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for people
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RSPB Scotland

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Mr Simon Fraser
Area Planning and Building Control Manager
Highland Council
King's House
The Green
Portree
Isle of Skye
IV51 9BS

25.4.02

Dear Mr Fraser,

Town and Country Planning (Scotland) Act 1997
The Environmental Impact Assessment (Scotland) Regulations 1999
Proposal: Erection of windfarm comprising 28 turbines, foundations, transformers,
site tracks and other ancillary works.
Site location: south of Edinbane, Isle of Skye
Developer: Amec Wind

Thank you for consulting RSPB Scotland on this planning application and the accompanying Environmental Impact Assessment. At this stage we wish to lodge a holding objection pending the provision and consideration of the information detailed below:

1. Provision of the 'Tilhill Report' as promised at p27, Section 7.1.3 of the EIA.
2. Provision of the raw data used to produce the confidential annex, including
[REDACTED]
3. Clarification of the time spent collecting data from vantage points, grid references and further explanation of inaccuracies identified in Table 1 of the Confidential annex.
4. Provision of recently collected vantage point data.

Without the information detailed above it is impossible for RSPB Scotland to reach an informed view regarding the environmental impact of this proposal and strongly



suggest that the Council is in the same position. However, notwithstanding the need for this information the remainder of this response identifies areas of concern or comment, which can be made at this stage.

The RSPB and Renewable Energy

The RSPB supports the development of renewable energy projects, including wind power, provided such developments are designed and sited sensitively and without significant impacts on important nature conservation interests.

Pre-Consultation Discussions

While we are pleased to have been involved in discussion with the developers during the development of the Edinbane proposal, we are concerned that several of the issues raised during the process of consultation have not been addressed or are inadequately covered in the EIA.

Importance of the Site

The EIA seeks to evaluate the environmental importance of the site, however, the absence of key pieces of information and data make this very difficult. As identified in the EIA (p27, S7.1.3) consultees were promised a copy of the 'Tilhill Report' which contains data on an important moorland wader community adjacent to the site, this has not yet been received. Furthermore, recently collected data on raptors from vantage point watches are not available and raw data we presume was used in the iterative process has not been presented.

Areas of Concern/Comments

1) Cumulative impact

The proposed development is located on an area of open rolling moorland of considerable importance to Skye and perhaps even nationally for its populations of moorland waders and raptors. (Further evaluation of this will only be possible on the receipt of the requested data.) There is therefore a need to carefully consider the long-term protection of this area and to identify the most appropriate development, if any, applicable for the site. We are currently aware of a second windfarm proposal in preparation within this moorland unit and urge the council to take this into consideration in determining this proposal. The cumulative impacts of two developments on species of national (Schedule 1) and even international importance (Annex I) may be greater than the sum of the parts. Other local authorities (Argyll and Bute Council – Cruach nan Gabhar and Beinn an Tuirc windfarms) have successfully chosen to consider applications together when faced with multiple applications which may affect the ecology and landscape of a particular area.

2) Incomplete data set

The ornithological data presented in the EIA are incomplete and in some cases the accuracy is questionable and does not substantiate the conclusions made in the report. The following points are made in support of this statement.

The breeding bird survey was completed in two days in May with two days' follow up visits in June. The method followed (Brown & Shepherd 1993) states that the survey should be conducted between 08.30 and 18.00 hours, that the observer must spend 20-25 minutes in each 500x500m quadrant and a constant search intensity (0.8-1.0min/ha) should be maintained, thus allowing up to 4km² to be covered in one day. Since this site covers 14km² we feel there has been insufficient time allowed to conduct the survey comprehensively and that the results may reflect this.

In addition to the above issues regarding the breeding bird survey, there are a number of points regarding the vantage point watches which cast doubt on the integrity of the data obtained. The aim of this survey technique is to identify presence and relative usage of an area for breeding and hunting. The study area should encompass the area of interest and a reference area unaffected by the development, with nesting territory locations mapped within a 5km radius of the proposed windfarm, on the basis of vantage watches. Block watches of several hours are required to obtain useful data on hen harriers. From the data tabled in both the main report and the raptor annex, it appears the period of time allocated to each watch point falls short of the recognised 3 hours necessary for each survey period. (In one case only 20 minutes were spent at one site that was not revisited.) Also, several of the vantage point grid references are incorrect, the observer appears to have been in two places at one time during the 2001 survey and the data do not reflect usage of the area since they were collected over two very brief periods in May and June. In addition, six of the nine vantage points used in 2001 and two of the four used in 2002 are located within the proposed wind farm area [REDACTED]. In view of this and the concentration of watches both before and after periods of wider surveys on the hill, the data are not independent and are seen as unreliable and incomplete.

Raptor interest

The EIA identifies several species of importance [REDACTED]

[REDACTED] These include golden eagle, white-tailed sea eagle, hen harrier and peregrine. Merlin and short-eared owl have also been recorded on this site in the past but were not found during the surveys carried out for this development.

[REDACTED] believe monitoring data are available and that these should be made available to consultees, particularly since they have been part of the iterative process in assisting the developers to predict the potential impacts on [REDACTED]

[REDACTED] As stated above all site data used in the iterative process should be presented in a technical annex to the report (IN CONFIDENCE).

The EIA identifies the Ben Sca ridge as providing the main updraught for golden eagles soaring and states that the turbine layout has been modified to maintain significant corridors along the north-south ridge to the east and Ben Sca/ Ben Aketil in the west. In our opinion, the location of turbines 13, 14 and 15 on the flank of Ben Sca is an unnecessary intrusion into this ecological unit. Further, with turbines, 19, 20 and 21 located on the eastern ridge and turbine 24 on the northern flank of this ridge, it is misleading to describe this as an open corridor.

The EIA states that there was no evidence that hen harrier, merlin, peregrine, or short-eared owl bred within the survey boundary in 2001 and that this was confirmed by data obtained from vantage point watches. With the inadequacies identified above as regards the vantage point and breeding bird surveys it is not possible to say [REDACTED]

[REDACTED] The potential number of birds concerned is also significant in terms of the local population (c. 25% of the Skye population and 0.8% of the national population). [REDACTED] should have been included in the confidential annex for a full assessment of the impacts. If they are not available then further survey work is required to ascertain their precise locations. These data are essential in order to assess the impact of the development on this nationally rare and internationally protected species.

Wader and red grouse interest

The EIA identifies golden plover, dunlin, curlew and snipe as the four wader species present. Golden plover (Annex 1), dunlin and snipe numbers are likely to have been under-estimated in the rather hasty survey. In the absence of the Tilhill 1996 report, which gives details of the wider population on Ben Sca, it is not possible to fully assess the importance of this population at present. However, correlation of the smooth moorland category identified on the Landscape Character Map (Figure 10) with knowledge of wader distribution on the island would suggest that there are far fewer than ten localities similar to Ben Sca on Skye, as stated in the report.

We welcome the recognition that golden plover and dunlin are sensitive to disturbance and wish to endorse the recommendation that wider public access to the site post-construction should be discouraged.

With an estimated ten red grouse territories within the wind farm area, this cluster is more significant in local population terms than indicated in the report. Red grouse are an important prey item in a moorland system. As the report points out, they have been known to collide with turbine structures and have shown population declines associated with the development of windfarms elsewhere. We would welcome clarification of the off-site mitigation measures referred to in the report.

Disturbance

The EIA does not appear to address the issue of disturbance during the construction phase, though it does recommend that maintenance of underground cables be scheduled outwith the breeding season (mid April to late June). We would urge that as a condition of planning, the construction and all ancillary works on site should be restricted to the period July through to March to minimise disturbance to Annex 1 and any Schedule 1 species breeding on site.

Section 7.4.4 suggests the use of buffer distances for developments associated with the wind farm, however, we are unclear as to the exact extent or basis for these. Ranging in size from 200m for Golden Plover and Snipe to 1000m for Curlew. We would welcome clarification of these distances.

Monitoring masts

We note that the application also includes the erection of a 50m guyed wind monitoring mast. In view of the various avian interests on the site, we recommend that the guys be clearly marked to minimise the risk of collision. Furthermore, it should be made a condition of planning that the mast be removed when its period of usefulness has expired. We noted during our site visit that this practice has not been observed with the 10m mast erected in 1996 which still lies damaged, next to where it was sited. With the guys still attached this a potential hazard for both wildlife and domestic animals. This should be removed forthwith.

Roads

The peat depth survey is not comprehensive as it does not sample either the centre 2km² of the site or the area in the north where turbines 25, 26, 27 and 28 are located. However, we urge the council to set a maximum peat depth limit (<0.3m) after which the developers must use floating roads on-site. Restricting hard-standings to <0.3m peat depth would avoid unnecessary digging into deep peat, reduce the number of hard barriers in the peat which will affect the peat hydrology, associated vegetation and wader communities, and would minimise the need for road stone on site. The EIA refers to the various options available for source material for road construction for the site but there is no full evaluation of the implications of each or conclusion on the source to be used. In view of the potential importance that this may have both in terms of conservation and landscape, this should be the subject of a suspensive condition.

Hydrological integrity

The siting of a number of the turbines is questioned because of their incongruity with the remainder of the development and the breach in the integrity of otherwise pristine hydrological units. In particular, turbine numbers 13, 14 and 15 stand out, but also turbine 20 and its associated

900m of track and turbine 21, which is located on the edge of a pool system at the end of over 500m of track.

9) Monitoring

The requirements for future monitoring cannot be assessed without access to the missing data.

10) Fencing

We note that the construction programme includes fencing as a requirement of the scheme. New fences on previously open moorland can also present a hazard for low flying species unless carefully sited. RSPB Scotland would be happy to advise on the location of fencing to minimise collision risk.

I would be pleased to expand on any of the points raised above and to provide further detailed comments when additional information becomes available. I would be grateful if you could keep me informed of the progress of this application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alison MacLennan', with a long horizontal flourish extending to the right.

Alison MacLennan
Senior Conservation Officer

cc Anne McCall, RSPB
Rowena Langston, RSPB
George Campbell, RSPB
Alex Turner, SNH