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Enterprise, Energy and Tourism Directorate  
Energy and Telecommunications Division  
The Scottish Government  
Meridian Court  
5 Cadogan Street  
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GT2 6AT

09 October 2008

Our ref: CNS/RENWF/DOR

Dear Ms Wallace

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
REGULATIONS 2000  
SECTION 36 APPLICATION FOR THE DORENELL WIND FARM ON THE GLENFIDDICH  
ESTATE, SOUTH EAST OF DUFFTOWN, MORAY.**

Thank you for your letter of 14 May 2008 consulting Scottish Natural Heritage (SNH) on the above development proposal in Moray. Thank you also for agreeing to an extension to the standard 28 day deadline. This additional time has enabled SNH to meet with the developers, Infinergy, to discuss their application. It has also allowed SNH the time to make an informed site visit and to seek advice internally from our ornithological, habitat and landscape experts.

While this additional time has allowed much progress, there are still a number of significant issues and concerns that have yet to be addressed in detail. Accordingly, SNH is still unable to provide its final position in relation to all of the potential impacts of the proposal. SNH does, however, consider it important to inform the Scottish Government and Infinergy of our current position and concerns before any more time elapses. It is intended that this letter will help all parties to understand what is needed to enable SNH to come to a final position, and hence provide more definitive advice to the Scottish Government.

SNH has met with Infinergy twice since receiving the section 36 application and Environmental Impact Assessment (EIA) and is hopeful that further meetings will be possible, following receipt of this letter, with the aim of the applicant addressing SNH's concerns and outstanding queries. We would welcome your attendance at these meetings, but would keep you informed of progress made if you are unable to participate directly.



## THE PROPOSAL

The wind farm proposed by Infinergy Limited is sited within Glenfiddich Estate in an open upland area forming part of the area known as The Cabrach.

The proposal is to erect 59 turbines, each with a likely output of 3 megawatts therefore giving a maximum output of 177 megawatts for the farm. Turbine dimensions are given as a maximum in metres; hub height – 85m; rotor diameter – 90m and; tip height – 126m. The proposal includes all construction, material requirements, facilities and site reinstatement. Associated infrastructure includes public road junction access work, access tracks (2.2 upgraded FCS track; 34.8km new; 5.3km upgraded estate track) including 9 water crossings, 59 turbine foundations, 59 crane hardstandings, 2 permanent anemometer monitoring masts, 1 sub-station and 1 control and maintenance building housed in same compound, 1 borrow pit, 1 temporary site compound area with 1 concrete batching plant and cable trenches (40.1km). The farm will require to be connected to the national grid. This requires a separate section 37 of the Electricity Act 1989 application.

## SNH POSITION

This proposal could have potentially serious adverse impacts on various important natural heritage interests. At this stage, there is insufficient information for SNH to assess the impacts fully, but we are of the opinion that the potential risks to natural heritage interests are of such importance as to justify a precautionary approach. **SNH therefore objects to the proposal as currently submitted.**

**The reason for submitting an objection at this time is because of concerns SNH has regarding the potential impact on the River Spey Special Area of Conservation (SAC).**

**SNH reserves its position owing to concerns regarding the potential impact on golden plover and golden eagle and the lack of clarity on the method used to assess the impacts on these species.**

**SNH also wishes to reserve its position with respect to concerns that there could be an impact on a plant which has the status of a European Protected Species.**

Due to the number of turbines and scale of the farm we also have concerns relating to the visual impact of the current layout of turbines.

The details of this objection and concerns are set out below, together with a description of the additional information that is required to allow a more complete assessment. **SNH's objection will be re-considered once the additional information has been evaluated.**

SNH has made every effort to ensure that it is possible for the applicant to provide the information that we are requesting and that we are not asking for a level of detail that is unreasonable. However, we accept that the applicant may wish to have further discussion relating to some of the issues we raise to help ascertain whether or not additional work is required to resolve these issues. SNH is happy to meet with the applicant to progress this.

## SNH APPRAISAL OF THE PROPOSAL

### Summary of SNH's appraisal of the likely impacts on natural heritage interests

The following paragraphs summarise SNH's position and advice at this stage; detailed comments relating to 3 of the main topics of concern (River Spey SAC, ornithology and landscape and visual) are contained in annexes 1, 3 and 4. Concerns regarding EPS are detailed in this letter and referred to in annex 2. Annex 2 refers largely to impacts on habitats in the application site, as presented in chapter 11 of the ES. SNH has not made comments on each topic covered by the ES. Where we have not commented on a topic, it can be assumed that SNH agrees with the findings of the ES or, that the topic falls outwith SNH's remit for consideration.

### European Protected sites (Natura 2000)

The wind farm proposal lies within the catchment of the River Spey Special Area of Conservation (SAC) and is close to the boundary of the SAC. The River Spey SAC is designated for its important populations of freshwater pearl mussel, sea lamprey, Atlantic salmon and otter.

### Legislative requirements

The potential for the development to have an impact upon the River Spey SAC means that the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), (the "Habitats Regulations") apply. The requirements are summarised in Circular 6/1995 as amended June 2000 and are outlined in annex 5.

### SNH Advice in relation to qualifying interests

From the information available it is clear to SNH that the proposal is not connected with or necessary for the conservation management of the site. Hence, further consideration is required.

SNH is currently able to advise that owing to the scale of construction and operation that would be required for this proposal and its close proximity to the SAC, the application is likely to have a significant effect on the qualifying interests of the SAC. This risk arises from the potential of sediment and pollutants getting into burns that flow into the River Spey. This could happen during the construction and operational life of the development, and could originate from run-off from bare surfaces and new access tracks throughout the development area. Damage to habitats, hydrology and peat on the site may also lead to implications for the River Spey downstream, especially if there is a risk of peat slide. Accordingly, an appropriate assessment is required in accordance with the requirements of Regulations.

The applicant has provided some information to assist in the assessment of the impacts on the SAC. This is provided in Chapter 12 of the ES – '*Aquatic Ecology, assessment of the River Spey SAC conservation objectives*'. Although the current content of this assessment is sound as far as it goes, SNH advises that there are a number of outstanding questions about potential impacts that need to be addressed more fully. There is also some uncertainty as to how efficacious various proposed mitigation works would be in practice. SNH has provided, in annex 1, a detailed account of the issues it considers need further attention by the applicant. Once this information has been provided and assessed, SNH will be able to advise the Scottish Government whether or not the proposal could be developed without an adverse effect on the integrity of the River Spey SAC (as required by the Habitats Regulations).

**Owing to the current inability to be able to complete an appropriate assessment of the likely significant effect upon the River Spey SAC, SNH objects to the application at this time.** SNH will, however work with the applicants to obtain the necessary information (set out in annex 1) and will reconsider its position once it has been able to complete a full appraisal. It is

anticipated that the completed appraisal will inform the Scottish Government in making its formal appropriate assessment before determining the application.

### **European Protected Species (EPS)**

There are 4 animals and plants that have the status of European Protected Species status that could be associated with the application site. Of these there are 3 for which SNH considers that there is unlikely to be an adverse impact. These are otters, bats and Scottish wildcat.

The fourth species is the plant *Saxifraga hirculus* (yellow marsh saxifrage). SNH considers that there is a reasonable possibility that this plant could occur within the application site, and therefore could be at risk from the development. This species is known to occur in small numbers within parts of the Grampian hills and indeed not far from the application site. The species is difficult to identify and the applicant has explained that it would be very difficult to survey the whole site for this species. The applicant has said that they have tried to identify any potentially suitable habitats, and consider that it is not likely to occur. SNH is concerned that this conclusion may have been reached without proper assessment of the plant's ecological requirements. Where it occurs on nearby hills, it is associated with wet flushes on or near very small scale limestone exposures, surrounded by acidic habitats such as blanket bog and wet heath. These conditions appear to occur on the site, with a consequent possibility that the plant occurs there.

The legislative requirements affecting EPS are set out in annex 5. On account of the level of protection afforded to this species, SNH requests that the applicant's reasons for discounting the species presence across the whole site are justified more robustly. If this justification is more convincing, then there should be little risk of species being present. If not, and there remains a reasonable possibility of the species being present, then further survey, assessment and mitigation proposals will be required to be submitted prior to decisions being taken.

In the light of the above, **SNH reserves its position with respect to the potential impacts on this European Protected Species.** Once further information has been provided to inform our understanding of the applicant's position, SNH will be able to advise further on the potential impacts.

### **Species other than EPS**

Badgers, red squirrels, pine marten and water vole are unlikely to be affected. The applicant is however aware of the need to update survey work to ensure that these species have not colonised new areas both prior to and during construction. **SNH has no objection with respect to these species.**

### **Ornithology**

SNH has significant concerns regarding the methods used to assess the impact on key bird species, specifically golden eagle and golden plover. SNH's concerns are detailed within annex 3. **SNH currently reserves its position with respect of the potential impacts upon golden eagle and golden plover.** SNH will consider its position once adequate information has been provided.

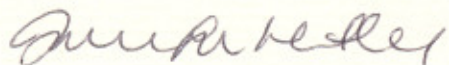
### **Landscape and visual**


SNH has significant concerns regarding the visual impact. These are detailed in annex 4. There is also the potential to have landscape and visual impacts on the nearby Cairngorms National Park, but, in accordance with agreed arrangements between SNH and the Cairngorms National Park Authority, the latter will provide you with any necessary comments with respect to this visual receptor.

In SNH's opinion, improved visual appearance of the wind farm from receptors outwith the Cairngorms National Park could be achieved through slight amendments in layout and/or a reduction in turbine number. SNH has already encouraged the applicant to investigate the possible options.

I hope you will find this interim response helpful. If you have any queries, please do not hesitate to contact Jennifer Heatley at our Elgin office on 01343 541 551 or by email [jennifer.heatley@snh.gov.uk](mailto:jennifer.heatley@snh.gov.uk)

Yours faithfully



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Area Manager  
Grampian

cc: Mark van Rij, Infinergy Ltd., 30 West Borough, Wimborne, Dorset, BH21 1NF  
Jim Martin, Principal Planning Officer, Moray Council  
Zoë Griffin, SEPA, Aberdeen

Encs:

- Annex 1 - Issues with the potential for negative implications for the River Spey SAC specifically relating to the Peat Slide Risk Assessment and construction and operation of wind farm tracks and turbines within the upland peat habitat.
- Annex 2 - Issues affecting terrestrial ecology
- Annex 3 - Ornithology - Potential impacts on protected species
- Annex 4 - Landscape and visual
- Annex 5 - Legislative requirements