AGENDA ITEM 9

APPENDIX 3

2018/0153/PAC

SNH RESPONSE

Scottish Natural Heritage
Dualchas Nàdair na h-Alba
All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Stephen McFadden
Consents Manager
Energy Consents Unit
The Scottish Government

By email only to EconsentsAdmin@gov.scot

Date: 25 July 2018
Our ref: CDM150224

Dear Stephen

Paul's Hill II wind farm proposal west of Upper Knockando, Moray

The Electricity Act 1989 Section 36
Submitted under The Electricity Works (Environmental Impact Assessment) (Scotland) regulations 2000 as amended by the Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2008

Thank you for your consultation dated 16 April 2018 on the application and associated Environmental Statement (ES) for the Paul's Hill II wind farm proposal. Thank you also for agreeing to an extended response time.

The application is for a wind farm comprising of up to 7 wind turbines with associated infrastructure. There will be a mixture of turbine sizes; 6 turbines of an overall height from base to tip not exceeding 149.9 m and 1 turbine of an overall height from base to tip not exceeding 134 m. ES Chapter 4 provides a description of all elements of the proposal.

1. Summary

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

2. Our comments on the Environmental Statement (ES)

We have been working closely with the applicant and their consultants on the Paul's Hill I wind farm for several years. We have been to site on many occasions and receive ecological reports for our approval on an annual basis. Combining the assessments in the ES and our experience of the issues on site we are able to advise on key natural heritage interests.

3. Advice on natural heritage impacts

River Spey Special Area of Conservation (SAC)

In our view, this proposal is likely to have a significant effect on the 4 qualifying interests of the River Spey Special Area of Conservation (SAC). These species are Atlantic salmon, sea lamprey, freshwater pearl mussel and otter. As competent authority you are required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

To help you do this, we advise that in our view the proposal will not adversely affect the integrity of the site provided it is undertaken strictly in accordance with the proposed mitigation, referred to as '**mitigation by design'** or '**embedded mitigation'**, **(para 7.11.14 , ES chapter 7 'ecology')** which includes but not limited to; -

- the proposed pre-construction and construction fish monitoring programme

- best practice guidelines during construction (including a Species Protection Plan and Ecological Clerk of Works for example)

- In addition **monitoring**, as proposed in **paras 10.6.90 – 10.6.98, chapter 10 'hydrology, geology and hydrogeological assessment',** is essential to ensure that all phases of the development (construction, operation and decommissioning) do not result in direct or indirect negative effects on the water environment.

The appraisal we carried out considered the potential for the proposal to impact on the 4 species through deterioration in water quality from surface water drainage across exposed surfaces on the wind farm site during all phases of the development. We also considered the lower levels of otter activity on the wind farm site and the need for protection measures during works to Blacksboat Bridge should this be required.

I attach a copy of our River Spey SAC appraisal for your information.

Hen harrier

The proposal will result in the loss of some potential nesting and foraging habitat for this species. The additional turbines and their size increase the potential collision risk overall at the Paul's Hill site.

Specific embedded mitigation measures (para 8.5.5, ES chapter 8) are proposed for hen harrier to minimise the potential effects of disturbance and/or displacement, and to ensure compliance with the law. A Species Protection Plan (SPP) is proposed and best practice guidance regarding breeding birds will be followed, with an ECoW employed during construction.

The ES refers in paras 8.5.5 and 8.5.15 to measures to reduce the attractiveness of habitats for nesting as following SNH guidance. Our guidance document is however applicable to afforested sites and not relevant to the open moor of the Paul's Hill site. Given that the species at this site is occasionally known to nest in relative proximity to turbines it may be better to retain suitable nesting habitat than to destroy it. We would recommend discussion and agreement on this point prior to the finalisation of the HMP with the suggestion being retention of as much suitable nesting habitat as possible.

A Habitat Management Plan is proposed to continue the work to enhance conditions for successful hen harrier breeding. The operational Ornithological Monitoring Plan (OMP) will complement the HMP and help assess the efficacy of measures outlined in the HMP and species-specific embedded mitigation in order to maximise the effectiveness of the HMP in achieving its objectives.

Our view is that the increased risk to hen harrier is likely to be effectively offset by these measures.

- We would recommend that the embedded mitigation for hen harrier in para 8.5.5 is enacted to minimise risk during construction; although, as referred to above, we do suggest the retention of any suitable nesting habitat regardless of proximity to turbines.

- The role of the ECoW is important during construction to minimise the risk to bird species including hen harrier. The elements of this role relating to birds are detailed in paras 8.5.11 – 8.5.13. If there is to be one condition covering the ECoW role then we would recommend that these elements are included in that description.

- We would also recommend that the HMP outlined in paras 8.5.14 – 8.5.15 and the OMP in para 8.5.16 are implemented throughout the operational period of the wind farm. Although, with respect to the HMP and as referred to above we do suggest the retention of any suitable nesting habitat regardless of proximity to turbines.

Other bird species

- As above, the role of the ECoW is important during construction to minimise the risk to bird species. Assuming there will be a condition covering the ECoW role then we would recommend that the elements described in paras 8.5.11 – 8.5.13 are included in that role description.

Habitat Management Plan

A Habitat Management Plan (HMP) is proposed to offset habitat loss from infrastructure and enhance habitats away from turbines for species at potential risk of disturbance, displacement and collision risk; in this case the focus is on hen harriers.

The approach to Paul's Hill II HMP is described in paras 7.6.8 – 7.6.10 and we are pleased that the new HMP would cover the new development and the existing HMP area thereby extending the work and objectives of the original wind farm for the full duration of the Paul's Hill II site.

- We recommend that the implementation of the HMP is secured through condition or similar.

Ecological Clerk of Works (ECoW)

We welcome the proposed appointment of an ECoW. We recommend that the role covers all the aspects described in paras 7.6.16. This is so that impacts on sensitive habitats and species are reduced or avoided and work can cease if there is a risk of mitigation being insufficient to avoid significant ecological impacts.

Landscape, visual and cumulative impacts

The increased height of the proposed 149 m turbines would mean that the previous containment, achieved by siting the original 100 m turbines in a core area centrally within the *Open Rolling Uplands* landscape character type (LCT), would be breached. Visibility of turbines would be introduced into the Spey valley and intrude upon the appreciation of adjacent small scale landscapes.

There is some increased level of landscape and visual impacts on the Cairngorms National Park and special landscape qualities (SLQs). However these are considered to incur localised significant effects which are limited in extent and as such are not considered to significantly affect the SLQs of the Park.

Whilst the resultant significant effects are relatively limited in extent, we consider further mitigation could be achieved to improve the design of the extension, reflecting guidance from the Capacity Study.

However, we have taken into account the other natural heritage interests on site and consider that embedded mitigation for the River Spey SAC and hen harrier are, on balance, more important at Paul's Hill and should not be compromised by changes to further reduce landscape and visual impacts. If design changes are identified that would not compromise the mitigation for the SAC and hen harrier we would recommend such amendments are made.

Annex 2 includes a more detailed appraisal of the landscape, visual and cumulative impacts.

Decommissioning Plan

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

We refer the applicant to our 2016 guidance 'Decommissioning and Restoration Plans for wind farms for on-shore wind farms'

Concluding remarks

Should you have any queries regarding our advice please contact Jennifer Heatley on 01343 541 216 or at Jennifer.heatley@nature.scot

Yours sincerely

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cc. Neal MacPherson & Gary Templeton, Moray Council
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Annex 1. Compilation of recommended measures

River Spey Special Area of Conservation (SAC)
The development must be undertaken strictly in accordance with the proposed mitigation, referred to as '**mitigation by design'** or '**embedded mitigation'**, **(para 7.11.14 , ES chapter 7 'ecology')** which includes but not limited to; -

- the proposed pre-construction and construction fish monitoring programme
- best practice guidelines during construction (including a Species Protection Plan and Ecological Clerk of Works for example)
- In addition **monitoring**, as proposed in **paras 10.6.90 – 10.6.98, chapter 10 'hydrology, geology and hydrogeological assessment',** is essential to ensure that all phases of the development (construction, operation and decommissioning) do not result in direct or indirect negative effects on the water environment.

Hen harrier
We recommend embedded mitigation (para 8.5.5) is enacted to minimise risk during construction; although we do suggest the retention of any suitable nesting habitat regardless of proximity to turbines.

We would also recommend that the HMP outlined in paras 8.5.14 – 8.5.15 and the OMP in para 8.5.16 are implemented throughout the operational period of the wind farm. Although, with respect to the HMP and as referred to above we do suggest the retention of any suitable nesting habitat regardless of proximity to turbines.

Bird species
Assuming there will be a condition covering the ECoW role then we would recommend that the elements described in paras 8.5.11 – 8.5.13 are included in that role description.

Habitat Management Plan (HMP)
We recommend the implementation of the proposed HMP (approach described in paras 7.6.8 – 7.6.10) and to include details referred to in paras and 8.5.14 – 8.5.15 with the likely exception of removal of suitable hen harrier nesting habitat so that positive conservation measures for hen harriers and moorland habitats can continue.

Ecological Clerk of Works (ECoW)
We recommend this role covers all the aspects described in paras 7.6.16 so that impacts on sensitive habitats and species are reduced or avoided

Landscape, visual and cumulative impact
If design changes to further reduce landscape and visual impacts are identified that do not compromise the embedded mitigation for the River Spey SAC and hen harrier we would recommend such amendments are made.

Decommissioning Plan
We recommend that an additional consultation is carried out well in advance (e.g. 3-5 years) of the year of decommissioning to ensure all natural heritage considerations are taken into account.

Annex 2 – SNH appraisal of landscape, visual and cumulative impacts

Background

The proposal is for 7 turbines located to the east of, and as an extension to, the existing Paul's Hill Wind Farm in Moray. The proposed development comprises 6 turbines 149.9 m to blade tip height and 1 turbine 134 m to tip, sections of new and upgraded track, a borrow pit and control building.

The existing development of Paul's Hill Wind Farm comprises 28 turbines 100 m blade tip height. Both the existing and proposed developments are located within the *Open Rolling Uplands* landscape character type (LCT).

This advice is informed by the Paul's Hill II Wind Farm Environmental Statement April 2018; several site visits to consider the specific proposal in conjunction with other wind energy developments in Moray, and previous experience of dealing with wind energy development also in Moray.

Moray Wind Energy Landscape Capacity Study May 2017 (Capacity Study)

The Capacity Study advises that the existing Paul's Hill development was sited and designed to occupy a core area centrally within the *Open Rolling Uplands* LCT and generally set back from the LCT edges where they transition into smaller scale adjacent landscapes. As such visibility to this development entails views where the development occupies a relatively confined section of the skyline and sits within a shallow dip between more pronounced hills such as Roy's Hill.

This Capacity Study builds on the existing 2006 Capacity Study for Moray and also sets out an appraisal of repowering potential, considering much larger turbines of 150 m and 200 m. It is considered within the Capacity Study (Chapter 4) that the '*increases in the extent of visibility associated with larger turbines could also influence change within more sensitive landscapes in Moray…..principally…the scenic Spey Valley…*' It was also found that views of the wind farm from the ground and effects on landscape character would significantly change, with the wind farm image appearing overly cluttered.

The Capacity Study concluded that increases of turbine height to 150 m could theoretically be accommodated, however it would be important to **limit visual intrusion by locating larger turbines in similar core areas** (to the existing development) **set back from sensitive skylines and the outer edges of these uplands**. This would in turn reduce the contribution of any extended development to the cumulative effects on the immediate and wider landscape character.

Specifically for the *Open Rolling Uplands* LCT the Capacity Study advises that some very limited scope has been identified for very large turbines around 150 m high, and could be accommodated in this more extensive upland landscape. However turbines should be set back well into the core of upland areas, avoiding smaller scale and more complex landforms.

Landscape, Visual and Cumulative Impacts

Early design mitigation (ES Figure 3.2) dropped turbine numbers and pulled back some turbines from the upper slopes of Roy's Hill. Whilst the turbine numbers have been reduced, this mitigation

has been eroded by an increase in turbine height from 125 m to primarily 149.9 m (acknowledging the proposal to include turbines at 174.5 m was dropped).

The relatively limited scale of the proposed extension to Paul's Hill wind farm has meant that cumulative impacts are more restricted in extent in the wider study area. As such this advice focusses on the additional impact of Paul's Hill II in combination with Paul's Hill and in particular issues of scale and conformity with Capacity Study guidance.

Consideration of ZTV Figure 6.13a illustrates that with the addition of the 7 turbines of Paul's Hill II this introduces some new additional visibility into the lower east facing slopes of the Spey Valley at Knockando, further afield on north facing slopes infrequently at Advie and Boat of Garten, and in a very narrow, broken cone of visibility catching upper slopes and summits of mountain tops from Carn Diamh VP 8 south to Brown Cow Hill within the Cairngorms National Park (CNP). However the ZTV also illustrates that for the most part where the existing Paul's Hill wind farm is visible, the new development would be visible.

From consideration of the assessment figures of viewpoints within the Spey Valley (VPs 1 and 9) and just outside the Spey Valley at VP 7 the proposed turbines whilst limited in horizontal extent, would appear significantly larger than the existing turbines, and of a scale commensurate with the upper slopes of Roy's Hill, rather than subservient. This is well-illustrated from VP 7 (Figure 6.14g (VI)) at Knockando where the much larger turbines at Knockando compete in scale and focus with Roy's Hill to the left of view.

From viewpoints to the east (VPs 2, 3, 6) the greater scale of the turbines, whilst viewed in the context of the existing development, mean that they appear far more dominantly on the sensitive visual horizons to, and transition in character with, the smaller scale landscapes. The existing turbines of the Paul's Hill wind farm appearing recessive, to the much larger turbines. This is well-illustrated from Ben Aigan and Ben Rinnes where the proposed larger turbines physically and visually extend beyond the previous containment provided by the landform of Roy's Hill.

It is considered that increasing the turbines to 149.9 m (from the existing heights of 100 m) would mean that the previous containment is breached and visibility of turbines introduced into the Spey valley and intrudes upon the appreciation of adjacent small scale landscapes. Whilst the resultant significant effects are relatively limited in extent, we consider further mitigation could be considered to improve the design of the extension, reflecting guidance from the Capacity Study. However further mitigation considered should not compromise that for the River Spey SAC and hen harrier in this case.

Cairngorms National Park

Consideration of ZTV Figure 6.13a illustrates that with the addition of the 7 turbines of Paul's Hill II this introduces some new additional visibility into the lower north facing slopes of the Spey Valley around Boat of Garten at approximately 30 kms distance, and in a very narrow, broken cone of visibility catching upper slopes and summits of mountain tops from Carn Diamh VP 8 south to Brown Cow Hill (within the CNP). However the ZTV also illustrates that within the Park for the most part where the existing Paul's Hill wind farm is visible, the new development would be visible.

From the edge of the Park at VP 5 Carn a Ghile Chearr, the proposed development would be viewed as a combination of full, partial turbines and blade tips to the eastern extent of the existing

Paul's Hill development. At a distance of 10 km to the nearest turbine the difference in scale of the existing turbines and those proposed would be clearly apparent with turbines encroaching on and being visible over the summit of Roy's Hill.

Where there is new visibility from upper summits such as Carn Diamh (VP 8) all of the turbines would be theoretically visible, but with turbines 5, 7 and in particular 6 pronounced in the composition. However the additional turbines would be viewed very infrequently in a contained group of distances between 7 km and 36 km.

There is some increased level of landscape and visual impacts on the Park and special landscape qualities. However these are considered to incur localised significant effects which are limited in extent and as such are not considered to significantly affect the SLQ of the Park. However given the wider landscape and visual impacts on the Park, in particular significant cumulative effects on SLQs from existing, in construction and consented wind energy developments, every effort should be made to mitigate effects from embedded good design.

To this end, further mitigation to remove, relocate and/or reduce the heights of turbines 5, 6 and 7 could improve the composition of turbines in views from the Park but we would advise that any further amendments to design should not compromise embedded mitigation for the River Spey SAC and hen harrier in this case.