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RSPB SCOTLAND

20 September 2010

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

Dear Ms Hollas,

Inquiry into s.36 application: Dorenell Windfarm, Dufftown
Written submission to Inquiry Hearing Sessions – Ornithology, by RSPB Scotland

Please find attached a written submission from RSPB Scotland dealing with ornithology matters relevant to this windfarm development proposal.

Yours sincerely,

Ian Francis
 Area Manager, North-East Scotland

cc. All Parties invited to participate in Hearing Sessions:

Dorenell Limited UK
Speyside Business Alliance
Moray Council
 SNH
 SEPA
Cairngorms National Park Authority
The Mountaineering Council of Scotland

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Written submission to Inquiry Hearing Sessions – Ornithology, by RSPB Scotland

20 September 2010

Ian Francis, RSPB Area Manager, North-East Scotland

Introduction

- 1.1 RSPB Scotland responded to the consultation on this s.36 application on 18 June 2008. In our response, we raised concerns about possible impacts on Golden Eagles in particular, but also on Merlin, Peregrine and Golden Plover. We recommended further reductions in turbine numbers and relocation of some turbines, together with the production of a comprehensive habitat management plan under a formal planning agreement, designed to benefit Golden Eagles, Merlin, Hen Harrier and breeding wading birds.
- 1.2 We made the point that the application could present a significant conservation problem to Golden Eagles in this area.
- 1.3 Here we make reference to the Supplementary Environmental Information submitted by the applicants in July 2010, and briefly to the Hearing Statement of Paul Bradshaw for the applicant, on Ornithology of 27 August 2010.
- 1.4 Our position on this application is unchanged: we have serious concerns about adverse impacts which may arise on Golden Eagles in particular. Should consent be given, we recommend, firstly, that some turbines be deleted or relocated to minimise harm, and, secondly, a fully detailed and extensive habitat management plan to benefit Golden Eagles and other species should be agreed before any development commences.

Supplementary Environmental Information (SEI) (Chapter 3, Appendices and Maps)

- 2.1. Please note that there has been contact between ourselves and the applicant's surveyors in relation to bird of prey activity, as mentioned in **paragraph 3.12** of this Chapter, and we have good knowledge of Golden Eagle and other raptor activity in this area in 2010 and earlier years. We make comments in point 3.1 below in connection with the presence or otherwise of a currently active Golden Eagle home range near the wind farm site.
- 2.2. The value of the area for Golden Eagles. **Paragraph 3.96** states that the area is of 'medium' (regional) value for this species. While this is true in terms of number of resident birds, it is clear from satellite tracking of birds reared elsewhere that a number of eagles, especially juveniles and immatures range very widely and that birds from nests much further away have used the Ladder Hills area regularly. This suggests that it is likely that numerous individual eagles could utilise the Glenfiddich moorlands and that the Glenfiddich and Ladder Hills area may thus be of higher value to eagles than has been identified based on purely local birds. In addition, this area forms the north-eastern edge of the Grampian Mountains range of Golden Eagle, and along with one other site to the south-east in Aberdeenshire, forms the edge of the range of the species here. Maintenance of range of Annex 1 bird species should be a material consideration in decision making.

2.3. Collision risk to Golden Eagles. We do not dispute the accuracy of calculations presented in **Paragraph 3.143** and associated paragraphs based on the observations collected by the applicants. It is sufficient to note that as currently designed the windfarm presents a residual collision risk hazard to this species that will act in addition to displacement effects and other adverse factors influencing the species. As summarised in **Table 3.13**, the effect on the birds would be 'Slight to moderate, adverse', operating over the long term.

2.4. Displacement and disturbance impact on Golden Eagles. Contrary to the statement in **paragraph 3.155**, it is likely that eagles currently present and attempting to breed nearby would be affected by displacement as some of their potential hunting territory became less suitable due to turbine presence. We note the assessment in **Table 3.15** that the impact significance on this species would again be 'Slight to moderate, adverse', operating over the long term. This would act in addition to any collisions that might occur and also in addition to the same impact assessment ('Slight to moderate, adverse', operating over the long term) for another factor – the increased human disturbance caused by better access to the windfarm area (**Table 3.17**).

2.5. Cumulative impact. The potential cumulative impacts should not be minimised because the site is located at the edge of the Cairngorms Massif Natural Heritage Zone within which there are no other proposals for wind farm developments. In fact, the approved Kildrummy wind farm is located only 12 km to the south east, although it happens to lie in an adjacent NHZ. The seven turbines there may well be added to by other proposed developments in that area – again, close to another Golden Eagle home range. The development of 59 turbines at Dorenell should be viewed in that context.

2.6. Mitigation. An outline is given in document APP-H O5 of the proposed Habitat Management Plan designed to mitigate adverse impact on eagles and other birds. A fully detailed development of this needs to be presented, as is the stated intent. This is an important issue, since we believe that beneficial management of a much wider area around the windfarm could go some way to offsetting adverse impacts of the turbines. We recommend that the area included in the plan shown on CD-H 10 should be extended to include the high ground on Rounumuck Hill and Round Hill.

2.7. 'In combination' effects of the various factors. It is not clear from either the Environmental Statement, the SEI or the Habitat Management Plan how the overall conclusions about residual impacts on Golden Eagles or other species were arrived at, when combining the conclusions from each factor above (collision, displacement, disturbance and cumulative impacts), in the context of the habitat mitigation proposals.

Hearing Statement of Paul Bradshaw for the applicant, on Ornithology

3.1. We note the following statement on page 12 of this submission:

47. The wind farm site is not located within or adjacent to any currently active territory of any breeding golden eagles. Non-breeding, juvenile, immature and sub-adult golden eagles are occasionally present within the wind farm area and use it as a hunting ground.

We disagree with this statement. As has been previously identified, there is a long-established nesting area located some 4km away from the edge of the proposed development site, and the usually accepted outer home range radius of 6km overlaps this. In addition, birds from this site are likely to hunt at distances further than this, depending on variation in food availability and seasonal conditions. In the last three years, nests have been built up and several birds that could potentially breed have been regularly present there; this in our opinion clearly qualifies as a 'currently active territory'. This activity is acknowledged in **paragraph 3.43** in Chapter 3 of the SEI.

Summary of RSPB submission and restatement of concerns

4.1. RSPB Scotland still has concerns about the potential impacts of this proposed development, particularly on Golden Eagles, and potentially some other species, as noted in our letter of 18 June 2008. We recognise that the windfarm site overlaps with areas used by eagles for hunting, and that not all of the turbine locations are likely to be equally problematic. We also recognise that a properly designed, large-scale habitat management plan, implemented and maintained over the long term could produce beneficial outcomes for many species, possibly including Golden Eagle. Below, we make further observations about Golden Eagles, and make two concluding recommendations.

4.2. The conservation status of Golden Eagle in North-East Scotland. In Aberdeenshire and Moray, the number of pairs of breeding Golden Eagles has remained roughly stable for decades at a low level (around 17 territorial pairs, of which only 10-15 lay eggs each year). SNH's 'Golden Eagle conservation framework' (as analysed in Whitfield *et al.* 2007 – reference on page 24 of SEI) illustrates that the status of this species in this part of Scotland is unfavourable and the number of occupied sites is well below its potential. It is considered likely that human interference and disturbance are the most influential factors, but other adverse changes such as the various elements of the Dorenell development proposal which will lead to 'Slight to moderate, adverse' effects, operating over the long term, are likely to be additive. In other words, this windfarm is likely to worsen conditions for a bird listed on Annex 1 of the EU 'Birds' Directive which is already at 'unfavourable' status.

4.3. The eagle home range that is most likely to be affected has been present since at least the 1980s, has produced young in the past, and along with another home range 12 km to the south-east represents the north-eastern edge of the Golden Eagle's range in the Grampian Mountains. Maintaining this range against a background of other potentially adverse influences should be, in our view, an important factor to consider. The development of other windfarms that could also affect Golden Eagles in this area (e.g. at Kildrummy, already consented) will add to the general level of adverse pressures on this species. As is acknowledged in the SEI, it is becoming increasingly clear that Golden Eagles avoid operating windfarms.

Recommendations

4.4. **Turbine numbers and locations.** As we stated in our 2008 submission, the changes in the design plans for this windfarm have been so substantial that the eventual number of turbines chosen is clearly arbitrary. Further reductions or relocations, in particular from the Hill of Dorenell area and the ground south of Cook's Cairn, could help reduce impact on Golden Eagles and on Golden Plovers.

4.5. **Habitat management plan.** This is a critical issue. In our opinion, this windfarm should not be permitted unless or until there is a legally binding Habitat Management Plan in place, operating over a larger area (10,000 ha or more) of Cabrach/Glenfiddich estate, away from the turbine envelope and including further areas to the east. The outline proposals presented in document APP-H O5 are a starting point, and we would be happy to provide comment should it proceed. It is critical that it should be properly resourced and monitored, with adaptive management built in, last for the duration of the wind farm, and progress should be open to scrutiny and advice from interested parties. There are clear precedents for this at two other sites in Moray (Paul's Hill and Rothes), as well as elsewhere. Such a plan should be developed in detail, accepted as adequate by the Scottish Government and its advisers and consulted upon before any consent is given. That consent should state that no construction can commence until an agreed Habitat Management Plan has been agreed through a planning obligation under the Town and Country Planning (Scotland) Act 1997 (as amended). A suitable plan, coupled with amendments to the scheme layout, would go some way towards reducing the residual ornithological impact of this large windfarm proposal.

