



Buidheann Dion
Àrainneachd na h-Alba

Our ref: 4954
Your ref: ECU00003453

SEPA email contact
Planning.North@sepa.org.uk

22 June 2022

Mark Ashton
Energy Consents Unit
Scottish Government

By email only to: Econsents_admin@gov.scot

Dear Mark Ashton

**The Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations
2017
Tom na Clach Windfarm - Highland**

Thank you for your consultation email which SEPA received on 27 April 2022 and for agreeing to an extension to the consultation period. As you know we also received further information and clarification direct from the developer on 14 June 2022.

Advice for the determining authority

We **object** to this application due to impacts on the water environment and peat. We will consider withdrawing this objection if the layout is amended to address the issues outlined below in sections 1 and 2 or it is subsequently demonstrated that the layout is the best environmental option in relation to our interests.

We also ask that the **conditions** outlined below are applied to the consent. If these will not be applied then please also consider this aspect an objection.

1. Peat and peatland habitats

1.1 It is not clear that the current layout minimises peat disturbance and related carbon loss. We therefore **object** and ask that the location of the following be amended to reduce peat disturbance (or further information submitted to demonstrate that alternatives would disturb greater volumes of peat):

- T1, which should be moved further north to avoid deep peat.
- The spur track to T3, there is shallower peat and disturbed areas to the north and an existing track to the north west.



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- The Indicative Substation, other areas around the existing substation need to be considered. In addition could the existing substation be utilised, or area already disturbed for it.
- The orientation of T5, which could make more use of the shallower eroded peat to the south-west (but still including buffer to watercourse).
- The track to T6, access via T4 would potentially avoid deep peat and would reduce track length by approximately 400m.

1.2 We are generally content with the Outline Peat Management Plan but ask that following any amendments to reduce peat disturbance clarification is provided regarding the total volume of peat that will be disturbed by the development. We note that reuse of disturbed peat includes in peatland restoration which is supported by detailed calculations and assessment of areas for reuse; this approach is welcomed.

1.3 Notwithstanding above we ask that **conditions** are applied requiring:

- All works to be carried out in line with the methods outlined in Appendix 13.A
- A finalised Peat Management Plan which demonstrates how post consent layout amendments has further minimised peat disturbance and carbon loss
- Micrositing of up to 50m (or as you see reasonable), but not onto peat deeper than currently shown for the relevant infrastructure on Figure 9.6.
 - Adherence to a finalised Habitat Management Plan which shall be based on the Outline Habitat Management Plan (Appendix 11.E) submitted, delivering restoration to as a minimum, the areas shown on Figure 13.12. However in view of the large scale opportunities for peatland restoration on this site we expect the post-consent version of the plan to be proposing significantly more improvement works.
 - Tracks to be floated as shown on Figure 3.0.

2. Watercourses

2.1 We note that a buffer of 50 m has been included within the design for those watercourses on the 1:50,000 and 1:25,000 mapping; buffers to smaller watercourses also need to be considered. A turning area is proposed directly adjacent to watercourse crossing 4 near T1. We **object** unless this is moved further away from the watercourse and the minimum buffer to the top of the watercourse is confirmed.

2.2 The developer has confirmed that many of the small water features on the site are peat gullies or manmade drainage and that proposals are either to divert these features or block them as part of peatland restoration proposals and we can confirm that we are content with this approach. We do however require further justification of this approach in relation to the water features in the vicinity of T4 and the track to it. We **object** until it is demonstrated that this is not a natural watercourse and the proposed treatment during construction is outlined. Photographs of the channel features in this area would be helpful as part of this. If it is a natural watercourse the infrastructure should be relocated.



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- 2.3 A **condition** should be applied requiring (1) the Allt Carn an t-Sean-liathanaich crossing to be a single span bridge demonstrated to pass the 1 in 200 year flood event plus an allowance for climate change and (2) all other crossings to be oversized bottomless arched culverts.

3. Other conditions

- 3.1 To ensure that that construction works are carried out in line with the measures prescribed in the submission and reinstatement and decommissioning works are carried out in a way that is sensitive to the environment:
- Borrow pit restoration at the end of the construction phase.
 - Finalised Decommissioning and Restoration Plan with proposals in line with our Guidance on the life extension and decommissioning of onshore wind farms.
 - Adherence to the methods outlined in Appendix 13.A Good Practice Methods

On the basis of the information available and without prejudice to the determination of any corresponding applications for CAR authorisation, we can confirm that we would expect the proposal to fall into Category 1 - 'capable' of being authorised. We can confirm that we have not received any CAR applications from the developer.

Regulatory advice for the applicant

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website.

Should you wish to discuss this letter please do not hesitate to contact me via email at planning.north@sepa.org.uk.

Yours sincerely

Susan Haslam
Senior Planning Officer
Planning Service

ECopy to: N.sage@infinergy.co.uk; Mark.Ashton@gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).



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