infrastructure, which was built many years ago for a different purpose. There is therefore the possibility that this application, with others, might trigger a requirement for further development of the grid infrastructure, to the further overall detriment of the rural quality of the area.
22. given that a previous proposal for this site was rejected on grounds of unacceptable visual impact, how is this proposal different, other than that the turbines are much bigger?
23.

A64

From:	Olivia Morrad
To:	Nicola Kennedy
Cc:	Econsents Admin
Subject:	20230825 REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM
Date:	25 August 2023 10:30:28
Attachments:	image001.png

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.

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A65

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: ECU00004851

Our Reference: DIO10059306

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

By email only

20 July 2023

Dear Nicola,

Application reference:	ECU00004851
Site Name:	Carn Fearna 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 Carn Fearna Wind Farm.
Site address:	Land approximately 1.5km northeast of the village of Garve in Ross-shire.

Thank you for consulting the Ministry of Defence (MOD) in relation to the scoping through your communication dated 04 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 14 turbines with maximum blade tip heights of 200.00 metres above ground level. The proposed development has been assessed using the location data (Grid References) below provided in the developers Environmental Impact Assessment Scoping Report dated June 2023.

Turbine no.	Easting	Northing
1	242144	863835
2	241779	863362
3	242586	863457

4	241347	862710
5	242086	862907
6	243145	863125
7	241503	862309
8	242024	862437
9	243173	862646
10	241330	861812
11	242730	862101
12	243825	862338
13	243207	861683
14	243983	861850

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.

The development proposed includes wind turbine generators and/or meteorological mast(s) that exceed a height of 150m agl and are therefore subject to the lighting requirements set out in the Air Navigation Order 2016. In addition to CAA requirements, the MOD will require the submission, approval, and implementation of an aviation safety lighting specification that details the installation of MOD accredited aviation safety lighting.

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 "Environmental Impact Assessment Scoping Report" dated 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

From: Safe Guarding
To: Econsents Admin
Cc: Safe Guarding; Nicola Kennedy
Subject: ECU00004851 - Carn Fearna Wind Farm
Date: 07 July 2023 13:11:18
Attachments: image003.png

Good afternoon,

In respect of the above, I can confirm the location of this development falls out with our Aerodrome Safeguarding zone for Edinburgh Airport therefore we have no objection/comment.

With best regards,
Claire

Claire Brown
Aerodrome Safeguarding & Compliance Officer

Edinburgh Airport
Where Scotland meets the world

Our values

t: +44 (0)131 344 3845 m: 07771 842927
www.edinburghairport.com

Edinburgh Airport Limited
Room 3/54, 2nd Floor Terminal Building
EH12 9DN, Scotland

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A69

FERINTOSH COMMUNITY COUNCIL ("FCC")

Registered Statutory Consultee

In re: Request for Scoping Opinion for Proposed Section 36 Application for Carn Fearna wind farm ("Scoping Opinion")

20 July 2023

The FCC has polled its residents with respect to the Scoping Opinion and received the following comments, requests and concerns:

- The community appreciates being included in the Scoping Opinion and believes inclusion in the process is imperative at all stages from the consultation process and beyond;
- If visibility will be a factor in the calculation of compensatory schemes, the community should receive a fair share of any amounts due;
- There should be a league table of visibility for encompassing each affected community;
- There is concern construction disruption is understated and the community would like a transparent and frank representation of what they might expect especially once the route is decided;
- Related to the preceding point, damage and inconvenience of construction is far greater than people realise and how this is presented especially at consultation stage. Transparent and frank representations are encouraged;
- The community appreciates of the number of community councils consulted in this process and consideration should be given to adding more and notified of the process;
- Change to views is damaging and a detriment to the local amenity;
- Off-shore wind turbine development is far better and more efficient than on land;
- The viewpoint from Culbokie needs to be identified and added to the viewpoint list. Related, the viewpoints from other communities also needs to be identified and clarified;
- The piecemeal nature of windfarm consultations is unsatisfactory. The Highland Council should view applications as a whole;
- A proper environmental study should be conducted looking at the impact of the collective windfarms – existing and proposed projects. Individual studies are insufficient.

From:	#GLA Safeguarding
To:	Nicola Kennedy
Subject:	RE: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM
Date:	17 July 2023 11:22:26
Attachments:	image001.png image168020.png image982464.png image332931.png image161782.png image588812.png image578794.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

GLASGOW AIRPORT

#GLA Safeguarding
#GLA Safeguarding

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

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

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A71

From:	Ian Hutchinson
To:	Nicola Kennedy; Safeguarding
Subject:	RE: External - REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM
Date:	04 July 2023 08:25:37
Attachments:	image001.png

Hi Nicola,

On behalf of Glasgow Prestwick Airport I have reviewed the information available on the ECU portal regarding Carn Fearna wind farm (ECU00004851).

The proposed development lies outside the GPA safeguarding area, and consequently we would have comment or valid objection to make.

Kind regards,

Ian

Logo

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

A72

From: Safeguarding
To: Nicola Kennedy
Cc: Safeguarding
Subject: RE: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM
Date: 20 July 2023 14:37:35
Attachments: image002.png
image003.png

Your Ref: ECU00004851
Our Ref: 2023/206/INV

Dear Sir/Madam,

Proposal: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM

The development has been assessed using the criteria below:

Turbine ID	Easting	Northing	Hub Height (m)	Rotor Diameter (m)	Tip Height (m)
1	242144	863835	122.5	155	200
2	241779	863362	122.5	155	200
3	242586	863457	122.5	155	200
4	241347	862710	122.5	155	200
5	242086	862907	122.5	155	200
6	243145	863125	122.5	155	200
7	241503	862309	122.5	155	200
8	242024	862437	122.5	155	200
9	243173	862646	122.5	155	200
10	241330	861812	122.5	155	200
11	242730	862101	122.5	155	200
12	243825	862338	122.5	155	200
13	243207	861683	122.5	155	200
14	243983	861850	122.5	155	200

HIAL has been consulted on the above proposed development, received by this office on:
04/07/2023

With reference to the above, our preliminary assessment shows that, at the given position and height, this development may impact the safeguarding criteria and operation of Inverness Airport.

HIAL request that an Aviation Impact Feasibility Study (AIFS), of the proposed development, is undertaken to understand any impact on the infrastructure and operation of Inverness Airport. The following are required to be assessed by the applicant:

Hazard	Impact	Additional Information
Air Traffic Control Surveillance Minimum Altitude Chart (ATCSMAC)	X	Please see CAP777 requirement.
Safeguarding of technical sites	☐	Please see CAP670 & CAP764 requirements (NAVAIDS)
Instrument Flight Procedures (IFPs)	X	Please see CAP785 requirement. The IFP Assessment MUST be produced by an Approved Procedure Design Organisation (APDO). A list of APDO can be found on the CAA website: Approved procedure design organisations | Civil Aviation Authority (caa.co.uk)
Primary Surveillance Radar	X	Please see CAP670 & CAP764 inc. Optical Line of Site assessment. Please consider the Thales STAR PSR & proposed Terma Scanter Radar - Expected to be commissioned Oct 2023. Contact this office for details of the location and electronics height.
New Airspace and Instrument Flight Procedures (Inverness Airport only)	X	It should be noted that Inverness Airport are in the process of developing new airspace and instrument flight procedures; this work is relatively mature and should be included in the AIFS. Data and information can be found: Inverness Airport | Civil Aviation Authority (caa.co.uk)

Lighting Requirement	**X**	For further information please refer to Advice Note 2 'Lighting' (available at http://www.aoa.org.uk/policy-campaigns/operations-safety). Please also consider the lighting requirements as documented in The Air Navigation Order 2016, Article 222.
Crane Permit	☐	Please see CAP1096, British Standard Code of Practice for the safe use of Cranes and Advice Note 4, 'Cranes' (available at http://www.aoa.org.uk/policy-campaigns/operations-safety/). A crane permit must be completed and submitted to HIAL. Please contact the HIAL safeguarding for a crane permit application.
Glint and Glare Assessment	☐	A glint and glare assessment must be submitted for the proposed development. More information can be found: https://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-5-Renewable-Energy-2016.pdf
Construction Management Strategy	☐	A construction management strategy must be submitted for the proposed development. This should include the following details: • Details of the construction of the Wind Turbines onshore • Turbine route map from onshore to the offshore location

It should be noted that HIAL would work with the developer towards a resolution. However, HIAL currently submit a holding objection until the AIFS has been submitted to and reviewed by HIAL.

Once the AIFS has been reviewed by HIAL, and any impact is understood, the applicant may then expect to be contacted by HIAL to enter formal discussions.

Kind regards,

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

A74

From:	JRC Windfarm Coordinations Old
To:	Nicola Kennedy
Cc:	Econsents Admin; Wind SSE
Subject:	CARN FEARNA - REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR WIND FARM [WF166821]
Date:	04 July 2023 11:11:37

Dear Nicola,

A Windfarms Team member has replied to your co-ordination request, reference **WF166821** 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 Nicola,

Planning Ref**: **ECU00004851

***Name/Location**: Carn Fearna*

***Turbine(s) at NGR**:*

1 242144 863835
2 241779 863362
3 242586 863457
4 241347 862710
5 242086 862907
6 243145 863125
7 241503 862309
8 242024 862437
9 243173 862646
10 241330 861812
11 242730 862101
12 243825 862338
13 243207 861683
14 243983 861850

***Hub Height**: 122.5m **Rotor Radius**: 77.5m*

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:

>1GHz Microwave Point to Point:

Scottish and Southern Electricity 0929207/1

Scottish and Southern Electricity 0929204/3

Scottish and Southern Electricity 0929238/5

Scottish and Southern Electricity 0929298/1

Scottish and Southern Electricity 0944123/1

Scottish and Southern Electricity 1040823/2

Scottish and Southern Electricity 0965628/2

Scottish and Southern Electricity 0929226/2

Scottish and Southern Electricity 0929165/2

Scottish and Southern Electricity 0929205/3

Scottish and Southern Electricity 1040823/1

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

****** NB. JRC previously objected to this development directly to Statkraft, in WF271053 on 28/3/2022. ******

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

JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.
Registered in England & Wales: 2990041
About The JRC | Joint Radio Company | JRC

We maintain your personal contact details and are compliant with the Data Protection Act 2018 (DPA 2018) for the purpose of 'Legitimate Interest' for communication with you. If you would like to be removed, please contact anita.lad@jrc.co.uk.

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=30892

MOUNTAINEERING SCOTLAND WALKCLIMBSKI

The Granary | West Mill Street | Perth | PH1 5QP
T: 01738 493 942 E: info@mountaineering.scot
www.mountaineering.scot

By email to: Econsents_Admin@gov.scot

Ms Nicola Kennedy
Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

19 July 2023

Dear Ms Kennedy

Carn Fearna Wind Farm, Little Wyvis, nr Garve: Environmental Impact Assessment Scoping Report

ECU reference: ECU00004851

Background and Context

1. Statkraft has applied for a scoping opinion for a wind farm on the southern shoulder of Little Wyvis, above Garve. The scoping proposal is for 14 turbines of 200m BTH.

2. Mountaineering Scotland is a membership organisation with more than 16,000 members and is the only recognised representative organisation for hill walkers, climbers, mountaineers and ski-tourers who live in Scotland or who enjoy Scotland's mountains. We represent, support and promote Scottish mountaineering, and provide training and information to mountain users for safety, self-reliance and the enjoyment of our mountain environment.

3. A windfarm proposal at this site under the name of Carn Gorm was previously refused in 2014 after a Public Local Inquiry, at which Mountaineering Scotland was represented. The Carn Fearna propsal covers essentially the same area as Carn Gorm, slightly expanded. The refused application was for 14 x 115m BTH.

Assessment

3. Mountaineering Scotland's concern at this stage is ensuring that the proposed viewpoints will allow a comprehensive assessment of the proposed development from a mountaineering/hillwalking perspective should an application be made.

4. The proposed site is a shelf of moorland and rough grazing on the south shoulder of Little Wyvis with an intricate topography of multiple small knolls and hollows and is very visible from surrounding hills and from low ground. The site is partly within the tip of a Wild Land Area and a Special Landscape Area.

5. There are operational wind farms within 10km to the west and to the south, and slightly further to the north-east, with another application in planning and two others in scoping.

6. There are five hill viewpoints proposed, and it is unfortunate that distances from the proposed windfarm are not given in the Scoping Report to allow for better judgement. We endorse the

Mountaineering Scotland is a registered trademark of the Mountaineering Council of Scotland Limited. Company No: SC322717

viewpoints 10, 11, 12 and 20. We propose that Am Faochagach (NH303793) be used instead of Ben Dearg (viewpoint 19) since both are Munros but the former is closer to the proposed development. This list omits any viewpoint in the Fannichs, which are a very popular range of hills to the west. We suggest the Munro An Coileachan (NH241680) be included to assess cumulative impact with the Lochluichart/Corriemoille cluster.

7. Please note that comments regarding viewpoints are based on the ZTV in Figure 6.4 which has other shadings superimposed making it very difficult to read and impossible to zoom for detail without pixellation making it indecipherable.

8. We note that the Scoping Report refers several times to drawing on information gathered as part of the previous 2013 planning application for the same location (under the name Carn Gorm) but makes no reference to that application having been refused planning permission at PLI. We request that any new application show how it has addressed the specific reasons for refusal in 2014.

Yours sincerely

REDACTED

Davie Black
Access & Conservation Officer
Mountaineering Scotland

T: 07555 769325

E: access@mountaineering.scot

From:	NATS Safeguarding
To:	Nicola Kennedy
Cc:	Econsents Admin
Subject:	RE: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM [SG35671]
Date:	04 July 2023 15:51:42
Attachments:	image002.png image003.png image004.png image005.png image006.png image007.png image008.png

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Our Ref: SG35671

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

A80

From:	ONR Land Use Planning
To:	Econsents Admin
Subject:	ONR Land Use Planning - Application ECU00004851
Date:	06 July 2023 11:39:31
Attachments:	image001.png image001.png

Dear Sir/Madam,

With regard to planning application ECU00004851, 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

A81

Nicola Kennedy

Energy Consents Unit

The Scottish Government

Email: Econsents_Admin@gov.scot

Date: 20th July 2023

Dear Nicola,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR CARN FEARNA WIND FARM

Thank you for consulting RSPB Scotland on the above EIA scoping opinion request. We hope that our comments presented below will be useful in the formation of the scoping opinion and to the Applicant in preparing any EIA Report.

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

We are aware that there was a previous wind farm application proposed within the current scoping site (Carn Gorm Wind Farm, Highland Council ref: 13/04791/FUL), which was refused in 2015 for visual and landscape reasons.

We are generally satisfied with the content of the scoping report and the proposed scope of EIA. We would like to make the following comments which we hope will help inform the EIA.

Designated Sites and Birds of Conservation Concern

Glen Affric to Strathconon SPA – Golden Eagle

As noted in the report, the proposed site boundary is approximately 3-4km from Glen Affric to Strathconon Special Protection Area (SPA) which is designated for its internationally important population of Golden Eagle. The SPA citation states that the SPA supports 10 active territories (2.2% of the GB population).

The scoping report states that Golden Eagle was the second most frequently recorded species in flight activity surveys (65 flights).

Chair of Council: Kevin Cox **President:** Dr Amir Khan **Chair, Committee for Scotland:** Dr Vicki Nash **Director, RSPB Scotland:** Anne McCall
The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654 Registered address: The Lodge, Potton Road, Sandy, Bedfordshire, SG19 2DL

It is possible that the wind farm site falls within one or more Golden Eagle territories, as indicated by the presence of Golden Eagle recorded to date. The loss of this area as a foraging habitat for Golden Eagle and potential collision risk could compromise the viability of one or more of these territories, which may be associated with the SPA. It is therefore important that territory and flight activity data are analysed to inform the windfarm layout. For example, turbines should not be located within the core of a Golden Eagle territory in order to reduce collision risk and displacement impact; should avoid ridges and sloped topography where golden eagles are more likely be foraging; and should avoid important transit routes to and from these areas. We therefore welcome use of the GET model as discussed below.

It is also important to ascertain the distances of operations from nearby Golden Eagle eyries, and whether there would be any line-of sight impacts, so that appropriate constraints can be put in place to prevent disturbance to breeding birds.

Lastly, we note that Q8.9 asks "Can NatureScot or RSPB Scotland provide any up-to-date population numbers of golden eagle of the Glen Affric to Strathconon SPA…?" and Qs 8.5 and 8.7 ask "Are there any other relevant consultees who should be contacted, or other sources of information that should be referenced with respect to the ornithology assessment?" Unfortunately, we do not hold such data, but recommend that the Highland Raptor Study Group are contacted for the latest figures and nest site locations.

Ben Wyvis SPA – Dotterel

We note that Ben Wyvis SPA lies approximately 1.2km from the proposed development site at its closest point but it has been scoped out of the assessment. It is designated for breeding Dotterel, which had not been recorded during surveys to date. Dotterels are notoriously difficult birds to survey and specific survey methods are required in suitable habitat[1].

In answer to Q8.4, we suggest that this SPA is scoped into the assessment, which should make clear whether there is suitable breeding habitat for Dotterel on site. If not, it is possible that these birds migrate over site and the EIA should include a qualitative assessment if no data is available.

Cromarty Firth SPA and Inner Moray Firth SPA – Greylag Goose

We welcome that these sites have been scoped into the assessment. We note that Q8.9 asks "Can NatureScot or RSPB Scotland provide any up-to-date population numbers of … wintering greylag goose population numbers of the Cromarty Firth SPA and Ramsar, and Inner Moray Firth SPA and Ramsar, to inform the assessment? Unfortunately, RSPB Scotland does not hold such data.

Red Kite

The Scoping Report states that the most recorded target species during the VP surveys was Red Kite (77 flights). This is concerning as we are aware that Red Kites both breed in the wider area, and collisions have been recorded at nearby wind farms in the Highlands.

[1] Gilbert, G., Gibbons, DW., Evans, J., Bird Monitoring Methods (1998)

Every effort should be made to locate turbines away from areas of concentrated use to avoid impacts on this species and then mitigation options considered to reduce any impacts further.

Black Grouse

Black Grouse are a red listed species of conservation concern. RSPB Scotland holds records of Black Grouse leks in the area and we are pleased that leks have been picked up during the surveys undertaken so far. The EIA must include an assessment of the disturbance, displacement, and collision risk for this species. Black Grouse are known to collide with turbine bases rather than the blades so this should be included in the collision risk assessment.

Black Grouse are sensitive to disturbance during lekking, and infrastructure should be designed to avoid potential displacement ensuring a 750m buffer is in place around leks[3]. In addition, work should be planned to avoid disturbance during the lekking season (March to May inclusive).

We would encourage the consideration of positive habitat management for the species within 1.5km minimum of any lek sites. Promotion of heather and other dwarf shrubs and low density native woodland planting adjacent to commercial forestry blocks may also help sustain the species along with areas of bog restoration to create wetter areas for feeding. This should be considered in the HMP and for any biodiversity enhancement actions.

Survey Methodology

In answer to Qs 8.1-8.3, we suggest that while we are, in general, content with the range, areas/buffers and approach of the bird surveys undertaken to date, it would have been prudent to include Dotterel in the suite of surveys undertaken, as discussed above.

In addition, we note that raptor and eagle surveys were undertaken between April and August in 2020 and 2021. NatureScot guidance states that eagle surveys should start as early as February when the breeding season begins[2].

We recommend that information is provided within the EIA report to demonstrate that the survey data are adequate, robust and accurate including:

- Full information on the VP work undertaken, including dates, times and weather conditions.
- Maps showing VP locations that also denote viewsheds.
- Maps showing goose, swan, wader, grouse, crossbill and raptor breeding, foraging and roosting areas.
- Worked example(s) of collision risk calculations
- Provision of raw data in order independent verification of collision risk calculations

Assessment of impacts

[2] SNH 2017: https://www.nature.scot/sites/default/files/2018-06/Guidance%20Note%20-%20Recommended%20bird%20survey%20methods%20to%20inform%20impact%20assessment%20of%20onshore%20windfarms.pdf

The EIA should consider all the components of the proposal including turbines, battery compounds, borrow pits, access roads (including the route on public roads to get the turbines on site), on site tracks, drainage, grid connection, substation and temporary construction buildings/storage compounds. It should also assess the impacts of all phases of the project including site selection, design, construction, operation and maintenance.

Disturbance, displacement, loss of suitable habitat (breeding, wintering and foraging) and collision risk should be assessed for all scoped in species, both during construction and operation. This should not only include impacts from the wind turbines but also new tracks and infrastructure as well as any existing road widening or upgrades.

The potential barrier effects of this proposal should be addressed in the EIA for the proposed windfarm alone, and as part of the cumulative assessment, particularly with regards to raptors and geese.

We note that, due to changes in Proposed Development layout subsequent to surveys ending, a small number (1-2) of indicative turbines do not have full coverage from vantage points. We understand that the layout will be refined further prior to EIA. We strongly suggest that any turbines not covered by VP viewsheds should be removed from the scheme. We also suggest that the turbine at the VP1 location should be removed due to observer influence as per NatureScot guidance[3].

With regards to eagles, we welcome the intention to produce a Golden Eagle Terrain (GET) model, but this should not take precedence over observational data, particularly of breeding birds as the GET model is used to predict landscape use by dispersing and non-breeding golden eagles.

Lastly, if significant numbers of collisions are predicted, then population models are likely to be required and we ask that these should be produced to provide Counterfactual of Population Size (CPS) outputs. We have recommended this for other similar developments with impacts on Golden Eagle, and it would also be useful in this case.

Cumulative and In-combination Impacts

Cumulative impacts on the species and their populations that are sensitive to wind energy developments (via disturbance, displacement, collision risk and barrier effects) should be assessed across both the NHZ7 (Northern Highlands) and NHZ21 (Moray Firth) and in relation to any designated sites with connectivity to the application site, including SPAs. In answer to Q8.6 and 8.8, in addition to wind farms, the in-combination effect of other relevant plans or projects, such as overhead power lines and new woodland planting, should also be considered. For example, the grid connections to all wind farms included e.g., the recent Section 37 Consent for Lochluichart Wind Farm Ext II (ECU00004605).

Peatland Assessment

The site contains significant areas of Class 1 and 2 deep peat, according to the NatureScot Carbon and Peatland Map 2016. Class 5 peat is also recorded over the

[3] SNH 2017: https://www.nature.scot/sites/default/files/2018-06/Guidance%20Note%20-%20Recommended%20bird%20survey%20methods%20to%20inform%20impact%20assessment%20of%20onshore%20windfarms.pdf

site. Policy 55 Peat and Soils, of the Highland Wide LDP, state that development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.

Results of the site-wide peat-depth survey should inform the final infrastructure design and ensure it avoids deep peat (over 50cm deep) and any sensitive habitats. The mitigation hierarchy must be followed, with impacts avoided and minimised where possible.

New NatureScot guidance[4] is now available on development on priority peatland and outlines recommendations for compensation and enhancement in line with Policy 3 of NPF4. This should be taken account in the Habitat Management Plan, as discussed below.

Post-construction monitoring and Habitat Management Plan

We believe that development should leave nature in a better state than before it took place and welcome NPF4's commitment to deliver positive effects for biodiversity through development.

Policy 1 states that 'when considering all development proposals significant weight will be given to the global climate and **nature crises'** (emphasis added). Policy 3 states that, 'Development proposals for national or major development or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention'. It goes on to list a number of criteria which applicants must demonstrate they have met, including 'significant biodiversity enhancements are provided, **in addition to** (emphasis added) any proposed mitigation'.

Early consideration of how positive effects for biodiversity will be delivered is encouraged. Any mitigation, compensation and enhancement measures should be clearly and separately identified within the EIA. New NatureScot guidance[4] recommends 'that restoration to achieve offsetting (i.e. compensation rather than biodiversity enhancement) would be in the order of 1:10 (lost:restored)' plus 'an additional 10% of the baseline assessment of the extent of priority peatland habitat for biodiversity enhancement'.

We note that the Applicant intends to investigate opportunities for ecological enhancement and that an Outline Habitat Management Plan will be included with the EIAR.

We strongly support the production of an outline Habitat Management Plan (HMP) and Breeding Bird Protection Plan (BBPP), including an indication of size of any areas to be restored. We would recommend consideration of actions such as maximising bog restoration to increase biodiversity and climate benefits, and habitat management and/or creation for black grouse, away from turbine locations.

Any compensatory planting should be comprised of native species and be included within the HMP.

[4] https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management#Enhancement

The HMP must include a comprehensive monitoring programme for any habitat improvements, breeding birds on the site and SPA-featured species, including golden eagle.

Lastly, the HMP (or other document) should include a protocol for reporting collisions to NatureScot. We are aware that some existing operators already have such protocols in place.

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

Yours sincerely,

REDACTED

Bea Ayling
Conservation Officer
bea.ayling@rspb.org.uk

Monday, 10 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,

Carn Fearna Wind Farm, Garve, IV23 2PT
Planning Ref: ECU00004851
Our Ref: DSCAS-0090264-RCM
Proposal: Wind Farm (Generating station of >100 <200 MW Capacity)

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 there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

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,

Angela Allison
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."

ANNEX B

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

July 2020 updated April 2022

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: ○ the turbines, ○ associated crane hard standing areas, ○ borrow pits, ○ permanent meteorological masts, ○ access tracks including watercourse crossings, ○ all buildings including substation, battery storage; ○ permanent and temporary construction compounds; ○ all watercourses; and ○ 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.			