

**INQUIRY INTO AN APPLICATION UNDER SECTION 36 OF THE 1989  
ELECTRICITY ACT TO CONSTRUCT AND OPERATE A WIND FARM, NEAR  
DUFFTOWN, MORAY**

**Matters on which further representations / information is requested**

**Wildlife and habitat issues (excluding ornithology)**

(1) Representations on whether the proposals satisfy the 3 licensing tests for European Protected Species (*such as otters, bats and wild cats*) as set out in paragraphs 18-25 of European Protected Species, Development Sites and the Planning System: Interim Guidance for Local Authorities on Licensing Arrangements (Scottish Executive, October 2001). Representations should take account of the terms of paragraphs 26-33 of the interim guidance.

(2) Responses to Scottish Natural Heritage's appraisal of the effects of the proposals on the River Spey Special Area of Conservation as set out in their letter of 18 June 2009.

(3a) Further explanation (from the applicants) and responses to the nature conservation values given in the Environmental Statement to blanket bog, wet heath, dry heath, and wind clipped lichen/bryophyte heath, which are listed in Annex 1 of the EC Habitats Directive.

(3b) Representations on any adjustments to be made to the assessment in the Environmental Statement if the habitats at (3a) were to be given a higher nature conservation value (eg high).

(3c) Clarification (from the applicants) on whether the nature conservation value given to the River Fiddich in chapter 11 of the Environmental Statement (paragraph 11.169) of "high" requires to be adjusted to reflect the nature conservation value given to the River Fiddich Catchment in chapter 12 of the Environmental Statement (table 12.5) of "very high."

(3d) Clarification (from the applicants) on whether the nature conservation value given to the Black Water Catchment in chapter 12 of the Environmental Statement is "medium" (tables 12.5 and 12.6) or "high" (tables 12.7, 12.8, and 12.9).

(3e) Representations on any adjustments to be made to the assessment in the Environmental Statement if the habitat at (3d) (the Black Water Catchment) was given a higher nature conservation value than "medium."

(3f) Further explanation (from the applicants) and responses to the site conservation value given, in the Environmental Statement to 2 European Protected Species, otters (medium value) and bats (low value).

(3g) Representations on any adjustments to be made to the assessment in the Environmental Statement if the species at (3f) were to be given a higher site conservation value (eg high [otters] and medium [bats]).

(3h) Clarification (from the applicants and council) on whether the site maintains its designation as part of the Glenlivet/Glenfiddich Site of Interest to Natural Science (a non-statutory designation) and, if so, representations on the effects of the proposals on the interests underpinning the designation.

(3i) Clarification on whether the proposals are judged to have an effect on any woodland included within the Inventory of Ancient, Long Established and Semi Natural Woodland, including Dubhalit Wood and, if so, the extent of the effect.

(4) Further details of the information provided to Scottish Natural Heritage and SEPA to deal with the points they raised in their consultation responses. This should include a response to paragraph 3.2.2 of SEPA's letter of 23 June 2008.

(5) Responses to the points raised in other consultations about the effects of the proposals on wildlife and habitats, including the consultation response from Fisheries Research Services (now a part of Marine Scotland).

(6) Responses to the points raised in the letters of objection about the effects of the proposals on wildlife and habitats, including the e-mails from the Scottish Wildcat Association, dated 5 and 26 May 2009, in so far as they refer to wild cats in the area.

#### **Peat related matters**

(1) Responses to the points raised in the audit of the peat slide hazard and risk assessment undertaken by Macaulay Enterprises Ltd (appendix 13c of the Environmental Statement), particularly points 9 and 10.

(2) Representations on the implications for water courses, including the River Fiddich (a Special Area of Conservation) and the Black Water, other habitats, and the area in general, if peat slides were to occur as a result of the proposals, and the possible scale of such peat slides.

(3) Representations on the implications for the proposals and habitats in the area, of the statement at paragraph 13.114 of the Environmental Statement (chapter 13).

(4) Responses to the Assessment Report completed by Halcrow Group Ltd (June 2008) on the Peat Landslide Risk Assessment contained in the Environmental Statement.

(5) Further details of the information provided to Scottish Natural Heritage to deal with the points they raised in their consultation responses.

(6) Responses to the points raised in other consultations and letters of objection about the effects of the proposals on the peat land on site.

#### **Aviation safety issues**

(1) Responses to the objection lodged by National Air Traffic Systems (NATS), including details of the measures being discussed between the applicants and NATS to mitigate the proposals.

(2) Responses to the conditions proposed by the applicants (through Pager Power Aviation Studies) in their e-mail to the Energy Consents Unit, dated 11 August 2008 (Ms Wallace).

A list of all parties asked to provide representations / information on the specified matter(s) is given in the attached Appendix.

### **What you should do now**

Submit representations or information on the specified matter(s) to DPEA by **9 September 2010**. Your submission may not be taken into account if it is not sent to DPEA by this date. Please inform DPEA if you do not intend to provide representations / information or if another party has agreed to act on your behalf.

### **Exchange of documents and right of response to representations / information**

At the same time as you send your representations / information to DPEA, you must also send copies to each of the other parties listed in the attached appendix. Contact addresses for all parties are provided in the attached appendix.

In turn, you will also receive copies of all representations / information provided by the other parties and you may, if you wish, send any comments to DPEA within a further period of 14 days. If you are to make further comments, you must do so by **23 September 2010**. Again, you must send copies of any further comments you make to each of the other parties. This will bring the written submissions procedure to a close, and you may only provide any additional information beyond this date if specifically asked to do so by DPEA.

Please note: Throughout this written submissions procedure it is not necessary for you to repeat points you have made previously in consultation or representations to the Scottish Ministers on the application. They will already be before the appointed reporter and will be taken into account in the preparation of the report.

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## **CONTACT US**

Any response to DPEA under the terms of this notice, or any questions you have, should be addressed to:

Jayne Hollas  
Directorate for Planning and Environmental Appeals  
The Scottish Government  
4 The Courtyard  
Callendar Business Park  
Falkirk  
FK1 1XR

E-mail: [jayne.hollas@scotland.gsi.gov.uk](mailto:jayne.hollas@scotland.gsi.gov.uk)  
Tel: 01324 696454  
Fax: 01324 696444

Dorenell Wind Farm  
FURTHER WRITTEN SUBMISSION APPENDIX

**INQUIRY INTO AN APPLICATION UNDER SECTION 36 OF THE 1989 ELECTRICITY ACT TO CONSTRUCT AND OPERATE A WIND FARM, NEAR DUFFTOWN, MORAY**

**FURTHER WRITTEN SUBMISSIONS ON ALL TOPICS REQUESTED FROM THE FOLLOWING PARTIES:**

|   | <b>Party</b>               | <b>Contact Address</b>  |
|---|----------------------------|---|
| 1 | <b>Dorenell Limited UK</b> | FAO Mr M Sales, Head of Infrastructure Environment and Transport Partner – Planning, Biggart Baillie LLP, No.2 Lochrin Square, 96 Fountainbridge, EDINBURGH EH3 9QA |
| 2 | <b>Moray Council</b>       | FAO Aileen Scott, Environmental Services Department, Moray Council, Council Office, High Street, Elgin IV30 1BX   |

**FURTHER WRITTEN SUBMISSIONS ON WILDLIFE AND HABITAT ISSUES (EXCLUDING ORNITHOLOGY) AND PEAT RELATED MATTERS REQUESTED FROM THE FOLLOWING PARTIES:**

|   | <b>Party</b>   | <b>Contact Address</b>   |
|---|--|--|
| 1 | <b>Speyside Business Alliance (who are also representing Save Our Scenic [SOS] Moray and STOP Dorenell, it's a dram disgrace</b> | FAO Mr I Kelly, Head of Planning, Graham & Sibbald, 3 Charlotte Street, PERTH PH1 5LW  |
| 2 | <b>The Mountaineering Council of Scotland</b>  | FAO H Carus, Access and Conservation Officer, The Mountaineering Council of Scotland, The Old Granary, West Mill Street, PERTH PH1 5QP                   |
| 3 | <b>The Association of Salmon Fishery Boards</b>  | FAO Mr B Davidson, The Association of Fishery Boards [ASFB], Capital Business Centre, 24 Canning Street, EDINBURGH EH3 8EG                               |
| 4 | <b>The River Deveron District Salmon Fishery Board</b>   | FAO Mr Hay, Chairman, The River Deveron District Salmon Fishery Board, Edinglassie, Glass, Huntly, Aberdeenshire AB54 4YD                                |
| 4 | <b>Spey Fishery Board</b>  | FAO Mr R Knight, Director, Spey Fishery Board, 1 Nether Borlum Cottage, Knockando, Aberlour, Banffshire AB38 7SD   |
| 5 | <b>Scottish Wildcat Association</b>  | admin@scottishwildcats.co.uk<br>Scottish Wildcat Association, c/o Shepherd and Wedderburn LLP, 1 Exchange Crescent, Conference Square, EDINBURGH EH3 8UL |
| 6 | <b>Dufftown 2000 Ltd</b>   | FAO Mr Cameron, Vice Chairman, Dufftown 2000 Ltd, Morven The Square, Banffshire  |

|    |  |   |
|----|--|---|
|    |  | AB55 4AD  |
| 7  | <b>Mr and Mrs Gordon-Rogers</b>                        | 4 Milne Lane, Duffus, Elgin, Morayshire IV30 5WD  |
| 8  | <b>Mr and Mrs McHugh</b>                               | Auchinhandoch Farmhouse, Dufftown, Keith, Banffshire AB55 4DR   |
| 9  | <b>Scottish Natural Heritage</b>                       | FAO Ms J Heatly, Area Officer – Moray, Scottish Natural Heritage, 32 Reidhaven Street, Elgin, Morayshire IV30 1QH |
| 10 | <b>Scottish Environmental Protection Agency [SEPA]</b> | FAO Ms Z Griffin, SEPA, 142 Sinclair Road, Torry, Aberdeen AB11 9PR   |

**FURTHER WRITTEN SUBMISSIONS ON AVIATION SAFETY ISSUES  
REQUESTED FROM THE FOLLOWING PARTIES:**

|   | <b>Party</b>                                | <b>Contact Address</b>  |
|---|---|---|
| 3 | <b>National Air Traffic Services [NATS]</b> | FAO Ms S Allen, Technical Administrator, On behalf of NERL Safeguarding Office, NATS, 4000 Parkway, Whiteley, Fareham, Hampshire PA15 7FL |
| 4 | <b>Civil Aviation Authority</b>             | FAO Mr M Smailes, Civil Aviation Authority, 45-59 Kingsway, London WC2B 6TE   |
| 5 | <b>Highlands and Islands Airports</b>       | FAO Mrs A Philips, Operations Manager, Highlands & Islands Airports Ltd, Head Office, Inverness Airport, Dalcross, INVERNESS IV2 7JB      |
| 6 | <b>Defence Estates (for information)</b>    | FAO C Evans, Assistant Safeguarding Officer – Wind Energy, Defence Estates, Kingston Road, Sutton Coldfield, West Midlands B75 7RL        |