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The Scottish Government
Energy Consents Unit

Scoping Opinion On Behalf Of Scottish Ministers Under The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Tom na Clach Wind Farm Extension
Infinergy Ltd

June 2021

CONTENTS

1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Infinergy Ltd a company incorporated under the Companies Acts with company number 04732465 and having its registered office at 16 West Borough, Wimborne, Dorset, BH21 1NG ("the Company") in response to a request dated 8 April 2021 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Tom Na Clach Wind Farm Extension ("the proposed development"). The request was accompanied by a scoping report.

1.2 The proposed development would be located at Cawdor Estate and Lethen Estate approximately 8km north-east of Tomatin. Cawdor Estate is managed on a long-term basis primarily for forestry, agriculture, conservation and sustainability. Glenkirk is a commercial forestry plantation. Lethen Estate is managed primarily as a sporting, forestry and agricultural estate

The proposed site, which incorporates part of Cawdor, Lethen & Glenkirk Estates, extends over approximately 875 hectares of open moorland, comprising regular peat hags (exposed peat erosion), patchy sphagnum bog and intermittent ancient woodland remains, intersected by estate tracks and the location for an operational wind farm.

The Operational Scheme, on Cawdor and Lethen Estates, lies adjacent to the Proposed Development in the north. The nearest residential property is Ballochrochin, approximately 2.2km to the nearest proposed turbine.

1.3 The proposed Development will consist of the erection of 8 Wind Turbines up to a 149.9m tip height and associated infrastructure.

In addition to wind turbines there will be ancillary infrastructure including:

- An onsite network of underground cables linking the turbines to a grid connection;
- A series of onsite access tracks connecting each of the turbine locations to the existing access track;
- An onsite substation and control/maintenance building;
- Temporary works including a construction compound;
- A permanent anemometer mast to measure wind speed and wind direction;
- On-site borrow pit/s;
- A battery storage array.

1.4 The Company indicates the proposed development would be decommissioned after 40 years and the site restored in accordance with the decommissioning and restoration plan.

1.5 The proposed development is solely within the planning authority of The Highland Council

1.6 The original application for Tom na Clach Wind Farm was submitted under The Town and Country Planning (Scotland) Act 1997 by Nan Clach Limited, a joint venture between Infinergy Limited and the Rt Hon. Earl Cawdor, on 24th June 2009 and refused by the Highland Council (hereafter referred to as 'THC') on 30th August 2010. The applicant appealed the decision and the Scottish Ministers granted planning permission for the 17-turbine (110m tip height) scheme on 14th June 2013.

Nan Clach Limited submitted a second application, named Tom nan Clach, on 27th August 2015, proposing a smaller 13-turbine (125m tip height) scheme. This was subsequently refused by THC on 26th January 2016, and Nan Clach Limited again appealed the decision. Planning permission was granted by the Scottish Ministers on 28th October 2016, following another public inquiry.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Infinergy Ltd and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 8 April 2021 The consultation closed on 21 May 2021.

Extensions to this deadline were granted to:

- The Highland Council
- NatureScot
- Dulnain Community Council

2.2 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***.

2.3 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.

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

2.5 No responses were received from:

- Carrbridge Community Council
- Civil Aviation Authority – Airspace
- Dava Residents Association
- Dulnain Bridge Community Council
- Mountaineering Scotland
- River Findhorn District Salmon Fishery Board
- Scottish Wild Land Group (SWLG)
- Scottish Wildlife Trust
- Strathdearn Community Council
- Visit Scotland

2.6 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.

2.7 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, within whose area the proposed development would be situated, NatureScot (previously "SNH"), Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 1 April 2021 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 energy consents website at www.energyconsents.scot.

3.4 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 Scottish Ministers are satisfied with the scope of the EIA set out at Section 18 of 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 and/or solar panels. 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, solar panels, battery storage)
- components required for each generating station
- 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. Scottish Ministers request that the company contacts Scottish Water (via EIA@scottishwater.co.uk) and makes further enquires to confirm whether there any Scottish Water assets which may be affected by the development, and includes details in the EIA report of any relevant mitigation measures to be provided.

3.9 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 both onshore wind farm and overhead line development https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm 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.

MSS also provide standing advice for onshore wind farms (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.

3.11 Scottish Ministers consider that where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), the assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at http://www.gov.scot/Publications/2017/04/8868, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures. Scottish Ministers are aware that the majority of the wind farm site and part of the site access is within an area mapped as nationally important Class 1 peatland.

3.12 The scoping report identified viewpoints at Table 7.1 to be assessed within the landscape and visual impact assessment.At this stage we would request that any additional viewpoints, wireframes, ZTV and photomontages as requested by NatureScot are considered in full.

It is recommended by the Scottish Ministers that the final list of viewpoints and visualisations should be agreed following discussion between the company, Highland Council, CNPA, HES and NatureScot.

3.13 The noise assessment should be carried out in line with relevant legislation and standards as detailed in section 12 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.

3.14 Scottish Ministers request that the company contact Defence Infrastructure Organisation regarding the proposed issues of Air Traffic Control (ATC) Radar and Military Low Flying Training.

3.15 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, and 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 Scottish Ministers in the event that no application has been submitted within 12 months of the date of this opinion.

5.4 It is acknowledged that the environmental impact assessment process is iterative and should inform the final layout and design of proposed developments. Scottish Ministers note that further engagement between relevant parties in relation to the refinement of the design of this proposed development will be required, and would request that they are kept informed of on-going discussions in relation to this.

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

5.6 Applicants are reminded that there will be limited opportunity to materially vary the form and content of the proposed development once an application is submitted.

5.7 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.

5.8 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). In addition, a separate disc containing the EIA report and its associated documentation in electronic format will be required.

Kieran Dalgleish
Energy Consents Unit
June 2021

ANNEX A

Consultation

List of consultees

• The Highland Council	A1 – A28
• Aberdeen Airport	A29 - A30
• British Horse Society	A31 - A34
• BT	A35 - A36
• Cairngorms National Park Authority	A37
• Civil Aviation Authority – Airspace*	*
• Crown Estate Scotland	A38
• Defence Infrastructure Organisation	A39 - A40
• Fisheries Management Scotland	A41
• Highland and Islands Airports	A42
• Historic Environment Scotland	A43 - A46
• John Muir Trust	A47
• Joint Radio Company	A48 - A49
• Marine Scotland	*
• Mountaineering Scotland*	*
• NATS Safeguarding	A50
• NatureScot	A51 - A64
• Nuclear Safety Directorate (HSE)	A65 - A66
• River Findhorn District Salmon Fishery Board*	*
• RSPB Scotland	A67 - A69
• Scottish Forestry	A70
• Scottish Rights of Way and Access Society (ScotWays)	A71 - A75
• Scottish Water	A76 - A79
• Scottish Wild Land Group (SWLG)*	*
• Scottish Wildlife Trust*	*
• SEPA	A80 - A86
• Transport Scotland	A87 - A88
• Visit Scotland*	*
• Carrbridge CC*	*
• Cawdor and West Nairnshire CC	A89
• Dava Residents Association*	*
• Dulnain Bridge CC*	*
• East Nairnshire CC	A90
• Strathdearn CC*	*

*No response was received.

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)

ANNEX B

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

July 2020

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.

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

July 2020

Annex 1

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;			
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			
7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations.			

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, 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.			

The Highland Council
Comhairle na Gàidhealtachd

Carolanne Brown
Senior Case Officer
Energy Consents Unit

By email only to:

econsents_Admin@gov.scot
n.sage@infinergy.co.uk

Please ask for: Simon Hindson
Direct Dial: REDACTED
E-mail: simon.hindson@highland.gov.uk
Our Ref: 21/01829/SCOP
Your Ref:
Date: 14 May 2021

Dear Carolanne,

TOM NAN CLACH WIND FARM EXTENSION - ERECTION AND OPERATION OF A WIND FARM COMPRISING OF UP TO 8 WIND TURBINES WITH A MAXIMUM BLADE TIP HEIGHT 149.9M, ACCESS TRACKS, BORROW PITS, SUBSTATION, CONTROL BUILDING, BATTERY STORAGE ARRAY AND ANCILLARY INFRASTRUCTURE AT TOM NAN CLACH WIND FARM, GLENFERNESS

Thank you for consulting The Highland Council (THC) for a Scoping Opinion for the above project and for the extension of time until 14 May 2021 for submitting our response.

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.

In the event that, the application changes in scale and approach to operation changes to a point where the application would be considered as an application under the Town and Country Planning (Scotland) Act 1997 (As Amended), we would require a revised scoping response under the relevant regulations.

This letter constitutes THC's response to the consultation. We trust that this helps inform the scope of the Environmental Impact Assessment Report and is helpful to the applicant when formalising any forthcoming application.

SCOPING CONSULTATION RESPONSE

Applicant:	**Infinergy Limited**
Project:	**Tom Nan Clach Wind Farm Extension - Erection and Operation of a Wind Farm comprising of up to 8 Wind Turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, battery storage array and ancillary infrastructure**
Project Address:	**Tom Nan Clach Wind Farm, Glenferness**
Our Reference	**21/01829/SCOP**

This response is given without prejudice to the Planning Authority's right to request additional 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 consultation on an 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 Scoping Report. In particular, the elements of this report as highlighted in parts 3, 4 and 5 should be presented as three distinct elements.

Responses to the internal consultation undertaken are attached. Should any further responses be received from internal consultees, 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 operation development.

2.0 Alternatives

2.1 A statement is required which 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 range of technologies that may have been considered;
- 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.

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

Caithness West Community Council have highlighted that there is a significant change in rotor diameter for the now proposed turbines. It is considered that alternatives in terms of scale and design should be fully assessed through the Environmental Impact Assessment Report. This should consider the range of development scales considered and the EIAR should assess the worst case scenario not just in terms of turbine height but also in terms of turbine proportions.

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 from the earlier application on the site 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 EIAR should recognise the existing land uses affected by the development having particular regard for THC's Development Plan inclusive of all statutorily adopted Supplementary Guidance (SG). Particular attention should be paid to the provisions of the Onshore Wind Energy SG (OWESG) inclusive of any Landscape Sensitivity Appraisal. This is not instead of but in addition to the expectation of receiving a Planning Statement in support of the application itself which, in addition to exploring compliance with the Development Plan, should look at Scottish Planning Policy and Planning Advice Notes which identify the issues that should be taken into account when considering significant development. Scottish Government policy and guidance on renewable energy and wind energy should be considered in this section. The purpose of this chapter is to highlight relevant policies not to assess the compatibility of the proposal with policy.

3.3 The EIA / application Planning Statement should recognise the Spatial Framework component of the related Onshore Wind Energy Supplementary Guidance. Similarly, it should note progress with **National Planning Framework 4 (NPF4)** and the Council's response to it. As part of early engagement for the preparation of NPF4, the Scottish Government undertook a Call for Ideas and the Highland Council made submissions to this. Subsequently the Economy and Infrastructure Committee was asked on 1 July 2020 to homologate those responses and Committee agreed to do so. The Scottish Government published an NPF4 Position Statement in November 2020. The applicant should respond to this through the Planning Statement or respond to any updated NPF4 position as it relates to the application depending on the timescale for submission of the application. Similarly, the **Inner Moray Firth Local Development Plan** forms part of the

approved development plan. This sets confirms the boundaries of the Special Landscape Areas and identifies settlements in the area. Other statutorily adopted supplementary guidance, as set out on the Council website, will also require to be considered. In addition we recommend that you review the recently adopted Cairngorms National Park Local Development Plan

3.4 It should be noted that the reference to the Onshore Wind Energy Supplementary Guidance should consider the currently in production Landscape Sensitivity Appraisal which will be adopted as adopted as an appendix to the Supplementary Guidance in due course.

Sustainability

3.5 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 which 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.

3.6 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 which is sympathetic to the local area and existing pattern of development. However, in considering the detail the Council would need to understand the type and nature of storage facility proposed, such as scale and appearance, and it would be beneficial to have information to explain the specific electricity network benefits and capacity proposed. In addition the possibility of other energy generating uses on the site should be explored.

3.7 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

3.8 The Council expects the EIAR to consider the landscape and visual impact of the development. 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

3.9 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 a **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. Further we recommend that the applicant seeks to agree locations from which the Council's Panoramic Viewer could usefully be utilised to illustrate cumulative effects. 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. We recommend that new photography will be required for all viewpoints.

3.10 This assessment should include the expected impact of on-site borrow pits and access roads, despite the fact that the principal structures will be a primary concern. All elements of a development are important to consider within any EIAR.

3.11 We agree that the study area for solus effects should be 40km from the outer most turbines and consider that the assessment of landscape and visual impact should be completed in full across the entire study area. THC do not consider it to be acceptable to screen out viewpoints for a full assessment based upon distance. The cumulative study area should extend beyond this to 60km.

3.12 There are a number of similar applications in this area which are yet to be determined / concluded in the vicinity of this application, the status of these may require to be updated beyond figure 7.2 dependent on progress with other schemes in the area, further if the study areas is extended as per our recommendation above a number of schemes around Loch Ness will require to be considered. We are happy to advise on the cumulative baseline in due course. Our interactive Wind Turbine map is up to date as of 15 January 2021 and can be accessed on the link below:

http://highland.gov.uk/windmap

The Energy Consents Unit may also be able to provide details of any other known nearby proposal which are currently at Scoping Stage as these may have advanced at the same pace as your proposal.

3.13 The finalised list if Viewpoints (VP) and wireframes for the assessment of effects of a proposed development must be agreed in advance of preparation of any visuals with THC, NatureScot and the Cairngorms National Park.

3.14 We acknowledge 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 it would be helpful. 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.

3.15 As far as possible, the viewpoints should correspond with the viewpoints used for existing

wind energy schemes within the area, including the original scheme. The detailed location of viewpoints will be informed by site survey, mapping and predicted ZTVs. It would be useful to include a comparative ZTV between the consented scheme and the proposed scheme. 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.

3.16 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.

3.17 Further 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;
- A clear matrix approach supported by descriptive text setting out how the applicant reaches their conclusion of effect on landscape character, designated landscapes, visual receptors and residential amenity.

3.18 When assessing the impact on recreational routes please ensure that all core paths, the national cycle network, long distance trails are assessed. It should be noted that these routes are used by a range of receptors.

3.19 The development will further extend the number of proposals of this type in the surrounding area, necessitating appropriate cumulative impact. 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 a minimum of 60km.

3.20 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. To view current or determined schemes in the Council's Panoramic Viewer please see the link below: http://www.highland.gov.uk/panoramicviewer

3.21 We expect an assessment of the proposal against the criterion set out in the Council's OWESG to be included within the LVIA chapter of the EIAR.

3.22 As the turbine heights are less than 150m to blade tip, aviation lighting is not required by default but may be required by consultees with an aviation interest. If consultees require this then an assessment of the impact of turbine lighting in hours of darkness will be required. The methodology for this assessment requires to be agreed by NatureScot and through further consultation with THC when agreeing the finalised viewpoints. However, it should be noted that it is the preference of the Council that minimal lighting is used and wherever possible infra red lighting is deployed to avoid the effects of development extending into hours of darkness.

3.23 In relation to Landscape, there are a number of matters which require to be updated within the scoping report. This includes terminology related to Wild Land Areas and the Landscape Character Assessment should be the 2019 NatureScot assessment. Further

in relation to impacts on areas of Wild Land (as identified by NatureScot in 2014), an assessment on the impacts of the qualities of Wild Land requires to be undertaken. The methodology and scope for this assessment should be agreed with THC and NatureScot. Further an assessment of the proposals impact on the special qualities of the Special Landscape Areas in vicinity of the site must be undertaken. Given the scale of the proposals there may now be visibility of the scheme within National Scenic Areas and the Cairngorms National Park. Assessments of the proposal against impacts on these designations must be undertaken.

3.24 It is considered that Residential Visual Amenity should be scoped in to the EIAR.

Geology, Hydrology and Hydrogeology

3.25 The EIAR should include a full assessment on the impact of the development on peat. The assessment of the impact on peat must include peat probing for all areas where development is proposed. The Council are of the view this should include probing not just at the point of infrastructure as proposed by the scheme but also covering the areas of ground which would be subject to micrositing limits.

3.26 SEPA can provide detailed advice on methodology for peat probing and the peat assessment.

3.27 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.

3.28 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. This can avoid the need for further applications.

3.29 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 and sensitive receptors, such as water supplies, need to be assessed. 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 which will impact on any calculations of run-off, high flow in watercourses and hydrogeological matters. You are strongly advised at an early stage to consult SEPA as the regulatory body responsible for the implementation of the Controlled Activities (Scotland) Regulations 2005 (CAR), to identify if a CAR license is necessary and the extent of the information required by SEPA to assess any license application.

3.30 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.

3.31 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.

3.32 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. Highland Council has some information on known supplies but it is not definitive. An on-site survey will be required.

3.33 It is anticipated that detailed comments will be provided on impacts on the water environment, in particular on buffers to water courses, by SEPA.

3.34 The Council's Flood Risk Management Team have no comment on the scope of the proposed assessment in relation to flood risk and drainage as outlined in the Scoping Report.

3.35 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 the determining authority with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at

http://www.gov.scot/Publications/2017/04/8868, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures.

Ecology and Ornithology

3.36 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 which 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. Details of any habitat enhancement programme (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.

3.37 The presence of protected species such as Schedule 1 Birds or European Protected Species must be included and considered as part of the planning application process, not as an issue which 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 the comments of NatureScot and RSPB in this respect.

3.38 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.

3.39 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.

3.40 The EIAR needs to address the aquatic interests within local watercourses, including down stream 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.

3.41 Further advice has been provided by NatureScot on ecology and ornithology in relation to the surveys required and the adequacy of the work already undertaken. RSPB have also provided a response highlighting matters related to ornithology.

3.42 The EIAR should include an assessment of the effects on Ground Water Dependent Terrestrial Ecosystems (GWDTE). Please contact SEPA for detailed advice.

Cultural Heritage

3.43 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, Areas of Great Landscape Value, Gardens and Designed Landscapes and general setting of the development; and
- the inter-relationship between the above factors.

3.44 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.

3.45 Historic Environment Scotland (HES) will set out the potential impacts on the setting of assets require consideration.

3.46 The Council's Historic Environment Team are generally satisfied with the information presented in the scoping request will adequately address an impact assessment, and no further field work is required. It welcomes that paleoenvironmental impacts will be considered and is content with the methodology proposed.

3.47 There are a large number of heritage assets in the vicinity of the development, these need to be assessed. HES and HET may provided detailed advice on potential setting impacts.

Noise

Operational Noise

3.48 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.

3.49 The Council's Environmental Health Officer sets out that the target noise levels are either a simplified standard of 35 dB LA90 at wind spees of 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. 43dB LA90 is not applicable in Highland.

Cumulative Noise

3.50 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. It is considered that the baseline measurements undertaken in 2007 is acceptable.

3.51 The assessment should include a map showing all wind farm developments which 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 which 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.

A cumulative noise limit covering both the proposed development and the consented scheme is recommended. Otherwise a monitoring and mitigation scheme will need to deal with how any future complaints would be investigated.

Noise Exposure

3.52 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

3.52 It notes that these limits would apply to cumulative noise levels from more than one development. It is recommended that any further monitoring locations be agreed with the Council's Environmental Health Officer. Where a monitoring locations 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.

3.55 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.

3.56 It is recommended that the developer's noise consultant liaises with Environmental Health at an early stage to discuss any issues regarding the proposed methodology.

Amplitude Modulation

3.57 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

3.58 Given the location, construction noise at the turbines sites is unlikely to be an issues at any noise sensitive properties, however, consideration will need to be given to construction traffic.

3.59 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. However, where there is potential for disturbance from construction noise the application will need to include a noise assessment. A construction noise assessment will be required in the following circumstances:

- Where it is proposed to undertake work which is audible at the curtilage of any noise sensitive receptor, out with the hours Mon-Fri 8am to 7pm; Sat 8am to 1pm; or
- Where noise levels during the above periods are likely to exceed 75dB(A) for short term works or 55dB(A) for long term works. Both measurements to be taken as a 1hr LAeq at the curtilage of any noise sensitive receptor. (Generally, long term work is taken to be more than 6 months).

3.60 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.

3.61 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. Attention should be given to construction traffic and the use of tonal reversing alarms.

Traffic and Transport

3.62 THC's Transport Planning Team have reviewed the content of Scoping Report for their response (attached for information) the response below relates to impacts on the local public road network in Highland. Transport Planning advise that feedback should also be obtained from Transport Scotland on their requirements for the public road they manage.

Construction Traffic Management Plan

3.63 THC Transport Planning will require any application for planning permission associated with this proposal to submit a Construction Traffic Management Plan (CTMP) for the approval of the Planning Authority. A CTMP will normally detail the following issues, however this is not an exhaustive list and the CTMP should be tailored to reflect the issues pertinent to this development:

- Identification of all Council maintained roads likely to be affected by the various stages of the development,
- Predicted volume, type and duration of construction traffic.
- Location of site compound, staff parking and visitor parking.
- Proposed measures to mitigate the impact of general construction traffic and abnormal loads on the local road network following detailed assessment of relevant roads.
- Details of any traffic management signage required for the duration of the construction period.
- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.
- The developer may also be requested to enter into a Section 96 agreement with the Highland Council to cover any abnormal wear and tear to the Council roads. This will include a requirement for pre and post construction surveys to be undertaken and agreed with the Council and for the provision of a suitable bond.
- If the development involves any abnormal loads a detailed protocol, route and delivery programme will be required and agreed with any interested parties such as Highland Council, the Police, Transport Scotland and community representatives. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media.

Transport Assessment

3.64 THC Transport Planning would generally expect a Transport Assessment to be submitted with any future planning application and a **High National Traffic Forecast** be applied. It considers that the proposed methodology is acceptable. The information below is not exhaustive and should be used as a guide to submitting all relevant information in relation to roads, traffic and transportation matters arsing from the development proposals, which should be in the form of a Transport Assessment forming part of the EIAR:

1. Identify all public roads affected by the development. In addition to transportation of all abnormal loads & vehicles (delivery of components) this should also include routes to be used by local suppliers and staff. It is expected that the developer submits a preferred access route for the development. All other access route options should be provided, 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 to arrive at a preferred route.
2. Establish current condition of the roads. This work which should be undertaken by a consulting engineer acceptable to the Council and will involve an engineering appraisal of the routes including the following:
    - Assessment of structural strength of carriageway including construction

depths and road formation where this is likely to be significant in respect of proposed impacts, including non-destructive testing and sampling as ,required.

- Road surface condition and profile.
- Assessment of structures and any weight restrictions
- Road widths, vertical and horizontal alignment and provision of passing places
- Details of adjacent communities

3. Determine the traffic generation and distribution of the proposals throughout the construction and operation periods to provide accurate data resulting from the proposed development including
    - Nos. of light and heavy vehicles including staff travel
    - Abnormal loads
    - Duration of works
4. Current traffic flows including use by public transport services, school buses, refuse vehicles, commercial users, pedestrians, cyclists and equestrians.
5. Impacts of proposed traffic including:
    - Impacts on carriageway, structures, verges etc.
    - Impacts on other road users
    - Impacts on adjacent communities
    - Swept path and gradient analysis where it is envisaged that transportation of traffic could be problematic
    - Provision of Trial Runs to be carried out in order to prove the route is achievable and/or to establish the extent of works required to facilitate transportation.
6. Cumulative impacts with other developments in progress and committed developments including other Renewable Energy projects.
7. Proposed mitigation measures to address impacts identified in 5 above, including:
    - Carriageway strengthening
    - Strengthening of bridges and culverts
    - Carriageway widening and/or edge strengthening
    - Provision of passing places
    - Road safety measures
    - Traffic management including measures to be taken to ensure that development traffic does not use routes other than the approved routes.
8. Details of residual effects.

The scope of effects on the Trunk Road Network should be considered following consultation with Transport Scotland.

Socio-Economic, Tourism and Recreation

3.65 The EIAR should estimate who may be affected by the development, in all or in part, which may required 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.

3.66 Estimations of who may be affected by the development, in all or in part, which may required 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.

3.67 The site is on land with access rights provided by the Land Reform Scotland Act. The potential impact on and mitigation for public access should be assessed incorporating core paths, public rights of way, long distance routes, other paths and wider access rights across the site. There are core paths and public rights of way in this area which are likely to be affected during construction and operational phases.

3.68 An Access Management Plan is required to be submitted with the application. A developments impact on public access is habitually included in this section. Guidance on assessing that impact as part of an EIA in Appendix 6 of this document:

https://www.nature.scot/sites/default/files/2018-05/Publication%202018%20-%20Environmental%20Impact%20Assessment%20Handbook%20V5.pdf

This must consider the construction and operational impacts of the proposed development and how these will be managed. Further it must contain details of appropriate measures to mitigate any negative impacts. In particular this should address any requirements for diversion of any long distance trail, core path or right of way and early discussion should be held with the Council on the process for this.

3.69 While the Scoping Report and an eventual EIA may include impacts on elements of outdoor access assessed under other headings it is considered that all the impacts on outdoor access should all be brought together here in a comprehensive assessment of the proposals visual and physical impacts on outdoor access during the preparatory, construction, operational and post-operational phases. Those impacts, along with the mitigation measures, will inform an Outdoor or Access Management Plan which should be submitted with an application as per the requirements of HwLDP Policy 77 Outdoor Access. If not, it the Council will ask for a suspensive condition requiring that one be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

3.70 Considering the potential for this proposal to have significant negative visual and physical impacts on many forms of outdoor access across all phases of the development it is recommend a similarly significant range of mitigation measures.

3.71 Other forms of mitigation will include the accommodation and management of public access across the site in order to minimise any potential negative impacts and maximise benefits to outdoor access. For example all existing paths like core paths, public rights of way Long Distance Routes and trails like the National Cycle Network should be accommodated before, during and after construction and any damage done to their

surfaces be protected and/or repaired at regular intervals throughout an extended construction period and reinstated on or by completion of the project to the satisfaction of those managing those routes.

Aviation, Radar and Telecoms

3.72 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.

3.73 There should be continued dialogue with HIAL over the impact on the radar at airports in the area and the information gathered through the original application and the approach to satisfaction of conditions should be utilised here.

3.74 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.

Miscellaneous: Health and Safety, Shadow Flicker and Forestry

3.75 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.

3.76 Depending on the proximity of the working area to any 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 and routing.

3.77 A number of the aforementioned matters could be addressed by a CEMD for the proposal. While acceptable in principle we would request that an Outline CEMD is included with the application.

<u>Forestry</u>

3.78 The proposed turbine site itself may affect tree cover and woodland management. Any felling required will be taken into account in calculating the carbon balance of the Proposed Development, and consideration will be given to any required replanting under the Scottish Government's Policy on Control of Woodland Removal.'

3.79 It is advised that a specific chapter on forestry is included in the EIAR where there is likely to be an adverse impact on woodland. The EIAR should provide a baseline survey of the plants (including fungi, lichens and bryophytes) and trees present on the site to determine the presence of any rare or threatened species. The EIAR should indicate areas of woodland / forestry plantation which may by felled to accommodate new development (including the access), 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.

3.80 If trees are to be removed, compliance with the Scottish Government's Control of Woodland Removal Policy must be demonstrated. Areas of retained forestry or tree groups should be clearly indicated and methods for their protection during construction clearly described. Consideration must be given to the full area required for the construction access road through trees / woodlands and the impacts on these identified. Any areas of woodland listed in the Ancient Woodland Inventory should be safeguarded from adverse impacts. Further as part of habitat management proposals and to offset the carbon of the construction process, it is considered that areas of woodland should be planted.

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). Further guidance can be obtained at:

http://www.highland.gov.uk/NR/rdonlyres/485C70FB-98A7-4F77-8D6B-ED5ACC7409C0/0/construction_environmental_management_22122010.pdf

This is currently under review by a working party led by SEPA working through Heads of Planning Scotland but for the time being remains relevant.

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.

If you would like to discuss this scoping consultation response please contact me using the details at the top of this letter.

Yours sincerely,

Simon Hindson

Team Leader - Strategic Projects Team

Consultee Comments for Planning Application 21/01829/SCOP

Application Summary
Application Number: 21/01829/SCOP
Address: Tom Nan Clach Wind Farm Glenferness
Proposal: Tom Nan Clach Wind Farm Extension - Erection and Operation of a Wind Farm comprising of up to 8 Wind Turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, battery storage array and ancillary infrastructure
Case Officer: Simon Hindson

Consultee Details
Name: . HISTORIC ENVIRONMENT TEAM - ARCHAEOLOGY
Address: The Highland Council Headquarters, Glenurquhart Road, Inverness IV3 5NX
Email: kirsty.cameron@highland.gov.uk
On Behalf Of: Historic Environment Team (Archaeology)

Comments
I am satisfied that the information presented in the Scoping Report provides a useful baseline of the requirements here. The methodology as set out in Section 10 of that document is acceptable, including the recommendation that no additional field survey is required (para 10.14).

Please let me know if you need anything further at this stage.

Consultee Comments for Planning Application 21/01829/SCOP

Application Summary
Application Number: 21/01829/SCOP
Address: Tom Nan Clach Wind Farm Glenferness
Proposal: Tom Nan Clach Wind Farm Extension - Erection and Operation of a Wind Farm comprising of up to 8 Wind Turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, battery storage array and ancillary infrastructure
Case Officer: Simon Hindson

Consultee Details
Name: . ACCESS OFFICER Inverness, Lochaber and Nairn
Address: The Highland Council Headquarters, Glenurquhart Road, Inverness IV3 5NX
Email: Stewart.Eastaugh@highland.gov.uk
On Behalf Of: Access Officer

Comments
Dear Simon,

The Scoping Report sets out its intention to assess the proposal's impact on recreation and public access in line with versions 4 and 5 of NatureScot's Handbook on Environmental Impact Assessment.

What it does not mention is consideration of any appropriate measures to mitigate any negative impacts.

If there is any question of diverting a public right of way or core path [para 16.20] then early discussion will be vital to avoid delaying the planning process.

Public access is exercised across this site - its tracks are and should be a valuable local asset for walking, cycling and horse riding - and that access should be accommodated with accessible furniture and appropriate signs. Policy 77 of the Highland wide Local Development Plan will apply.

There are also core paths and a long distance trail nearby. Policy 78 of the HwLDP will apply there.

A comprehensive assessment of the proposal's impact on public access, along with associated and adequate mitigation measures, should inform an acccess management plan submitted with an application.

Regards,

Stewart

Planning Ref:	21/01829/SCOP |
Proposal Name	Tom Nan Clach Wind Farm Extension - Erection and Operation of a Wind Farm comprising of up to 8 Wind Turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, battery storage array and ancillary infrastructure | Tom Nan Clach Wind Farm Glenferness
Your Organisation	Highland Council
Your Name	Robin Fraser
Your Position	Environmental Health Officer
Email	robin.fraser@highland.gov.uk
Date	10 May 2021

Response

Topic Amenity - Noise - Operational

Operational Noise

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.

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

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.

The assessment should include a map showing all wind farm developments which 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 which 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 monitoring and mitigation scheme to be implemented should noise levels from the development be subsequently found to exceed consented levels.

The proposed site is in very close proximity to the existing Tom nan Clach wind farm. If the two developments are to be under the same control, I would suggest that consideration be given to a cumulative noise limit which covers both. Otherwise, the applicant's monitoring and mitigation scheme will need to clearly demonstrate how any future complaints would be investigated.

Background Noise Measurements

I understand the proposal is to use baseline measurements undertaken in 2007 in accordance with recognised best practice. I have no objections to that approach.

Amplitude Modulation

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.

Topic Amenity - Construction

Construction Noise

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. However, where there is potential for disturbance from construction noise the application will need to include a noise assessment.

A construction noise assessment will be required in the following circumstances: -

- Where it is proposed to undertake work which is audible at the curtilage of any noise sensitive receptor, out with the hours Mon-Fri 8am to 7pm; Sat 8am to 1pm

or

- Where noise levels during the above periods are likely to exceed 75dB(A) for short term works or 55dB(A) for long term works. Both measurements to be taken as a 1hr LAeq at the curtilage of any noise sensitive receptor. (Generally, long term work is taken to be more than 6 months)

If an assessment is required 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.

Regardless of whether a construction noise assessment is required, the applicant will be expected to submit a scheme demonstrating that the best practicable means to reduce the impact of noise from construction activities will be employed. Attention should be given to construction traffic and the use of tonal reversing alarms.

Topic Amenity - Private Water Supplies

Private Water Supplies

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. Highland Council has some information on known supplies but it is not definitive. An on-site survey will be required.

Assessments to be carried out and/or submitted with application	
Operational noise assessment	Yes
Detailed construction noise assessment	To be determined
Construction noise – scheme of best practicable means	Yes
Dust suppression scheme	No
Private water supply survey/mitigation scheme	yes
Odour impact assessment	No

Please attach any additional information as a separate file and upload via Consultee Access

The Highland Council
Comhairle na Gàidhealtachd

Memorandum

To:	Planning Service (Simon Hindson – Case Officer)
From:	Transport Planning Team
Subject:	Tom Nan Clach Wind Farm Extension - Erection and Operation of a Wind Farm comprising of up to 8 Wind Turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, battery storage array and ancillary infrastructure | Tom Nan Clach Wind Farm Glenferness
Date:	28/04/2021
Your ref:	21/01829/SCOP
Authored by:	FEN

With reference to the above planning application, please find the Transport Planning Team's response below.

No site visit has been undertaken, with the response being based purely on a desk-top assessment exercise.

Proposed Development
This scoping request is for the erection and operation of an extension to Tom na Clach Wind Farm at Glenferness.

Access & Site Entrance
The proposed route for the delivery of turbine components to the site entrance is described in Chapter 11 Traffic and Transport of the Tom na Clach Wind Farm Extension Scoping Report prepared by Infinergy, dated March 2021.

The likely turbine components port of entry is the Port of Inverness and the deliver route is likely to be via the A9, A95 and A887 trunk roads, the B9007 local road and the existing Tom na Clash Wind farm site entrance.

Key Questions

Section 11.52 of the Scoping Report identifies several key questions. Key questions we consider we can offer comments on are provided below:

- Proposed methodology appears acceptable,
- Method proposed for obtaining traffic flow data appears acceptable,
- A **High** Nation Road Traffic Forecast should be used,
- All initial communications should be via the Councils Planning Service. No roads officers should be contacted directly unless advised otherwise by the Transport Planning Team.

Construction Traffic Management Plan

We will require any application for planning permission associated with this proposal to submit a Construction Traffic Management Plan (CTMP) for the approval of the planning authority. A CTMP will normally detail the following issues, however this is not an exhaustive list and the CTMP should be tailored to reflect the issues pertinent to this development:

- Identification of all Council maintained roads likely to be affected by the various stages of the development,
- Predicted volume, type and duration of construction traffic.
- Location of site compound, staff parking and visitor parking.
- Proposed measures to mitigate the impact of general construction traffic and abnormal loads on the local road network following detailed assessment of relevant roads.
- Details of any traffic management signage required for the duration of the construction period.
- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.
- The developer may also be requested to enter into a Section 96 agreement with the Highland Council to cover any abnormal wear and tear to the Council roads. This will include a requirement for pre and post construction surveys to be undertaken and agreed with the Council and for the provision of a suitable bond.
- If the development involves any abnormal loads a detailed protocol, route and delivery programme will be required and agreed with any interested parties such as Highland Council, the Police, Transport Scotland and community representatives. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media.

Transport Assessment

The Transport Planning Team would generally expect a Transport Assessment to be submitted with any future planning application and a ***High National Traffic Forecast*** be applied.

The information below is not exhaustive and should be used as a guide to submitting all relevant information in relation to roads, traffic and transportation matters arsing from the development proposals, which should be in the form of a Transport Assessment forming part of the Environmental Statement submission.

1. Identify all public roads affected by the development. In addition to transportation of all abnormal loads & vehicles (delivery of components) this should also include routes to be used by local suppliers and staff. It is expected that the developer submits a preferred access route for the development. All other access route options should be provided, 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 to arrive at a preferred route.

2 Establish current condition of the roads. This work which should be undertaken by a consulting engineer acceptable to the Council and will involve an engineering appraisal of the routes including the following:

- Assessment of structural strength of carriageway including construction depths and road formation where this is likely to be significant in respect of proposed impacts, including non-destructive testing and sampling as required.
- Road surface condition and profile
- Assessment of structures and any weight restrictions
- Road widths, vertical and horizontal alignment and provision of passing places
- Details of adjacent communities

3 Determine the traffic generation and distribution of the proposals throughout the construction and operation periods to provide accurate data resulting from the proposed development including

- Nos. of light and heavy vehicles including staff travel
- Abnormal loads
- Duration of works

4 Current traffic flows including use by public transport services, school buses, refuse vehicles, commercial users, pedestrians, cyclists and equestrians.

5 Impacts of proposed traffic including

- Impacts on carriageway, structures, verges etc.
- Impacts on other road users
- Impacts on adjacent communities
- Swept path and gradient analysis where it is envisaged that transportation of traffic could be problematic
- Provision of Trial Runs to be carried out in order to prove the route is achievable and/or to establish the extent of works required to facilitate transportation

6 Cumulative impacts with other developments in progress and committed developments including other Renewable Energy projects.

7 Proposed mitigation measures to address impacts identified in 5 above, including
- Carriageway strengthening
- Strengthening of bridges and culverts
- Carriageway widening and/or edge strengthening
- Provision of passing places
- Road safety measures
- Traffic management including measures to be taken to ensure that development traffic does not use routes other than the approved routes.

8 Details of residual effects.

Consultee Comments for Planning Application 21/01829/SCOP

Application Summary

Application Number: 21/01829/SCOP
Address: Tom Nan Clach Wind Farm Glenferness
Proposal: Tom Nan Clach Wind Farm Extension - Erection and Operation of a Wind Farm comprising of up to 8 Wind Turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, battery storage array and ancillary infrastructure
Case Officer: Simon Hindson

Consultee Details

Name: . FLOOD RISK MANAGEMENT TEAM
Address: The Highland Council Headquarters, Glenurquhart Road, Inverness IV3 5NX
Email: Richard.Bryan@highland.gov.uk
On Behalf Of: D & I Flood Team

Comments

The Flood Risk Management Team do not wish to comment on this application

Dalgleish K (Kieran)

From: #ABZ Safeguarding <abzsafeguard@aiairport.com>
Sent: 14 April 2021 12:02
To: Econsents Admin
Subject: RE: Request for Scoping Opinion Tom Na Clach Wind Farm Extension

Follow Up Flag: Follow up
Flag Status: Flagged

This proposal is located outwith our consultation zone. As such we 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

From: Carolanne.Brown@gov.scot **On Behalf Of** Econsents_Admin@gov.scot
Sent: 08 April 2021 15:05
Subject: Request for Scoping Opinion Tom Na Clach Wind Farm Extension

Dear Consultee,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR Tom Na Clach Wind Farm Extension

On **07 April 2021**, Infinergy Limited (the Applicant) submitted a request for a scoping opinion from the Scottish Ministers for the proposed section **36** application for the **Tom Na Clach Wind Farm Extension**. The proposed development is for 8 wind turbines 149.9m blade to tip height located in the planning authority area of **The Highland Council**, in line with regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Under regulation 12, Scottish Ministers are required to provide a scoping opinion outlining the information they consider should be included in the EIA report. Ministers are also required to consult the relevant consultation bodies and any other interested party which is likely to have an interest in the proposed development by reason of its specific environmental responsibilities or local and regional competencies.

The scoping report can be viewed at the Scottish Government's Energy Consents Unit website www.energyconsents.scot by:

- clicking on ***Search*** tab; then,
- clicking on ***Simple Search*** tab; then,
- typing **Tom Na Clach Wind Farm Extension** into ***Search by Project Name*** box then clicking on ***Go***;
- then clicking on **EC00003252** and then click on ***Documents*** tab.

To allow Scottish Ministers to provide a comprehensive scoping opinion, we ask that you review the scoping report and advise on the scope of the environmental impact assessment for this proposal. Please advise if there are any further matters you would like Ministers to highlight for consideration and inclusion in the assessment, particularly site specific information.

I would be grateful for your comments by **29 April 2021.** Please note that reminders will not be issued, therefore if we have not received any comments from you, nor a request for an extension to this date, we will assume that you have no comments to make.

Please send your response (in PDF format if possible) to Econsents_Admin@gov.scot

Kind regards

Carolanne

Carolanne Brown | Energy Consents | Directorate for Energy and Climate Change
Scottish Government | 4th Floor | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU
✉: carolanne.brown@gov.scot ': Tel: 0141 242 5616 / 07392287971 | www.energyconsents.scot |Privacy Notice

Patron Her Majesty The Queen

Fulfilling your passion for horses

Helene Mauchlen (Scotland)
Woodburn Farm
Crieff
Perthshire
PH7 3RG

Email Helene.Mauchlen@bhs.org.uk
Website www.bhsscotland.org.uk
Tel 024 76 840710
Mob 07900 670223

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

By email to:
Econsents_admin@gov.scot
Carolanne.Brown@gov.scot

20 April 2021

Dear Sir/Madam

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR Tom Na Clach Wind Farm Extension

I refer to the above scoping opinion request for the proposed Tom Na Clach Wind Farm Extension, in the planning authority area of Highland Council.

The British Horse Society (BHS) is always pleased to be consulted on transport, planning and development matters and where possible or necessary we are able to engage local riders to get a locally based response. Thank you very much for consulting with us, horses are important and good for people so their safety and capacity to access safe off road hacking is a key consideration in terms of their welfare and the wellbeing of their riders and those who look after them.

A project, like the one you are carrying out is an excellent opportunity to improve connections in a community and hopefully resolve any problems in terms of countryside access, transport and travel.

The BHS is here to help, so please do not consider this response the final word, we hope to work with you on an on-going basis to ensure horses and horse riders get as good a deal as they can out of any proposed improvements, so please do not hesitate to contact us in the future.

The Importance of Off-Road Riding
Scotland's equestrian industry is important with the horse being a major rural economic driver, recent joint research between SRUC and BHS showed:

Patron Her Majesty The Queen

Fulfilling your passion for horses

Helene Mauchlen (Scotland)
Woodburn Farm
Crieff
Perthshire
PH7 3RG

Email Helene.Mauchlen@bhs.org.uk
Website www.bhsscotland.org.uk
Tel 024 76 840710
Mob 07900 670223

Current trends in the sector point to a continued increase in horse numbers and riding activity in all geographical areas of Scotland and across a wide cross section of society. The expenditure on direct upkeep averages £3,105 per horse per annum.

This report also showed:

A concern for all riders, including tourists, is diminishing access to safe off-road riding. Most riding accidents happen on minor roads in the countryside. With increasing numbers of horses and riders requiring access to the countryside, more formal access to off-road riding will be a priority in areas considered of higher risk.

The full report can be accessed at:
http://www.sruc.ac.uk/downloads/file/2391/2015_scoping_study_on_the_equine_industry_in_scotland

Scotland has a duty to get horse riders off busy roads; few riders access busy roads by choice (and the horse has as much right to be on the public highway as cars, bikes and pedestrians) - but they often have no choice as that is the only way they can access their safe off road hacking.

I can also refer you to:
http://www.rospa.com/road-safety/advice/horse-riders

Equestrian road users are vulnerable - that means they are more likely to be involved in a road accident and also more likely to suffer the worst consequences.

Horses and their riders (as well as carriage drivers) are vulnerable on the road network. A collision between a horse and a vehicle can have life threatening consequences for the horse, rider and those in a vehicle. There is evidence to suggest that the number of road traffic collisions involving horses is underreported in casualty data.

Horse riding is more prevalent (particularly on roads) in certain parts of the country. Rural areas have larger numbers of horse riders, who make a significant contribution to the rural economy. Yet according to Road Safety Scotland 70% of road accidents happen on country roads. (http://dontriskit.info/country-roads/view-the-campaign)

The BHS expects developers to work with representatives of the local horse riding community to understand their road safety and countryside access concerns and facilitate engagement with other partners and consider whether any road safety interventions should be introduced, where there are significant numbers of horse riders and/or road traffic collisions involving horses.

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Fulfilling your passion for horses

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Website www.bhsscotland.org.uk
Tel 024 76 840710
Mob 07900 670223

Under the Land Reform (Scotland) Act 2003, horse-riders and carriage drivers enjoy a right of access to most land in Scotland, provided that they behave responsibly. Land managers in turn are obliged to respect equestrian access rights and take proper account of the right of responsible access in managing their land. The Scottish Outdoor Access Code gives guidance on how the requirements to behave responsibly can be met. Please refer to:
www.outdooraccess-scotland.com

This access legislation, which is over a decade old now gives horse riders the same rights of responsible access as walkers and cyclists. It is vital that any off road tracks or non-motorised user's tracks or paths are multi-use catering for all including horse riders and carriage drivers.

Active Travel and Suitable infrastructure

Whilst the active travel movement does not consider equestrian travel to be a form of active travel there are many people for whom riding is an attractive mode of travel whether that be for travel purposes or leisure purposes, and the delivery of Active Travel should not discourage this, just as it should not discourage the use of micro-scooters, roller blades, skateboards and other similar modes of travel. In urban areas, many riding horses are kept within the 10 mile journey distance and they must not be disadvantaged by new facilities that may be put in place for the cyclists. Level crossings which are currently used by equestrians should not be replaced by alternatives which would preclude the use by equestrians, for example, a footbridge. Similarly, other infrastructure like gates, bridges, cattle grids and slippery surfaces should all be installed with equestrians in mind. Access control must always be the least restrictive option.

The British Horse Society (BHS) represents the interests of the 3.4 million people in the UK who ride or who drive horse-drawn vehicles. With the membership of its Affiliated Riding Clubs and Bridleway Groups, the BHS is the largest and most influential equestrian charity in the UK. The BHS is committed to promoting the interests of all equestrians and the welfare of horses and ponies through education and training.

Please see attached an information sheet on equestrian access.

https://www.pathsforall.org.uk/resource/outdoor-access-design-guide

With over 70k equines in Scotland, equestrianism is worth £650 million to the Scottish economy annually with the Scottish Racing industry contributing £300 million and the rest of the industry generating £355 million according to recent research (Developing Benchmarks & Trends to Measure Equestrian Activity in Scotland - A report produced by the British Equestrian Trade Association August 2019 And Scottish Racing Annual Review and 2019 Outlook)

Patron Her Majesty The Queen

Fulfilling your passion for horses

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Website www.bhsscotland.org.uk
Tel 024 76 840710
Mob 07900 670223

The British Horse Society Scotland

I trust that the above information is of assistance.

REDACTED

HELENE MAUCHLEN
SCOTTISH NATIONAL MANAGER
THE BRITISH HORSE SOCIETY

Dead? Or Dead Slow?

As these shocking statistics show, riders face a very real threat when they are riding on the road. The largest equestrian charity in the UK, The British Horse Society, has been using its Dead Slow campaign to educate drivers on how to safely pass horses on the road…

The British Horse Society

We've had

1,037* **reported to us**

In total...

80 **Horses** have died

1 **Person** was killed

135 have been injured because of road incidents

23% **increase** compared to 2018-2019 (845 in 2018-2019)

40% of incidents occurred because a vehicle passed by too quickly

81% of incidents occurred because cars passed too closely to horses

43% of riders reported road rage or abuse

When you see a horse on the road...

1. Slow down to 15 mph
2. Be patient, don't sound your horn or rev your engine
3. Pass wide (2m, at least a car's width)
4. Drive slowly away

*All statistics are from 28.02.2019 – 29.02.2020

The British Horse Society is a Registered Charity Nos. 210504 and SC038516

To find out more visit bhs.org.uk/deadslow

From: lisa.4.smith@bt.com on behalf of radionetworkprotection@bt.com
To: Econsents Admin
Cc: radionetworkprotection@bt.com
Subject: Tom Na Clach Wind Farm Extension WID11496
Date: 22 April 2021 12:27:30

-
-

OUR REF: WID11496

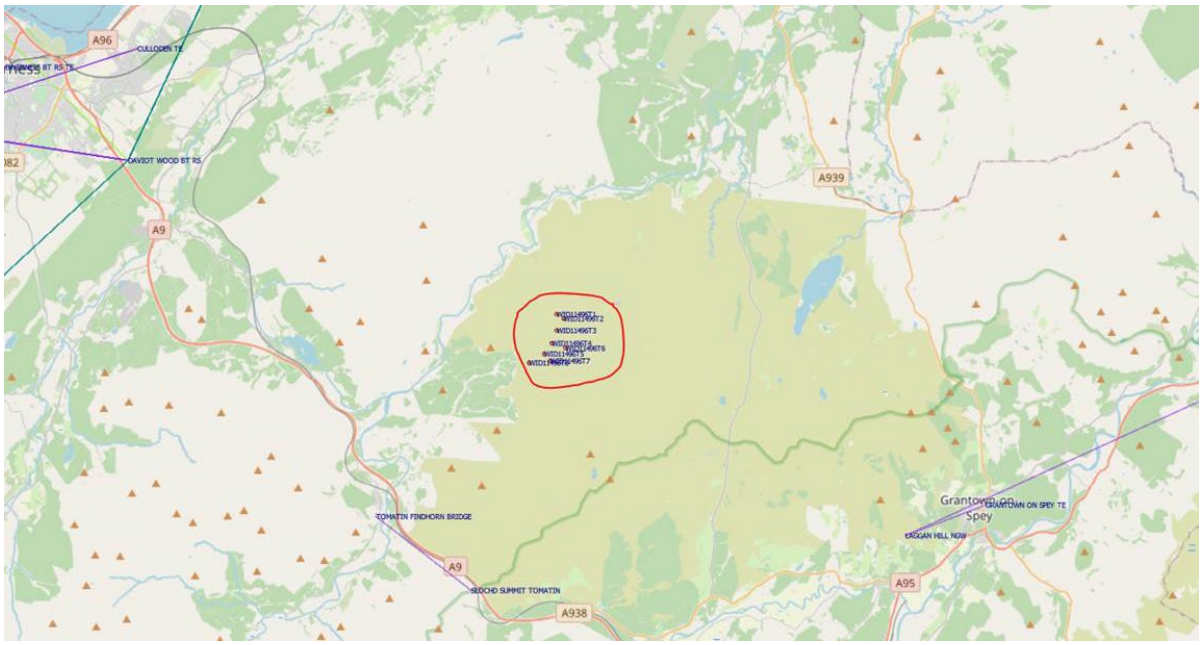
Dear Sir/Madam

Thank you for your email dated 08/04/2021.

We have studied this Windfarm proposal with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that, the turbine co-ordinates supplied in the attached Appendix A, should not cause interference to BT's current and presently planned radio network.

Please see below screen shot where the proposed Windfarm location from the co-ordinates provided are shown as red dots within the large red circle. The location clearly passes our required 100 metre infringement zone of any active radio links (purple lines).



Please direct all queries to radionetworkprotection@bt.com

Regards

Lisa Smith
Radio Planning
Networks - Engineering Services

From: Carolanne.Brown@gov.scot <Carolanne.Brown@gov.scot> **On Behalf Of** Econsents_Admin@gov.scot
Sent: 08 April 2021 15:05
Subject: Request for Scoping Opinion Tom Na Clach Wind Farm Extension WID11496

Dear Consultee,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR Tom Na Clach Wind Farm Extension

On **07 April 2021**, Infinergy Limited (the Applicant) submitted a request for a scoping opinion from the Scottish Ministers for the proposed section **36** application for the **Tom Na Clach Wind Farm Extension**. The proposed development is for 8 wind turbines 149.9m blade to tip height located in the planning authority area of **The Highland Council**, in line with regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Under regulation 12, Scottish Ministers are required to provide a scoping opinion outlining the information they consider should be included in the EIA report. Ministers are also required to consult the relevant consultation bodies and any other interested party which is likely to have an interest in the proposed development by reason of its specific environmental responsibilities or local and regional competencies.

The scoping report can be viewed at the Scottish Government's Energy Consents Unit website www.energyconsents.scot by:

- clicking on ***Search*** tab; then,
- clicking on ***Simple Search*** tab; then,
- typing **Tom Na Clach Wind Farm Extension** into ***Search by Project Name*** box then clicking on ***Go***;
- then clicking on **EC00003252** and then click on ***Documents*** tab.

To allow Scottish Ministers to provide a comprehensive scoping opinion, we ask that you review the scoping report and advise on the scope of the environmental impact assessment for this proposal. Please advise if there are any further matters you would like Ministers to highlight for consideration and inclusion in the assessment, particularly site specific information.

I would be grateful for your comments by **29 April 2021.** Please note that reminders will not be issued, therefore if we have not received any comments from you, nor a request for an extension to this date, we will assume that you have no comments to make.

Please send your response (in PDF format if possible) to Econsents_Admin@gov.scot

Kind regards

Carolanne

Carolanne Brown | Energy Consents | Directorate for Energy and Climate Change
Scottish Government | 4th Floor | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU
✉: carolanne.brown@gov.scot ☎: Tel: 0141 242 5616 / 07392287971 | www.energyconsents.scot | Privacy Notice

Melrose J (Joyce)

From: Nina Caudrey <ninacaudrey@cairngorms.co.uk>
Sent: 28 April 2021 12:22
To: Brown C (Carolanne); Econsents Admin
Cc: south_highland@nature.scot; Planning
Subject: Tom Na Clach Wind Farm Extension

Hello Carolanne
Thank you for consulting us on the above proposal. The proposed development is located approximately 5km to the north west of the National Park boundary. Policy 3.3a of the current Cairngorms National Park Partnership Plan (2017 – 2024) is therefore relevant in relation to the potential for effects on the Special Landscape Qualities and landscape character of the National Park from wind farm development outwith the National Park (available via https://cairngorms.co.uk/working-together/national-park-partnership-plan/).

In accordance with our working protocol with NatureScot, available via https://www.nature.scot/agreement-roles-advisory-casework-between-scottish-natural-heritage-and-scottish-national-park, NatureScot provide advice on the potential effects of development outwith the National Park on the Special Landscape Qualities and landscape character of the National Park. We therefore have no other comments to make at this stage and refer you and the applicant to their advice.
from
Nina

Nina Caudrey, MRTPI
Planning Officer (Development Planning)

Cairngorms National Park Authority, 14 The Square, Grantown on Spey, PH26 3HG

Melrose J (Joyce)

From: Olivia Morrad <olivia.morrad@crownestatescotland.com>
Sent: 28 April 2021 09:23
To: Econsents Admin
Cc: Brown C (Carolanne)
Subject: Tom Na Clach Wind Farm Extension Deadline : 29 April 2021 - GIS Conflict Check

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.

Best regards

Olivia Morrad
Assistant Portfolio Co-ordinator
Crown Estate Scotland

t: 0131 376 1506

Defence Infrastructure Organisation

Teena Oulaghan
Safeguarding Manager
Ministry of Defence
Safeguarding Department
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

Telephone [MOD]: 07970170934

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

Carolanne Brown
Energy Consents Unit,
Scottish Government,
4th Floor,
5 Atlantic Quay,
150 Broomielaw,
Glasgow
G2 8LU

Your Reference: ECU00003252
Our Reference: DIO10051197

27 April 2021

Dear Carolanne,

ELECTRICITY ACT 1989 THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017. REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR TOM NA CLACH WIND FARM EXTENSION.

Thank you for consulting the Ministry of Defence (MOD) on the scoping opinion request in respect of the Tom Na Clach Wind Farm Extension received in this office on 8th April 2021.

I am writing to inform you that the MOD has concerns about this proposed development.

The MOD has assessed the scoping request using the grid references detailed below for 8 turbines, a maximum of 149.90 metres to blade tip and an 80m Meteorological Mast

Turbine	Easting	Northing
1	287256	835446
2	287526	835275
3	287241	834831
4	287046	834346
5	286745	833955
6	287559	834148
7	286966	833683
8	286159	833633

80m Met Mast	286946	833953

It has been identified that this development will have the following impacts upon defence operations:

Air Traffic Control (ATC) Radar

The turbines will be approx.48km from, detectable by, and will cause unacceptable interference to the ATC radar used by Lossiemouth.

Wind turbines have been shown to have detrimental effects on the performance of Primary Surveillance Radars. These effects include the desensitisation of radar in the vicinity of the turbines, and the creation of "unwanted" aircraft returns which air traffic controllers must treat as aircraft returns. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Controllers use the radar to separate and sequence both military and civilian aircraft, and in busy uncontrolled airspace radar is the only sure way to do this safely. Maintaining situational awareness of all aircraft movements within the airspace is crucial to achieving a safe and efficient air traffic service, and the integrity of radar data is central to this process. The creation of "unwanted" returns displayed on the radar leads to increased workload for both controllers and aircrews and may have a significant operational impact. Furthermore, real aircraft returns can be obscured by a turbine's radar return, making the tracking of both conflicting unknown aircraft and the controllers' own traffic much more difficult.

Military Low Flying Training

The airspace over the UK land mass is used to provide the UK Military Low Flying System to deliver essential military low flying training. The proposed development will occupy Low Flying Area 14 within which military fixed wing aircraft are permitted to fly down to 250 feet (76.2 metres) above terrain features.

The development proposed will cause a potential obstruction hazard to these military low flying training activities. To address this impact, it would be necessary for the development to be fitted with aviation safety lighting. Therefore, the MOD will request that the perimeter turbines be fitted 25 candela omni-directional red lighting or Infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

MOD Safeguarding wishes to be consulted and notified about the progression of this proposal and any subsequent application(s) that may be submitted relating to it to verify that it will not adversely affect defence interests.

I trust this adequately explains our position on this matter. Further information about the effects of wind turbines on MOD interests can be obtained from the following website:

***MOD*:** https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding

Yours sincerely

Redacted

Teena Oulaghan
Safeguarding Manager

Melrose J (Joyce)

From: Brian Davidson <brian@fms.scot>
Sent: 28 April 2021 15:26
To: Econsents Admin
Cc: Valerie Wardlaw - Lossie DSFB (admin@fnlrt.org.uk); Bob Laughton Findhorn, Nairn and Lossie Rivers Trust (director@fnlrt.org.uk)
Subject: Tom Na Clach Wind Farm Extension

Dear Carolanne,

Thank you for your correspondence concerning the proposed Tom Na Clach wind farm.

Fisheries Management Scotland (FMS) represents the network of Scottish District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), who have a statutory responsibility to protect and improve salmon and sea trout fisheries and the fishery trusts who provide a research, educational and monitoring role for all freshwater fish.

FMS act as a convenient central point for Scottish Government and developers to seek views on local developments. However, as we do not have the appropriate local knowledge, or the technical expertise to respond to specific projects, we are only able to provide a general response with regard to the potential risk of such developments to fish, their habitats and any dependent fisheries. Accordingly, our remit is confined mainly to alerting the relevant local DSFB/Trust to any proposal.

The proposed development falls within the district of the Findhorn District Salmon Fishery Board, and the catchments relating to the Findhorn, Nairn & Lossie Fisheries Trust. It is important that the proposals are conducted in full consultation with these organisations (see link to FMS member DSFBs and Trusts below). We have also copied this response to these organisations.

Due to the potential for such developments to impact on migratory fish species and the fisheries they support, FMS have developed, in conjunction with Marine Scotland Science, advice for DSFBs and Trusts in dealing with planning applications. We would strongly recommend that these guidelines are fully considered throughout the planning, construction and monitoring phases of the proposed development.

- LINK TO ADVICE ON TERRESTRIAL WINDFARMS
- LINK TO DSFB CONTACT DETAILS
- LINK TO FISHERY TRUST CONTACT DETAILS

Regards,

Brian

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

Melrose J (Joyce)

From: Safeguarding <Safeguarding@hial.co.uk>
Sent: 29 April 2021 20:20
To: Econsents Admin
Subject: Tom Na Clach Wind Farm Extension

Your Ref: ECU00003252
HIAL Ref: 2021/0070/INV

Dear Sir/Madam,

PROPOSAL: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR TOM NA CLACH WINDFARM EXTENSION
LOCATION: Approx 8km NE of Tomatin

This development falls inside the safeguarded areas for Inverness Airport.

In its current configuration the turbines could affect the Instrument Flight Procedures (IFPs) for the airport. In the interests of aviation safety, HIAL could not accept any impact on the IFPs

HIAL would require an IFP Impact Assessment to demonstrate that the IFPs will not be impacted by this development. Please note this assessment can only be conducted by and accepted from, an Approved Procedure Design Organisation, as approved by the CAA. The list of approved organisations can be found at the following link: https://www.caa.co.uk/Commercial-industry/Airports/Safety/Instrument-flight-procedures/Approved-procedure-design-organisations/

It should be noted that HIAL would work with the developer towards a resolution. However, HIAL are likely to **object to** any proposal which impacts the Instrument Flight Procedures.

Regards,

Safeguarding Team
Highlands and Islands Airports Limited
Head Office, Inverness Airport, Inverness IV2 7JB
✉ safeguarding@hial.co.uk 🌎 www.hial.co.uk

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email: econsents_admin@gov.scot

Carolanne Brown
Case Officer - Energy Consents Unit
Energy Consents Unit

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

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

Our case ID: 300044438
Your ref: EC00003252
27 April 2021

Dear Carolanne Brown

Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Request for Scoping Opinion for Proposed Section 36 Application
Tom Na Clach Wind Farm Extension

Thank you for your consultation which we received on 08 April 2021 about the above scoping report. 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 relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed Development
We understand that the proposed development comprises eight wind turbines with maximum height to tip of 149.9m, located at Cawdor Estate and Lethen Estate, approximately 8km north-east of Tomatin.

The proposals form an extension to the existing Tom Nan Clach wind farm. While we did not object to this wind farm, we noted significant effects on the setting of the scheduled monument known as Lochindorb Castle (SM 1231).

We responded to a pre application consultation from the Highland Council regarding the proposed extension in May 2020. The proposed layout in the Scoping Report is similar, though now proposes eight new turbines (of approximately 150m height) rather than ten.

Likely significant effects
Without prejudice to our further consideration when more detailed information becomes available, our initial view is that significant impacts, as with the consented scheme, are most likely on the setting of Lochindorb Castle.

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Lochindorb Castle is located around 11km east of the proposed development. This important medieval castle was the stronghold of the Comyns, Lords of Badenoch, and is associated with nationally important events and figures. It was built on an island within Lochindorb to exert the resident Lords' control over the surrounding lands and an important communication route between Speyside and Moray, which appears to have followed low ground running from the southwest to northeast along the east side of Lochindorb.

The castle was built to be an impressive and imposing fortification and, although ruined, remains so today. Many views to the castle contribute to an understanding and appreciation of important aspects of its historic role and have strong visual or aesthetic qualities. These include views to the castle from the east side of Lochindorb, which is followed by a minor road that likely follows the line of a medieval route.

A wireframe visualisation from the east side of the loch looking west toward the castle was supplied to us at an earlier stage of consultation. While we note that the proposal is now for two fewer turbines than proposed at that stage, it would continue to be the case that all, or nearly all, of the proposed and consented turbines would be visible in views of the castle from the eastern shore. The proposed turbines would noticeably increase the spread and density of turbines seen behind the castle from some viewpoints.

The proposed extension has the potential to add to visual distraction caused by the consented scheme in important views to the castle from the east side of Lochindorb. We are aware of emerging proposals for the Lethen Wind Farm, also to the west of the castle and closer to it. There are likely to be important views to the castle that would include proposed turbines from both schemes and we are concerned that this would result in significant cumulative impacts on the castle's setting. For example, an increased spread of turbines partly resulting from the extension might cause a greater area of the east side of Lochindorb to be subject to significant cumulative impacts.

We recommend that these potential impacts are robustly assessed at an early stage of the design process to allow for effective mitigation. Assessment will require production of cumulative ZTVs, wireframes and photomontages. Of particular importance will be consideration of views to the castle from a number of locations that might be particularly important to its appreciation. For example, formal and informal car parking areas on the minor road that runs up the east side of Lochindorb. We would be happy to engage further with the applicant on the selection of viewpoints.

Where the proposed Tom nan Clach extension would add to cumulative impacts we recommend that mitigation is considered and adopted. This may include relocation or deletion of proposed turbines in the extension.

We would welcome further consultation during the design process. We also recommend that the developers of the Tom nan Clach extension seek early engagement with the developers of the Lethen Wind Farm so that mitigation is coordinated and effective.

The Scoping Report
No detailed methodology has been provided for comment at this stage. We recommend that the assessment follows the best practice guidance given in the EIA Handbook, focussing on impacts on cultural significance. Our Managing Change guidance note on Setting gives detailed advice on assessing impacts on the setting of cultural heritage assets, and will be a key consideration for the cultural heritage assessment.

We note that at Section 10.11 the Scoping Report proposes an outer study area extending 20km from the proposed turbines. However, assessment of all nationally important assets, including scheduled monuments and Inventory Historic Battlefields, would extend only 5km from the proposed turbines. Only assets determined to be of exceptional importance and with particularly sensitive long-distance views would be included beyond 5km.

While we welcome that assets up to 20km from the proposed turbines would be included where particular sensitivity was identified, we strongly recommend that all nationally important assets within 10km of the proposed development should be appraised for potential impacts on their setting. This is a more appropriate study area than 5km given the height of the proposed turbines, the ZTV, surrounding topography and scheduled monuments.

It is acceptable that assets within 10km which have no potential for adverse impacts on their settings are then excluded from detailed assessment. However, the rationale for this exclusion should be set out clearly in the assessment report. This would allow stakeholders to reach a view as to whether an asset's exclusion was reasonable or not.

It should be noted that even where an asset may be outside the proposed development's ZTV there may still be significant potential impacts on views to it from locations that lie within the ZTV. It is important that the assessment considers and clearly addresses this potential.

Where potential for adverse impacts on a monument's setting are identified then it should be taken forward for detailed assessment to identify the scale of impacts. This is likely to require a site visit and, in some cases, production of visualisations.

We would be happy to engage further with the applicant and confirm whether we were content with a proposed list of scheduled monuments and Inventory Historic Battlefields for detailed assessment. This should be informed by a robust appraisal and the results

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

and rationale behind the selection of assets for detailed assessment clearly set out for us to review.

We would also be able to provide further advice on what visualisations may be required from the selected monuments. We strongly recommend that this approach is adopted to reduce the risk of delays to the progression of the application because of a lack of information in the assessment report.

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 http://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 Ruth Cameron, who can be contacted by phone on 0131 668 8657 or by email on Ruth.Cameron@hes.scot.

Yours sincerely

Historic Environment Scotland

John Muir Trust - Consultation Response

Brown C (Carolanne)

From: Rosie Simpson <rosie.simpson@johnmuirtrust.org>
Sent: 28 April 2021 13:36
To: Brown C (Carolanne)
Cc: Cecilie Dohm
Subject: RE: Request for Scoping Opinion Tom Na Clach Wind Farm Extension

Dear Carolanne,

Thank you for this email reminder about comments on the Tom Na Clach Wind Farm extension. We do wish to make the following comments on the Scoping Report.

On reading the report we were surprised to note that an assessment of impacts on the two Wild Land Areas (WLAs) within the study area was being scoped out. As both WLAs are within the 40km study area and subject to ZTV, we would have expected potential impacts to be assessed so that the combined effect of the operational Tom nan Clach wind farm plus the proposed extension could be taken into account.

Significant visual impacts on the Monadhliath Wild Land Area, at just 20km away, could arise from the development and a Wild Land Assessment of potential impacts would inform decision making. The Scoping Report for the proposed Lethen wind farm, which is within 10km of the proposed extension, to our understanding, did not scope out Wild Land Impact Assessments on the Monadhliath and Cairngorms WLAs which were at 20km distance from the proposed development. We are aware that the Cairn Duhie proposal scoped out WLA impacts on WLAs at 24km and 27km distance away where the ZTV mapping showed 'scattered visibility'. In this case, the Cairngorms WLA is at 23km distance from the proposed development but looking at figure 7.5, it also looks like there will be significant visibility within the Cairngorms WLA - primarily along the northern edges of the WLA, but significant nonetheless.

In line with NatureScot's guidance on assessing impacts on Wild Land Areas, we request that the developer discusses the need for a Wild Land Impact assessment with the competent authority as part of scoping the EIA requirements for this development.

Yours sincerely,
Rosie Simpson

Dalgleish K (Kieran)

From: JRC Windfarm Coordinations <windfarms@jrc.co.uk>
Sent: 16 April 2021 14:48
To: Econsents Admin
Subject: Request for Scoping Opinion Tom Na Clach Wind Farm Extension [WF175598]

Follow Up Flag: Follow up
Flag Status: Flagged

Dear econsents_admin,

A Windfarms Team member has replied to your co-ordination request, reference **WF175598** with the following response:

Dear Carolanne,

***Name/Location**: Tom Na Clach Wind Farm Extension*

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

287256 835446

287526 835275

287241 834831

287046 834346

286745 833955

287559 834148

286966 833683

286159 833633

***Development Radius**: 0.1KM*

***Tip Height**: 149.9M*

*This proposal **cleared** with respect to radio link infrastructure operated by:*

The Local Utility Company

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However,if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently,developers are advised to seek re-coordination prior to considering any design changes.

Regards

Wind Farm Team

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

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

https://breeze.jrc.co.uk/tickets/view.php?auth=o1xkmcaaahnliaaaNpCCu68LAMj8CQ%3D%3D

Melrose J (Joyce)

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: 27 April 2021 12:33
To: Econsents Admin
Cc: Brown C (Carolanne)
Subject: RE: Request for Scoping Opinion Tom Na Clach Wind Farm Extension [SG31318]

Our Ref: SG31318
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

✉: carolanne.brown@gov.scot ': Tel: 0141 242 5616 / 07392287971 | www.energyconsents.scot |Privacy Notice

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

Carolanne Brown
Energy Consents
Response by email to Econsents_Admin@gov.scot

14 May 2021

Our ref: CEA162692

Dear Ms Brown

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (EIA) (SCOTLAND) REGULATIONS 2017
SCOPING OPINION - TOM NA CLACH WIND FARM EXTENSION, REF EC00003252

Thank you for your email of 8 April 2021 requesting our scoping advice for the above proposal.

1. Background
We provided pre-application advice on this proposal through the Highland Council's pre-application advice service in 2020.

2. Key issues

Based on the initial information provided in the scoping report, we advise that the proposed development raises the following key issues relevant to our interests:

- Landscape and visual impacts, including the effects of the proposed development on the Special Landscape Qualities (SLQs) of the Cairngorms National Park.
- Potential impacts to peat, peatland habitats and carbon rich soils.
- Potential impacts to wider countryside birds, including the Natural Heritage Zone (NHZ) 10 population of golden eagle and the North of Scotland population of red kites.
- Potential impacts to capercaillie from nearby Special Protection Areas (SPAs).

The assessment of these issues and the resultant impacts will determine our position on any application which comes forward.

We provide more detailed comments on these and other site specific issues in Annex 1 to this letter, to assist with the EIA process. We advise that the EIA should consider the potential for direct and indirect impacts, both from the development on its own and from cumulative impacts with other proposals. We recommend the results of survey and assessment are used to inform the site layout and design, seeking to avoid impacts to the sensitivities outlined below and in the

scoping report. If avoidance of impacts is not possible, we advise any impacts are minimised through appropriate mitigation, details of which should be provided in the EIA Report (EIAR).

3. General pre-application and scoping advice

The scoping report broadly covers the topics that we would expect to see included in the EIA. In addition to the comments in Annex 1 we refer the applicants to the standing advice in our guidance note "General pre-application and scoping advice to developers of onshore wind farms" (see: https://www.nature.scot/general-pre-application-and-scoping-advice-onshore-wind-farms), which includes a checklist of NatureScot requirements for what to include in an EIAR. This guidance contains advice on other more general issues (which may not be covered in Annex 1 to this letter) that developers and their consultants should consider for wind farms – including recommended survey methods, sources of further information and guidance on data presentation.

All natural heritage and landscape assessments should follow our published guidance. We would expect the developers to follow the latest guidance, appropriate to the time of EIA preparation/submission, as published on our website, see: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/renewable-energy/onshore-wind-energy and https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents.

Please note that while we are supportive of the principle of renewable energy, this advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if submitted for formal consultation as part of the EIA or planning process.

Please let me know if you require any further information or advice in relation to this proposal. The applicants are also welcome to get in touch if they have any queries on this letter or wish to discuss the scope of survey and assessment further.

The advice in this letter is provided by NatureScot, the operating name of Scottish Natural Heritage.

Yours sincerely,

Karen Reid
Area Officer, South Highland
Karen.Reid@nature.scot

Enclosures:
1. Methodology - Assessing the impacts on Special Landscape Qualities - WORKING DRAFT 11_09 November 2018
2. Methodology - Assessing the impacts on Special Landscape Qualities_WORKING DRAFT 11_ANNEXE 1 Pro-Forma_09 Novembr 2018

cc. Simon Hindson, The Highland Council; Cairngorms National Park Authority

Annex 1 – details to assist with the EIA for Tom na Clach Wind Farm Extension

1. Protected areas

Full details of all protected areas and, where relevant, their conservation objectives can be found on SiteLink: https://sitelink.nature.scot/home.

European sites – Special Protection Areas (SPAs)

The proposal is positioned between the Darnaway and Lethen Forest SPA to the north and the Kinveachy Forest and Speyside SPAs to the south. Although these SPAs are some distance from the proposed wind farm they are protected for capercaillie which can disperse considerable distances.

The status of these European sites mean that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017[1].

We advise that the potential for dispersing female and juvenile capercaillie to cross the wind farm site should be considered within the EIAR, in order to determine if there could be a likely significant effect from collision risk, and whether an Appropriate Assessment is required. The starting point for this assessment would be consultation with the RSPB Capercaillie Project Officer who will have the most up to date information and be able to advise on the likely level of risk and whether any more detailed assessment would be required.

Other designated sites

The proposal is within 3km of Carn nan tri-tighernan Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), Findhorn terraces SSSI and Allt A'Choire SSSI. These sites are designated for their upland habitats, fluvial geomorphology and quaternary geology. As existing access will be used, and these sites lie some distance from the site boundary, they are unlikely to be affected by the proposal. Based on currently available information it is likely they can be scoped out of detailed assessment.

We would however look to the EIAR to confirm this on the basis of the final proposal, or provide more detailed assessment. The potential for indirect impacts should also be considered through, for example, changes to deer movements during the construction period affecting upland SAC habitats.

2. Landscape and visual impact assessment

Whilst the scoping report identifies six key constraints, our own advice on this proposal will be focused on issues we consider may be of national interest, in this case being the effects on the Special Landscape Qualities (SLQs) of the Cairngorms National Park.

[1] For further information, see: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations.

Designated and valued landscapes

The Cairngorms National Park lies 4km from the nearest turbine. We have a casework agreement with the National Park Authority (see: https://www.nature.scot/agreement-roles-advisory-casework-between-scottish-natural-heritage-and-scottish-national-park) which states how we will each advise you on the implications of any proposal. In line with this, we provide our advice on assessment requirements for the National Park designation.

The comparative ZTV in Figure 7.7 shows the extent of visibility of the proposed development in comparison with that of the operational wind farm. This indicates that whilst there is a very similar visibility pattern, there would be some additional visibility of the proposed turbines (shown in yellow) on the north and east facing slopes within the Park at distances varying from around 15 and 30km. For most of these areas between 1 – 4 turbines would tend to be seen (Figure 7.3) therefore it would be useful to see wireframes from some of these locations, to help better understand if re-siting these turbines could reduce this additional visibility and if a viewpoint would be helpful.

We are pleased to note that the effect of the proposed development on the Cairngorms National Park will be fully assessed in the LVIA, making reference to the SLQs and following the draft 'Guidance for Assessing the Effects on Special Landscape Qualities' (2018). A copy of this guidance is attached for information. We advise that the assessor shares with us a draft list of the SLQs to be included for assessment, so as to refine and agree the scope ahead of submission.

Further information on the Cairngorms National Park and its SLQs can be found at: https://www.nature.scot/naturescot-commissioned-report-375-special-landscape-qualities-cairngorms-national-park/ and on national park designations at: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/national-designations/national-park.

As noted in the Cairngorms National Park Authority's recent scoping comments, the National Park Partnership Plan 2017-2022 will also be a relevant consideration for the planning policy section of the EIAR.

Where there are significant adverse effects on the Special Landscape Qualities of the Cairngorm National Park this may result in us objecting to a proposal.

Draft list of viewpoints

In order for us to provide accurate and helpful advice we request that a basemap is provided, ideally with a 1:50k OS backdrop, at a resolution where we can identify key features and locations as well as the National Park boundary. The viewpoint ZTV provided with the scoping report (Figure 7.3) does not allow all the necessary detail to be seen. However given our familiarity with this area we are able to provide some initial comments on the selection of viewpoints.

Viewpoints 3, 4 and 9 within the Park are all elevated locations where it appears that the existing wind farm will be visible (noting that base map resolution means there are some difficulties in

cross referencing between the viewpoint map and comparative ZTV). We advise that further consideration is given to additional viewpoints within the Park where the proposal is seen and the existing wind farm is not, so that the additional effects on the SLQs of the Park can be better understood.

Cumulative effects

It is clear from the cumulative basemap (Figure 7.2) that there is a high degree of interest in wind energy development in this general area. The Highland Council are best placed to provide up to date information on which schemes to include in the cumulative assessment. Our current guidance on assessing cumulative effects should be followed.

Turbine lighting

It is our understanding that there will not be a requirement for visible aviation lighting on the turbines. Should this change and lighting become a requirement, we would expect to be consulted on this aspect of the proposal as there may be significant landscape and visual effects arising.

General advice

We recommend that the applicants follow the advice on assessment methods on our website at: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/renewable-energy/onshore-wind-energy/wind-farm-impacts-landscape.

The applicants may also wish to refer to the 2019 Landscape Character Type map and associated Landscape Character Type Descriptions in relation to the final turbine locations, see https://www.nature.scot/professional-advice/landscape/landscape-character-assessment/landscape-character-assessment-scotland.

3. Ecology

Habitats

The scoping report notes the presence of Annex 1 habitats within the proposed development site such as blanket bog, alpine and sub-alpine dry heath. We advise that where Annex 1 habitats occur these are mapped to NVC level, and that surveys cover the whole of the development site plus an appropriate buffer, including any areas where access track upgrades and borrow pits may be proposed. This will help to inform any additional mitigation and/or compensation measures that may be proposed as part of a Habitat Management Plan.

We advise that survey results are used to inform the design and layout process, so that the development avoids, where possible, sensitive habitats. Where this is not possible, suitable restoration and/or compensation measures should be proposed. Habitat loss and damage, both direct and indirect, should be determined and suitable mitigation and/or restoration measures presented in a Habitat Management Plan.

We provide further advice on peatland habitats in section 5 below.

Protected species

Otter and water vole have been previously recorded at this site, and badger and red squirrel signs recorded in the wider area. The proposed development site is also close to a Wildcat Priority Area. We advise that protected species surveys cover all areas which could be affected by the proposed development (including access, borrow pit locations, etc) and not just turbine locations. Assessment for bats should follow the 2019 guidance (see: https://www.nature.scot/bats-and-onshore-wind-turbines-survey-assessment-and-mitigation).

We would expect the applicants to follow the protected species advice on our website during preparation of the EIAR, see: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species. This link contains detailed advice on protected species survey methods (including timing of surveys, survey area and shelf-life), Species Protection Plans, mitigation and licence applications.

4. Ornithology

We advise that all bird survey work should follow our guidance at: https://www.nature.scot/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms. Assessments for wider countryside birds should be carried out in accordance with our guidance: https://www.nature.scot/guidance-assessing-significance-impacts-bird-populations-onshore-wind-farms-do-not-affect-protected.

This proposal has the potential to impact on the NHZ10 golden eagle population, both as an individual scheme and in combination with the other developments in the area. Survey and assessment is generally recommended to 6km from the site boundary for this species. The applicants should ensure their assessment has covered the recommended survey area, either through their own survey work or provision of data from third parties such as the Raptor Study Group. We are currently updating our guidance on how to assess the impacts of wind farms on breeding golden eagles. If survey work shows that eagles could be affected we recommend the applicants contact us for further advice on the use of modelling, including the Golden Eagle Topographical (GET) model, as a means of estimating likely use of the wind farm site.

In terms of scarce breeding birds, red kite surveys are not mentioned in the scoping report and we recommend this point is clarified in the EIAR. Should red kites be affected by this proposal, an assessment of potential impacts on the North Highland population of red kites, both as an individual scheme and in combination with the other renewable energy developments in the area, would be required. The need for surveys for roosting raptors should also be considered in line with our guidance.

We recommend the proposed access route and borrow pit areas are covered by appropriate surveys in accordance with our guidance, to allow an assessment of potential for disturbance and displacement. Survey results from the operational Tom nan Clach wind farm ES may provide useful background for this. It would also be helpful for the EIAR to clarify the timing of

construction related activities at the operational wind farm, to show that this has not affected survey work undertaken for the extension.

Noting the above points and depending on the submission date, it is likely that the ornithological assessment for this site could be informed by the 2018/19 survey work, with the survey work from 2014/15 and other available information (such as survey work for the operational wind farm) provided as context. This advice is based on currently available information.

Once survey work is complete an assessment of potential impacts through habitat loss/change, disturbance and/or displacement, and collision risk to SPA and wider countryside bird populations will be required, both for the proposal on its own and in combination with other projects. Mitigation options should be considered as part of this process.

Further information and advice on assessment of impacts to birds from wind farms (including collision risk modelling, SPA connectivity, etc) is available on our website, see: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/renewable-energy/onshore-wind-energy/wind-farm-impacts-birds.

The applicants are welcome to get in touch if they wish to discuss the scope of survey and assessment further.

5. Peat, peatland habitats and carbon rich soils

Scottish Planning Policy affords 'significant protection' to carbon-rich soils, deep peat and priority peatland habitat. If such areas could be affected, we would expect the EIAR to demonstrate how any significant effects can be substantially overcome by siting, design or other mitigation.

The Carbon and Peatland 2016 map (see: http://map.environment.gov.scot/Soil_maps/?layer=10) shows that the majority of the wind farm site and part of the access is within an area mapped as nationally important Class 1 peatland. The 2016 mapping is indicative, and site specific surveys will be required to confirm the quality and distribution of peatland across the proposed development site plus an appropriate buffer. This would include any areas where access track upgrades and borrow pits may be proposed.

Peat survey work should conform to the Peatland Survey 2017 "Guidance on Developments on Peatland". The proposed Peat Slide Risk Assessment should follow the latest 2017 guidance "Peat landslide hazard and risk assessments: best practice guide for proposed electricity generation developments". These documents are available at: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents. We also refer the applicants to the current guidance on Good Practice during Wind Farm Construction, see: https://www.nature.scot/guidance-good-practice-during-wind-farm-construction.

The scoping report describes the majority of the development site as blanket bog which has been largely modified through drainage, burning and grazing. We would expect the EIAR to provide mapped information on peatland habitats to NVC level together with a detailed description of current condition. Our approach to assessing impacts on peatland habitats is detailed in our staff guidance note "Advising on carbon-rich soils, deep peat and priority peatland habitat in

development management", see: https://www.nature.scot/advising-carbon-rich-soils-deep-peat-and-priority-peatland-habitat-development-management. In line with this guidance, we recommend that the EIAR identifies and maps any continuous blanket bog units over 25ha in extent which will be affected. Within these areas, the frequency of drains/peat cutting/areas of bare peat, the presence of plant species indicating peat formation capabilities or a lack of disturbance, any nationally rare or scarce species, any montane (alpine) features in the vegetation, any areas of natural surface patterning and the presence of any invasion by woodland/scrub should be mapped and described.

We recommend that the wind farm layout is determined by habitat survey, hydrological assessment and peat probing results, so that it avoids direct and indirect impacts to priority peatland habitats. Where impacts cannot be avoided, they should be minimised and the EIAR identify opportunities for mitigation and compensation, including a Peatland Management Plan and a Habitat Management Plan. The areas of bare peat or gully erosion described within the scoping report may offer opportunities for restoration on this site.

Where there are significant effects on high quality peatlands we may object to a proposal.

6. Deer management

We welcome the applicant's intention to consult further with the estate on deer. If wild deer are present on or use the development site, the EIAR should include an assessment of the potential impacts of the development on deer welfare, habitats, road safety, neighbouring and other interests such as nearby protected areas. Where significant impacts may result, a deer management statement should be provided to address the impacts, either as part of a Habitat Management Plan, a stand-alone document or modification of an existing Deer Management Plan.

Advice on what to consider and include in deer assessments and management plans at development sites can be found on our website (https://www.nature.scot/guidance-planning-and-development-what-consider-and-include-deer-assessment-and-management).

7. Grid connection

We recommend early consideration is given to possible grid connection options. This may have implications for the natural heritage interests highlighted above, as well as other interests not included here. Should options be known at the time of EIA submission we recommend they are included.

Guidance for Assessing the Effects on Special Landscape Qualities

Introduction

1. In Scotland we have two national landscape designations, our National Parks (2), and National Scenic Areas (40). These areas are both highly valued and sensitive and represent the country's finest landscapes. Whilst some change in these landscapes is inevitable, it is recognised this should be managed carefully to ensure their special landscape qualities (SLQs) are safeguarded so that they can be enjoyed by future generations. Incorporating development sympathetic to these exceptional landscapes, requires innovative thinking and real commitment to achieving high quality design from the outset. Assessing the impacts of proposals on the special qualities of our finest landscapes is key to meeting this challenge.

Using this Guidance

2. This guidance describes the approach that should be used when assessing the effects of development and other land use change (such as forestry) upon the special landscape qualities of our National Parks (NPs) and National Scenic Areas (NSAs). The legislative importance of SLQs is reflected in the relevant policy context (SPP, LDPs, Park Plans – see Annexe 2). It is intended to help developers, land managers and others in addressing any effects arising from their proposals, and assist SNH, NPAs and LAs in considering any effects.

3. The principle audience for this guidance is the professional practitioner who has experience of using existing assessment methodologies such as GLVIA. The SLQ assessment should be undertaken by a suitably qualified and experienced landscape or planning professional(s). The assessor must provide an appropriate level of information to enable the decision maker, and consultees, to reach a view on the effects of the proposal on the NSA or NP.

4. The use of worked examples which consider different types of proposals and landscape context is encouraged. This should provide an understanding of how the 4 different stages of work should be approached and applied, with one stage informing the next, to provide a clear rationale for judgements made and resultant assessment of effect(s) predicted.

5. The SLQ assessment should be captured within the LVIA report (where this is required to accompany a planning or other application), or free-standing (where a planning or other application requires a SLQ assessment but not an LVIA). **The scope and level of SLQ assessment should be discussed at an early stage with the relevant Park Authority or Local Authority, and SNH where appropriate.**

6. A Special Landscape Qualities Impact Assessment should be carried out when proposals are likely to result in significant effects on single or multiple SLQs, regardless of whether the proposal is within or outside the boundary of the designated landscape area. An assessment of impacts on SLQs is highly likely to be required where a proposal falls wholly or partly within an NSA or NP, or where beyond the boundary of the designated area, significant effects on the SLQs are likely.

7. Many of Scotland's NSAs and NPs overlap with Wild Land Areas (WLAs). Impacts on WLAs are assessed through a separate process and only consider the wild land qualities as described within the published descriptions for individual WLAs. The SLQ Impact Assessment covers the landscape qualities as identified in the published report for each NSA or NP, including in some cases, qualities such as a sense of wildness/seclusion/remoteness. In any instances we would encourage either a WLA impact assessment or an NSA impact assessment, but there may be instances where both are required. Choice of which assessment methodology to use, to avoid duplication and unnecessary complication, should be discussed with the relevant Park Authority and /or SNH where appropriate.

8. This guidance advocates a narrative approach, rather than numerical scores or tables. The purpose of the narrative is to provide the transparency that is necessary when drawing conclusions and making judgements of effect on experiential and perceptual qualities.

9. This methodology recognises that the high sensitivity of the designated landscape resource is inherent, irrespective of numbers of receptors. This accords with the approach to assessment of sensitivity in GLVIA where nationally designated landscapes typically have high value and highly susceptible to changes in landscape.

10. The detail of the assessment required will differ according to circumstances; including amongst other things the nature, scale, level of detail and certainty of the proposal. Early discussion with the Park Authority, Local Authority and SNH as appropriate will help establish the potential effects on the SLQs of a particular designated landscape, and the best phase or phases in the design development of a proposal at which to include an assessment of SLQs. **In general it is worth being aware of the SLQs which may be affected by a proposal, or land use change, as early as possible.** This guidance can be applied at any stage in the design development of a proposal and where applicable within the EIA process.

Understanding Special Landscape Qualities

11. SLQs are perceptual qualities and are about the way people respond to place. The assessment approach advocated here requires an understanding of how an area is *perceived and used by people*. How a place is used should not be confused with how many people use this landscape.

12. In 2007/8 SNH used a standard methodology to determine the special landscape qualities (SLQs) of Scotland's National Scenic Areas (NSAs). In 2009 this work was extended, using the same methodology, to include the whole of the National Parks and not just the NSAs within them. The term 'special landscape qualities' is used to differentiate the 2009 work from earlier work carried out by the National Park Authorities which identified a wider range of special qualities, not limited to landscape. Reports detailing the SLQs for each of the National Scenic Areas and both the Cairngorms and the Loch Lomond and The Trossachs National Parks were published in 2010

13. The structure and detail contained in these reports differs slightly from one to another, reflecting the differing nature and sometimes extent of the designated areas. The assessment approach outlined here should be tailored to the individual characteristics of the NSA/NP and the specifics of the proposals.

The Assessment Process

14. The table extract below summarises the approach to take when considering impacts on SLQs. The assessment should
    - be proportionate to the scale and stage of the development
    - be clear and transparent so that the reasoning that informs judgements can be tracked; and
    - convey the complexity of effects

15. A more detailed proforma for presenting the assessment of effects on SLQs is set out in Annex 1. A tabular approach to the recording of the assessment provides transparency. In particular it enables clear judgements to be taken at each stage that support the final conclusions on the assessment of effects to SLQs and any actions required. It is intended to frame rather than limit the assessment.

Step 3 The Assessment			
Column 1 **Relevant SLQs identified at scoping and refined during subsequent study**	**Column 2** **Underpinning landscape characteristics to inform detailed SLQ descriptions**	**Column 3** **Impacts of the proposal on underpinning key characteristics and the effects on SLQs**	**Column 4** **Proposed mitigation and timescales.** **Level of residual effect.**
Group 1 (Where SLQs are grouped give an explanation of the grouping and how derived e.g. experiential, spatial)			

Step 1 The Proposal – Gain as full an understanding of the proposal as possible

16. Where applicable, reference should be made to the 'project description' within an EIA Report, LVIA or related documentation and summarised for the purposes of the SLQ assessment. -The main components of the proposal should be identified and described. This includes any removal of existing structures or landscape features (eg. landform, vegetation), the introduction of new structures (eg. buildings, masts, turbines), and associated infrastructure including ground modelling, access roads, quarries or borrow pits, planting schemes, boundary treatments, lighting or signage. Of particular importance is the location and siting of the proposal, sizes and heights of structures, scale and extent, colours, and materials. In summarising the project description this should draw out any key aspects of the proposal that could impact on the SLQ, so informing the assessment in Column 3. We should be asking ourselves what impacts would these individual components and the development/proposal in entirety have on the scale, shape, diversity, variety of the SLQs identified? It is only by gaining a thorough understanding of the proposal that the full extent of effects on the SLQs can be understood.

Step 2 Define the Study Area and Scope of the Assessment identifying the area likely to be affected

17. This is a key stage of work, and covers two aspects, firstly to identify the extent of the study area which will relate to the location and form of the proposal, and secondly the relationship of this study area to the wider NSA/NP. It will be informed by:

    - The extent of visibility of the proposal including any ZTVs for the proposal;
    - an understanding of how the proposal will be experienced from parts of the NSA/NP, including routes, movement through and key locations in the designated area;
    - site based work (in initial study area might be identified and subsequently refined following a site visit);
    - landscape character;

- the potential for cumulative effects.

18. The study area may include a part of the designated area, the whole of the designated area, or in some cases the study area may extend beyond the boundary of the designated area. This latter situation will happen where SLQs likely to be affected by the proposal are derived in part or wholly, from landscape features and landscape characteristics out with the designated area, or alternatively where SLQs which are experienced from outside the designated area, may be affected. The study area for the SLQ assessment should be defined, tested in the field and agreed with the NPA, SNH or local authority.

19. This study area for the SLQ assessment may not be the same as the study area for an associated LVIA (where required). The study area for the SLQ assessment relates to how the SLQ are presented (how they 'work' - what they are, where they occur, how they relate to each other and how they are experinced)

Step 3 The Analysis of Impacts and Effects on SLQs

20. Each of the stages of assessment below relate to a column of the table, a proforma for which is included in Annex 1 of this guidance.

Column 1 Identification of relevant SLQs within the study area

21. With reference to the published SLQ report identify which SLQ(s) may be affected. The purpose here is to make the assessment focussed, appropriate and proportionate to the landscape context and the type of development or land use change proposed. The documented SLQs should be considered in light of the proposal and its location, and informed by local knowledge/field work/ZTV and other supporting information and in discussion with the NPA, LA or SNH as appropriate.

22. It may not be necessary to consider the effects of the proposal on every SLQ listed in the NSA/NP report. The aim should be to identify as far as is possible which SLQs are to be included in, or scoped out, of the impact assessment. SLQs can be considered individually or grouped. Where the SLQs interact with each other (contributing to the experience in the study area) they are best presented and considered together as a group. This can be revised following further site study and more in-depth consideration and site work. A simple justification of why SLQs are grouped is helpful. Understanding where people go and how people move through and experience the landscape is crucial.

23. In particular field work should identify whether a sequential travelling assessment (eg along a road, glen or coast), or criss-crossing a landscape and/or a series of defined viewpoints and viewsheds/visual envelopes would be preferable to inform which SLQs are experienced in different locations. These initial findings could be recorded on the pro-forma.

24. The relevant special landscape qualities would be those that one can experience within the study area (throughout the study area or in a part of the study area) and which may be affected by the proposal. Some of the SLQs we experience are dependent upon landscape characteristics and features beyond the boundary of the designated area. This is especially the case with visual and sensory qualities e.g. panoramic views, specific views, dark skies etc.

25. SLQs such as those that are about the experience of a 'named' view or a built structure or settlement may have a definite location (spatial SLQs), whereas other SLQs tend to be experienced together (nested SLQs such as mature impenetrable pine woods within an incised glen). Those SLQs that tend to be experienced together will usually be best grouped and assessed together (see examples in Annex 3).

Column 2 The Key Landscape Characteristics that underpin the SLQs

26. The narrative combining landscape character and qualities will be the basis for assessing impacts. To develop this narrative the assessor should refer to the published SLQ description and the landscape character assessment (LCA) but be led by the on-site experience and assessment. Inherent in this approach is the use of the key landscape characteristics identified, to interpret how the SLQs are experienced, and subsequently presented in the assessment. This is likely to require a greater level of detail, sufficient to inform the assessment of impact.

27. Site visits, and/or a good working knowledge of the area and how it is used, are key to providing a robust and consistent level of baseline SLQ/LCA information, which can usefully inform the assessment of effects and proposals for mitigation.

28. The text within the published SLQ reports varies in content and level of detail across the suite of NSAs/NPs. A pragmatic approach is advocated and early discussion with SNH/NPAs would help inform this process.

Column 3 Impact of the proposal on underpinning characteristics and the effects on SLQs

29. The narrative here should focus on assessing the effects of the proposal on the key landscape characteristics that underpin the SLQ and their experience. This should be a considered and integrated narrative assessment (see examples).

30. Use of ZTV, visualisations, wirelines and photomontages will inform the assessment, alongside site visits. This section should include a consideration of the impacts of the key components of the proposal using design principles (such as shape, scale, diversity, texture) to explain the impacts and how they may be further mitigated.

Column 4 Consideration of proposed mitigation and timescales, level of impact

31. The following questions should frame the consideration of mitigation.

- Is there potential for mitigation of residual effects to reduce effects on the SLQ(s) and their experience (e.g. through design modifications or management)?
- What are the realistic timescales for mitigation to become effective in reducing effects on SLQ(s) eg. growth of mature native woodland, restoration of land cover disturbance? The results of mitigation in reducing effects should be considered in the short, medium and long term. What is the certainty that mitigation will become effective?
- Is there potential for enhancement/compensation?

32. Judgements on the level of impacts o SLQs are based on an assessment approach which considers:

a) The sensitivity of the resource (this is always considered high because of the national status of the designation)
b) the nature of the effects and its longevity
c) the potential to avoid or mitigate the effect (through location, siting, design), and
d) limitations to carrying out mitigation (eg. conflicting objectives, technological challenges).

33. Having considered the aforementioned parameters affecting the level of impact, what are the residual effects on the SLQ or group of SLQs. Levels of effects should be expressed as high, medium or low, with medium and high effects considered to be significant under SPP or the relevant policy test.

Step 4 Summary of Impacts on the SLQs, implications for the NSA/NP and possible future effects on SLQs and recommendations for mitigation

34. This final stage draws together all the strands of the assessment to present in summary, evidence to inform the decisions on policy. This narrative should cover the following issues:

- the relationship between affected SLQs (where relevant) in the context of the study area and the wider designated landscape, including any specific locational issues in relation to the way the landscape is experienced eg. gateway experiences or specific features or views;
- the nature and levels of effects on the relevant SLQs.
- relationship of people with SLQs and how they may be experienced and affected (expectations of people, mode of transport);
- a consideration of possible cumulative effects and the incremental erosion of a designated landscape's SLQs over time.

35. From the judgement above, a statement of effect should be produced:

'Significant effects have been identified on the following SLQs…..[list]'
What does this mean for the study area? This means that in the study area the SLQs will/will no longer be represented or experienced?
What does this mean for the wider designated area?

ANNEX 1

Assessment of Impacts on Special Landscape Qualities from :

Step 1 The Proposal
The proposal is …

Step 2 The Study Area	Outline Map
The relationship of the proposal to the designated landscape (within or outside) …….. NSA/NP Notes: Relationship of the proposal to any relevant WLA. Is a WLA impact assessment required? **Description of the study area and how it has been defined.** The study area includes … The Relevant Published SLQ report is (insert hyperlink) The Relevant landscape character assessment(s) is ……..	

How the Area is used and experienced by people
Where people go and why.

Step 3 The Assessment			
Column 1 **Relevant SLQs identified at scoping and refined during subsequent study**	**Column 2** **Underpinning landscape characteristics to inform detailed SLQ descriptions**	**Column 3** **Impacts of the proposal on underpinning key characteristics and the effects on SLQs**	**Column 4** **Proposed mitigation and timescales. Level of residual effect.**
Group 1 (Where SLQs are grouped give an explanation of the grouping and how derived e.g. experiential, spatial)			
Group 2 **(Where SLQs are grouped give an explanation of the grouping and how derived e.g. experiential, spatial)**			
Group 3 **(Where SLQs are grouped give an explanation of the grouping and how derived e.g. experiential, spatial)**			
Step 4 Summary of effects on SLQs, and integrity of NSA/NP			

Annex 2

An assessment again the relevant planning legislation and policy tests should be undertaken, in the relevant chapter of the EIA Report, where applicable.

Dalgleish K (Kieran)

From: Vicki Enston <Vicki.Enston@onr.gov.uk> on behalf of ONR Land Use Planning <ONR-Land.Use-Planning@onr.gov.uk>
Sent: 16 April 2021 09:17
To: Econsents Admin
Subject: RE: HPE CM: Request for Scoping Opinion Tom Na Clach Wind Farm Extension

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning

ONR have no comment to make in relation to the request for Scoping Opinion Tom Na Clach Wind Farm Extension.

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

Kind regards

Vicki

Vicki Enston
Regulatory Officer
Land Use Planning
Emergency Preparedness & Response
Office for Nuclear Regulation

E: ONR-Land.use-planning@onr.gov.uk

Office for Nuclear Regulation

The Office for Nuclear Regulation's mission is to provide efficient and effective regulation of the nuclear industry, holding it to account on behalf of the public.

Website: www.onr.org.uk **Twitter:** @ONRpressoffice

From: Carolanne.Brown@gov.scot **On Behalf Of** Econsents_Admin@gov.scot
Sent: 08 April 2021 15:05
Subject: HPE CM: Request for Scoping Opinion Tom Na Clach Wind Farm Extension

Dear Consultee,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR Tom Na Clach Wind Farm Extension

On **07 April 2021**, Infinergy Limited (the Applicant) submitted a request for a scoping opinion from the Scottish Ministers for the proposed section **36** application for the **Tom Na Clach Wind Farm Extension**. The proposed development is for 8 wind turbines 149.9m blade to tip height located in the planning authority area of **The Highland Council**, in line with regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Under regulation 12, Scottish Ministers are required to provide a scoping opinion outlining the information they consider should be included in the EIA report. Ministers are also required to consult the relevant consultation bodies and any other interested party which is likely to have an interest in the proposed development by reason of its specific environmental responsibilities or local and regional competencies.

The scoping report can be viewed at the Scottish Government's Energy Consents Unit website www.energyconsents.scot by:

- clicking on ***Search*** tab; then,
- clicking on ***Simple Search*** tab; then,
- typing **Tom Na Clach Wind Farm Extension** into ***Search by Project Name*** box then clicking on ***Go***;
- then clicking on **EC00003252** and then click on ***Documents*** tab.

To allow Scottish Ministers to provide a comprehensive scoping opinion, we ask that you review the scoping report and advise on the scope of the environmental impact assessment for this proposal. Please advise if there are any further matters you would like Ministers to highlight for consideration and inclusion in the assessment, particularly site specific information.

I would be grateful for your comments by **29 April 2021.** Please note that reminders will not be issued, therefore if we have not received any comments from you, nor a request for an extension to this date, we will assume that you have no comments to make.

Please send your response (in PDF format if possible) to Econsents_Admin@gov.scot

Kind regards

Carolanne

Carolanne Brown | Energy Consents | Directorate for Energy and Climate Change
Scottish Government | 4th Floor | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU
✉: carolanne.brown@gov.scot ': Tel: 0141 242 5616 / 07392287971 | www.energyconsents.scot |Privacy Notice

rspb giving nature a home Scotland

Carolanne Brown
Energy Consents Unit

By email: Econsents_Admin@gov.scot

29 April 2021

Dear Carolanne

ECU00003252| Tom na Clach Wind Farm, Request for Scoping Opinion

Thank you for consulting RSPB Scotland on the above scoping opinion request in relation to the Tom na Clach Wind Farm proposal, which includes the erection of up to 8 wind turbines and associated infrastructure.

RSPB Scotland is supportive of the use of renewable energy, but wind farms must be carefully sited to avoid negative impacts on sites and species of highest conservation importance. As recognised by Scottish Government, we are facing a twin crisis of climate change and biodiversity loss[1], with both issues needing to be addressed together and planning supporting this response.

Policy

Section 3 of the Scoping Report makes reference to national policies and commitments in relation to renewable energy and climate change. Although this is welcome, we would highlight that the Scottish Government's biodiversity strategy[2] and its commitments in relation to biodiversity are also relevant to the proposal. Scottish Government's Statement of Intent on the Scottish Biodiversity Strategy Post-2020[3] makes clear the urgency required to respond to the climate and nature crises. In the Edinburgh Declaration[4], the Scottish Government has called on parties to the Convention on Biological Diversity to "take strong and bold actions to bring about transformative change, as outlined in the IPBES global assessment report, in order to halt biodiversity loss." We would, therefore, welcome the additional inclusion of relevant national biodiversity policies and strategies in the EIA Report.

Designated Sites

The scoping report states that '*following current SNH guidance (SNH, 2016)…the distances to all the SPA's shown in Table 6.1 are greater than the reported range/connectivity distance for the qualifying species listed for the SPA's. As such, these SPAs warrant no further consideration within the EIA*.' (6.6, p26). However, the NatureScot guidance referred to does not specify range or connectivity for capercaillie.

Female capercaillie can disperse up to 30km. The nearest capercaillie SPA (Kinveachy Forest) is given as 11.2km from the site, whilst 4 other capercaillie SPAs are within 20km. There is a possibility, albeit thought to be small, that transiting birds could be impacted by the proposal through collision risk and barrier effects. Therefore, it is advised that impacts on capercaillie SPAs should not scoped out at this stage and further consideration is given to whether there would be likely significant effect on the relevant SPAs. If likely significant effects exist then sufficient information must be provided to allow an Appropriate Assessment to be carried out by the decision maker. If required capercaillie data can be provided from the Capercaillie Advisory Officer (Molly Doubleday) to inform any assessment.

[1] Scottish Government (2020) Scotland's Fourth National Planning Framework Position Statement
[2] NatureScot website: https://www.nature.scot/scotlands-biodiversity/scottish-biodiversity-strategy, accessed 04/03/21
[3] Scottish Government (2020) Scottish Bioiversity Stategy Post 2020: Statement of Intent
[4] Scottish Government (2020) *Edinburgh Declaration on post-2020 global biodiversity framework*

North Scotland Office
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IV2 3BW

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rspb.org.uk

Golden Plover

RSPB Scotland objected to the Tom na Clach Windfarm application, which is now the Operational Scheme, due to the potential for impacts on Annex 1[5] golden plover which were found at high densities across the site. Extending this windfarm would be likely to increase impacts on this species.

An ornithological monitoring plan was submitted for the now operational windfarm which outlines post construction monitoring methods that would be put in place to assess displacement impacts. Any monitoring data available from the operational windfarm should be used to help inform the current application, detailing any results from post-construction monitoring for golden plover and other species.

Golden eagle

We understand that NatureScot are updating their guidance on how to assess impacts of windfarms on breeding golden eagles particularly in relation to range loss. RSPB Scotland would advise inclusion of the Golden Eagle Topographical (GET) model to show areas of high landscape use and if relevant (depending on results of desk based and VP surveys) use of this tool to inform windfarm layout, as well as the Predicting Aquila Territories model should any territories be present.

Peatland and carbon balance

Peat is an important carbon store. When it is in good condition it sequests carbon from the atmosphere but damaged peatland can release greenhouse gases. Wind farms on sensitive peatlands and deep peat can significantly reduce the climate benefits of renewable energy. Peatland is also an irreplaceable, priority habitat recognised by Scottish Planning Policy as of nantional impotance[6]. We welcome the commitment by the applicant that turbines would be sited to avoid the areas of deeper peat as far as possible, and measures should be taken to minimise peat disturbance. However, we note that the current proposed layout appears to show a number of turbines on deep peat >50cm. Given this, mitigation should include identifying a suitable area of modified blanket bog to be restored. Our experience of working on bog restoration shows that it is not possible to recreate this habitat from excavated, stored peat. The compensatory area should be of a sufficient size, must be deliverable, assessed for suitability and identified in the EIA report.

RSPB Scotland agree that a carbon calculation, in line with current guidance, is undertaken to determine the ‘carbon payback period’ over the operational life of the development. We recommend that the carbon calculator is used as early as possible in the planning process to inform siting and micrositing of both turbines and tracks and other infrastructure, and not simply undertaken after the site layout has been decided. RSPB Scotland considers that the payback period should be as close to zero as possible.

Mitigation and Habitat Management Plan

We believe that development should leave nature in a better state than before it took place. The scoping report (5.35, p19) clearly outlines that the habitat currently present on site is mostly degraded blanket bog, modified through a combination of drainage, burning and grazing and opportunities to enhance habitats and benefit biodiversity should be taken.

The EIA Report should include a full survey, impact assessment and proposals for mitigation in relation to important habitats and species on this site. A Habitat Management Plan[7] was submitted to address a condition of the now operational Tom na Clach Windfarm. This details measures to be undertaken within a blanket bog restoration area and a wader management area. It is vital that the current proposal and any associated infrastructure does not impact negatively on these habitat management areas. If the proposed development is granted consent and proceeds, the blanket bog restoration area and wader management area should be extended to mitigate for the additional impacts of the proposal.

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[5] Annex 1 of the Birds Directive, https://ec.europa.eu/environment/nature/conservation/wildbirds/threatened/index_en.htm

[6] Scottish Government (2020) Scottish Planning Policy, https://www.gov.scot/publications/scottish-planning-policy/

[7] EnviroCentre (2016) Tom nan Clach Wind Farm Habitat Management Plan, November 2016

A Habitat Management Plan (HMP) should be prepared and submitted with any application that comes forward, in line with NatureScot guidance[8].

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

Alison Phillip
Conservation Officer – South Highland

[8] SNH (2016) Guidance - Planning for development - What to consider and include in Habitat Management Plans, https://www.nature.scot/guidance-planning-development-what-consider-and-include-habitat-management-plans

Scottish Forestry
Coilltearachd na h-Alba

Highland and Islands Conservancy
"Woodlands", Fodderty Way
Dingwall, Ross-shire, IV15 9XB

Glèidhteachas na Gàidhealtachd's nan Eilean
"Fearann – coilleach'
Rathad Fodderty
Inbhir Pheodhearan
Sgire Rois, IV15 9XB

Tel/Fòn 0300 067 6950
Highland.cons@forestry.gov.scot

Conservator/Neach Dion Arainneachd
John Risby

29th of April 2021

Ms Carolanne Brown
Energy Consent Unit
Scottish Government
via email

Dear Ms Brown

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

SCOPING OPINION REQUEST FOR PROPOSED SECTION 36 APPLICATION FOR TOM NA CLACH WIND FARM EXTENSION, your ref: ECU0003252

Thank you for consulting Scottish Forestry on the scoping report for proposed Tom Na Clach Wind Farm Extension (proposed development).

Scottish Forestry (SF) is the Scottish Government agency responsible for policy, support and regulation of forestry sector in Scotland. As such SF comments on possible impact of development proposals on forests and woodlands.

The proposed development area includes no woodland, and the nearest afforested area (Glenkirk Forest) lies out-with the development's boundaries. Scottish Forestry therefore has no further comments to make at this point.

Please don't hesitate to contact me if you wish to discuss Scottish Forestry's response.

Yours sincerely

Redacted

Agata Baranska
Regulations & Development Manager
agata.baranska@forestry.gov.scot

ScotWays
Upholding public access

Econsents_Admin@gov.scot

Carolanne Brown
Energy Consents
Directorate for Energy and Climate Change
The Scottish Government
4th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Our Ref: 03955
27/04/2021

Dear Ms Brown,

ECU ref: **ECU00003252**
Re: **Scoping Opinion Request for Tom na Clach Wind Farm Extension proposal**
Site: **Approx 8km NE of Tomatin within the administration area of The Highland Council**

Thank you for your email of 8 April 2021 seeking comments on the scoping report for the above proposal.

ScotWays records

The National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to the application site as shown on Figure 1.3 *Proposed Development Site Layout.*

In searching our records at this scoping stage, we have focussed solely on the immediate area of the proposed application. If required by the applicant to inform their Environmental Impact Assessment (EIA), maps of a wider search area are available from the Society, alongside a more detailed response.

Other Access to Land

You should be aware that other forms of public access to land may affect the proposed application site. More detail about these other types of access is set out in the enclosed Catalogue of Rights of Way Guidance Notes

Wind Farms and public access

It is our understanding that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way, so we draw your attention to the following:

Extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8)
Proximity to Highways and Railways
2.25 It is advisable to set back all wind turbines a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line.

ScotWays considers the above Note sets out a reasonable principle for a recommended minimum separation distance. There could also be site specific factors which would lead us to prefer a larger minimum separation distance; these could include the affected route being one of Scotland's Great Trails or it being known for equestrian use, for example. ScotWays is likely to object to any proposal where the above principle is not followed, including where a micro-siting allowance could lead to turbine encroachment upon a route because it has been insufficiently buffered.

Recreational amenity

As well as direct impacts of development upon public access, ScotWays has an interest in impacts on recreational amenity, so this includes the impact of wind farm development on the wider landscape. We anticipate that the applicant will take into account both recreational amenity and landscape impacts in developing their proposals for this site. We will consider these issues further should this scoping stage lead to a planning application.

Cumulative Impact

As this is an extension to an existing wind farm and ScotWays is aware of a number of wind turbine proposals in this general area, we are particularly concerned that the cumulative impact of these proposed developments is taken into account.

Comment

Under section 3 of the Land Reform (Scotland) Act 2003, there is a duty upon landowners to use and manage land responsibly in a way which respects public access rights. Under section 14 of the same Act, access authorities have a duty to uphold access rights. Accordingly, we suggest that the applicant may wish to approach the relevant authority's access team for their input when drawing up their Access Management Plan for their proposed development.

I hope the information provided is useful to you. Please do not hesitate to contact us if you have any further queries.

Yours sincerely,

Redacted

Lynda Grant
Access Officer

Catalogue of Rights of Way
Scoping Comment Guidance Notes

These notes explain what is shown on the map(s) provided with scoping comments and provide information about the public right of access to land in Scotland. All maps are provided on a 1:50,000 scale base.

What is the Catalogue of Rights of Way (CROW)?

CROW was created by ScotWays in the early 1990s with the help of Scottish Natural Heritage (now NatureScot) and local authorities and is an amalgamation of rights of way information from a number of different sources. Mapped at 1:50,000 scale, the catalogue does not include all rights of way – many of these are known only to local people and come to ScotWays' notice only when a problem arises.

CROW is continually updated to take account of new information as it comes to ScotWays' attention.

Catalogue of Rights of Way maps

What is a Recorded Right of Way?

Any right of way that we record in the Catalogue of Rights of Way.

Where any Recorded Rights of Way pass through or close to the wind farm application site a map will be provided showing these.

What is an Other Route?

Any path that we record in the Catalogue of Rights of Way that does not appear to meet the criteria to be a right of way.

Where any Other Routes pass through or close to the wind farm application site a map will be provided showing these.

What is a Heritage Path?

These are historic routes that form part of the transport heritage of Scotland. They reflect our cultural and social development and include drove roads, military roads, Roman roads, pilgrim routes and trade routes.

These routes may or may not be rights of way, core paths or carry some other type of designation.

Find out more about the Heritage Paths project at http://www.heritagepaths.co.uk

Where any Heritage Paths pass through or close to the wind farm application site a map will be provided showing these.

What is a Scottish Hill Track route?

First published in 1924, our book *Scottish Hill Tracks* is a record of the network of paths, old roads and rights of way which criss-cross Scotland's hill country, from the Borders to Caithness.

These publicised routes may or may not be rights of way, core paths or carry some other type of designation.

Copies of our book *Scottish Hill Tracks* can be purchased from the ScotWays webshop: https://www.scotways.com/shop

Where any *Scottish Hill Tracks* routes pass through or close to the wind farm application site a map will be provided showing these.

Disclaimer

The routes shown on the CROW maps provided have been prepared from information contained in the records of ScotWays, local authorities, judicial and other records. The inclusion of a route in CROW is not in itself declarative of its legal status.

Other Public Access Information

Unrecorded Rights of Way

Our records only show the rights of way that we are aware of. Scots law does not require a right of way to be recorded in a specific document. Any route that meets the following criteria will be a right of way. This could include any paths, tracks or desire lines within your area of interest. A right of way:

1. Connects public places.
2. Has been used for at least 20 years.
3. Follows a more or less defined route.
4. Has been used by the public without judicial interruption or the landowner's permission.

Core Paths

The Land Reform (Scotland) Act 2003 requires all access authorities to create a system of routes within their area. These are known as core paths and are recorded in the authority's core paths plan. It is anticipated that applicants will have consulted the relevant access authority's core paths plan to check whether any core paths cross or are close to the wind farm application site, and will also have consulted the authority's access team.

The General Right of Access

Irrespective of the presence or absence of rights of way and core paths, the land in question may be subject to the access rights created by Section 1 of the Land Reform (Scotland) Act 2003. Unless the land falls into an excluded category in Section 6 of this Act then the public has a right of access to the land, and land owners/managers have a duty under the Act's Section 3 to consider this in any decisions made about the use/management of the land.

Other Promoted Routes

There may be part of a promoted route running through or close to any wind farm application site. These will usually be obviously signed with signposts or waymarking and

may feature in guidebooks, leaflets, on local information boards and on websites. The two main types of nationally promoted routes are:

Scotland's Great Trails: https://www.scotlandsgreattrails.com
National Cycle Network: https://www.sustrans.org.uk/map-ncn

Public and Private Roads

The Roads (Scotland) Act 1984 created the terms public road and private road. Public Roads are those roads which are on the List of Public Roads and, importantly, the roads authority is required to manage and maintain. Private Roads are those roads which are not on the List of Public Roads and thus there is no duty on the roads authority to manage or maintain them. There is a public right of passage over these roads and the owner(s) of a private road may not restrict or prevent the public's right of passage over the road.

If required, the local roads authority should be contacted by the applicant for more information on public and private roads that may cross or pass close to the application site.

More Information on Outdoor Access Law

If you would like to know more about outdoor access law, why not get a copy of our book *The ScotWays Guide to the Law of Access to Land in Scotland* by Malcolm Combe? Visit our website, https://www.scotways.com/shop for more information.

Development and Planning Applications

When proposing to develop a site, it is advisable that the applicant reviews the current amount and type of public access across it and presents this as an access management plan as part of their application. This should include rights of way, core paths, other paths and tracks, and take account of how the statutory right of access currently affects the site.

The plan should then consider the effect that the proposed works, during construction and upon completion, would have on any patterns of public access identified. Any good practice guidance associated with the proposed type of development should be considered, e.g. for windfarms the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8) Proximity to Highways and Railways paragraph 2.25 and the policies contained within any local statutory plans.

Depending upon the proposals there may be specific legal processes that are required to be followed to divert any paths or tracks either temporarily or permanently. These will be in addition to getting planning consent for the proposal. We recommend that applicants contact the access team at the relevant access authority for advice in this regard.

Published October 2019, updated March 2021

Friday, 09 April 2021

Local Planner
Energy Consents Unit
5 Atlantic Quay
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G2 8LU

Development Operations
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G33 6FB

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

Dear Sir/Madam

SITE: Tom na Clach Wind Farm Extension, , Near Inverness, IV12 5RQ
PLANNING REF: 286549 834994
OUR REF: DSCAS-0037306-NVN
PROPOSAL: Proposed Wind Farm, an Extension to Tom nan Clach Wind Farm, comprising up to 8 wind turbines of up to 149.9m tip height and associated infrastructure.

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 and would advise the following:

Please Note

- The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject “Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found here.
- Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal

units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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,

Pamela Strachan
Development Operations Analyst
Tel: 0800 389 0379
developmentoperations@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."

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Our ref: 1037
Your ref: EC00003252

Carolanne Brown
Energy Consents
Scottish Government

By email only to: Econsents_Admin@gov.scot

SEPA email contact:
Planning.north@sepa.org.uk

20 April 2021

Dear Ms Brown

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)(SCOTLAND)REGULATIONS 2017
SECTION 36 APPLICATION
Tom Na Clach Wind Farm Extension

Thank you for consulting SEPA on the scoping opinion for the above development proposal by your email received on 8 April 2021. Following a significant cyber attack on 24thDecember 2020, SEPA are currently unable to provide detailed site specific advice at the scoping stage. The relevant information, as outlined below and in the following appendix, should be submitted in support of the application to avoid any potential objection.

a) Map and assessment of all engineering works within and near the water environment including buffers, details of any flood risk assessment and details of any related CAR applications.

b) Map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.

c) Map and assessment of impacts upon groundwater abstractions and buffers.

d) Peat depth survey and table detailing re-use proposals.

e) Map and table detailing forest removal.

f) Map and site layout of borrow pits.

g) Schedule of mitigation including pollution prevention measures.

h) Quarry or Borrow Pit Site Management Plan of pollution prevention measures.

i) Map of proposed waste water drainage layout.

j) Map of proposed surface water drainage layout.

k) Map of proposed water abstractions including details of the proposed operating regime.

l) Decommissioning statement.

Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix. We also provide site specific comments in the following section which can help the developer focus the scope of the assessment.

Regulatory advice for the applicant

Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

Details of regulatory requirements and good practice advice for the applicant 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 via the contact form on the SEPA website.

If you have queries relating to this letter, please contact me by e-mail at planning.north@sepa.org.uk.

Yours sincerely

Laura Wilson
Senior Planning Officer - Planning Service North

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.

Appendix 1: Detailed scoping requirements

This appendix sets out our scoping information requirements. 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 in order **to avoid delay and potential objection.**

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed.

We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

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 site 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 wherever 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 must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and 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.

c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.

2.2. If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.

2.3. 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.

2.4. Refer to our flood risk Standing Advice for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the planning application. Our Technical flood risk guidance for stakeholders outlines the information we require to be submitted as part of a Flood Risk Assessment. 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. Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants must assess the likely effects of development on carbon dioxide (CO2) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO2 to the atmosphere. Developments must aim to minimise this release."

3.2. The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO2 and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat. There is often less environmental impact from localised temporary storage and reuse rather than movement to large central peat storage areas.

3.3. The submission must include:

a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems.

b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.

3.4. To avoid delay and potential objection proposals must be in accordance with Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste and our Developments on Peat and Off-Site uses of Waste Peat.

3.5. Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.

3.6. Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.

4. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)

4.1. GWDTE are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:

a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.

4.2. 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. Existing groundwater abstractions

5.1. Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:

a) A map demonstrating that all 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. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

5.2. Please refer to Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further advice on the minimum information we require to be submitted.

6. Forest removal and forest waste

6.1. Key holing must be used wherever possible as large scale felling can result in large amounts of waste material and in a peak release of nutrients which can affect local water quality. The supporting information should refer to the current Forest Plan if one exists and measures should comply with the Plan where possible.

6.2. Clear felling may be acceptable only in cases where planting took place on deep peat and it is proposed through a Habitat Management Plan to reinstate peat-forming habitats. The submission must include:

a) A map demarcating the areas to be subject to different felling techniques.

b) Photography of general timber condition in each of these areas.

c) A table of approximate volumes of timber which will be removed from site and volumes, sizes of chips or brash and depths that will be re-used on site.

d) A plan showing how and where any timber residues will be re-used for ecological benefit within that area, supported by a Habitat Management Plan. Further guidance on this can be found in Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS.

7. Borrow pits

7.1. Scottish Planning Policy states (Paragraph 243) that "Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place." The submission must provide sufficient information to address this policy statement.

7.2. In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 Controlling the Environmental Effects of Surface Mineral Workings (PAN 50) a Site Management Plan should be submitted in support of any application.

7.3. 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 250 metres. 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. 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, drawings of what is proposed in terms of engineering works.

c) You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.

d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.

e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.

f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.

g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and

vehicle washing areas. The drawing notes should include a commitment to check these daily.

h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO2.

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

j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

8. Pollution prevention and environmental management

8.1. One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration.

8.2. 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 ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to Guidance for Pollution Prevention (GPPs).

9. Life extension, repowering and decommissioning

9.1. 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.

9.2. The submission needs to demonstrate that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

Development Management and Strategic Road Safety
Roads Directorate

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TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Carolanne Brown
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Econsents_Admin@gov.scot

Your ref:
ECU00003252

Our ref:
GB01T19K05

Date:
26/04/2021

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR TOM NA CLACH WIND FARM EXTENSION

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by Infinergy 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, we would provide the following comments.

Proposed Development

The proposed development comprises up to 8 wind turbines with a maximum blade tip height of up to 149.9m located at Cawdor Estate and Lethen Estate, approximately 8km north-east of Tomatin and approximately 5.5 km east of the A9(T). The proposal comprises an extension to Tom nan Clach Wind Farm which was granted planning permission in October 2016 and became operational in March 2019. The operational wind farm comprises 13 turbines with a blade tip height of 125m.

Transport Scotland was consulted on the operational scheme and provided comment on the Environmental Impact Assessment (EIA) which supported the application in a letter dated 21 September 2015. We note that the proposed extension will be accessed via the B9007 which is part of the local road network.

Assessment of Environmental Impacts

Chapter 11 of the SR deals with Traffic and Transport matters. This states that the thresholds as set out 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 to determine whether there is a requirement for detailed assessment of environmental effects associated with increased traffic. Transport Scotland considers this approach appropriate.

We note that base traffic, including sites on the A9(T) and A95(T), will be obtained from traffic flow data from the UK Department for Transport (DfT) database website. Transport Scotland is satisfied with this approach, but would add that an alternative source of traffic data is Traffic Scotland's National Traffic Data System (https://ntds.trafficscotland.org/). We also note that the use of "Low" National Road Traffic Forecasts (NRTF) is proposed, and that the assessment will consider the temporary change in traffic flows and the resultant, temporary effects on the study network during the construction phase. Transport Scotland is satisfied with this approach.

Abnormal Loads Assessment

The abnormal loads route is anticipated to be from the Port of Inverness and will follow the delivery route for the operational scheme, i.e. via the A9(T), A95(T), A938 and B9007. The SR states that due to the proposed blades being larger than those used in the operational scheme, swept path analysis will be completed to determine where any upgrades will be required to accommodate the delivery of the turbine components. This is considered appropriate, as Transport Scotland will require to be satisfied that the increased size of turbine components can negotiate the selected route and that their transportation will not have any detrimental effect on structures within the trunk road route path.

A full Abnormal Loads Assessment report should be provided with the Environmental Impact Assessment Report (EIAR) that identifies key pinch points on the trunk road network, contains swept paths and details of any required mitigation.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact myself at the number above 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.

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20th May 2021

Dear Carolanne,

Further to your request for advice on the scope of the environmental impact assessment, Cawdor & West Nairnshire Community Council would like to submit the following comments.

The scoping report appears to be thorough, covering all areas of potential concern with regards to the environmental impact.

There is only one site specific matter which we would like Ministers to highlight for consideration in the assessment. The Community Council members expressed concern about the height of the proposed 8 new turbines, which would be 25m taller than the existing 13 turbines on the Tom Na Clach site. The increased height would mean that the new turbines would be visible from a wider area and could potentially impact on birdlife in a negative way.

Otherwise, we are satisfied that all potential concerns have been satisfactorily addressed.

Kind regards,

Lizzy Rose
Secretary

East Nairnshire Community Council - Consultation Response

Brown C (Carolanne)

From: Alison Cook <encc19@gmail.com>
Sent: 28 April 2021 18:14
To: Brown C (Carolanne)
Subject: Tom Na Clach Wind Farm

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Carolanne,

We don't have a comment as such but as East Nairnshire Community Council has been a consultee for this proposal and a Community Councillor has attended several Community Liaison Group meetings and exhibitions so that even though we are "across the border" we are well-acquainted with the details and feel that we have had every opportunity to contribute and comment.

We would like to support the application, which we believe is a measured approach, and congratulate the Applicant on the effort put in to keeping this Community informed.

best wishes

Alison Cook acting chair ENCC