Technical Appendix 1.4: Scoping Opinion

The Scottish Government
Energy Consents Unit

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

Novar Wind Farm Repowering
Nadara Limited

07 May 2025

CONTENTS

1. Introduction 3
2. Consultation 4
3. The Scoping Opinion 5
4. Mitigation Measures 8
5. Conclusion 9

ANNEX A - List of Consultees and their responses
ANNEX B - MD-SEDD Standing Advice

1. Introduction

1.1. This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Nadara Limited, (hereafter referred to as the "Company"), a company incorporated under the Companies Act with company number SC546368 and having its registered office at Fourth Floor, 12 Blenheim Place, Edinburgh, Scotland, EH7 5JH.

1.2. The Company submitted a request dated 23 January 2025 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, in relation to the proposed Novar Wind Farm Repowering development ("the proposed Development"). The request was accompanied by a scoping report prepared by Ramboll UK Limited.

1.3. The proposed Development would be located approximately 11km north of Dingwall and 9km northwest of Alness, solely within the planning authority of the Highland Council.

1.4. The proposed Development will comprise the full repowering of the existing Novar Wind Farm, including the removal of the existing 34 turbines and the construction of up to 10 new turbines, each with blade tip height up to 180m. The proposed Development will have a generating capacity in excess of 50MW.

1.5. In addition to the wind turbines, there will be ancillary infrastructure including:

- Hard standing areas, e.g. crane pads;
- Access tracks - existing infrastructure to be reused where possible, with some limited requirement to build new tracks to access new turbine positions;
- Biodiversity enhancement measures;
- Permanent meteorological mast or hardstanding to accommodate remote sensing equipment;
- Potential borrow pits;
- Temporary working areas, e.g. construction compound, laydown areas and on-site concrete batching plant;
- Control building and substation, and electrical cabling between this and the turbines; and
- Off-site works to facilitate the delivery of abnormal loads.

1.6. The Company indicates the proposed Development would be decommissioned after 50 years and the site restored in accordance with the decommissioning and restoration plan.

1.7. The existing Novar wind farm has been operational since 1997 and comprises 34 wind turbines with a tip height of approximately 60m. It has an overall capacity of 17 MW.

2. Consultation

2.1. Following the scoping opinion request, a list of consultees was agreed between the Energy Consents Unit and Ramboll UK Limited, on behalf of the Company. A consultation on the scoping report was undertaken by the Scottish Ministers. The consultation period commenced on 10 February 2025 and was scheduled to close on 3 March 2025.

2.2. Extensions to this deadline were granted to:

- RSPB
- NatureScot
- Historic Environment Scotland
- The Highland Council

2.3. 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 – List of Consultees and their responses** and **ANNEX B MD-SEDD Standing Advice.**

2.4. 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 report ("EIA report").

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

2.6. The following organisations were consulted but did not provide a response:

- Civil Aviation Authority
- Cromarty Firth Fisheries Trust
- Cromarty Firth District Salmon Fishery Board
- Crown Estate Scotland
- Fisheries Management Scotland
- John Muir Trust
- Mountaineering Scotland
- NATS Safeguarding
- Oban Airport
- ScotWays
- Scottish Wildlife Trust
- Scottish Wild Land Group

- VisitScotland
- Woodland Trust
- Ardross Community Council
- Cromarty and District Community Council
- Dingwall Community Council
- Ferintosh Community Council
- Invergordon Community Council
- Kiltearn Community Council
- Resolis Community Council

2.7. Where consultees 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 consent is submitted subsequent to this EIA scoping opinion.

2.8. The following organisations advised that they do not require further consultation on this application:

- Aberdeen Airport
- Edinburgh Airport
- Glasgow Airport
- Glasgow Prestwick Airport

2.9. 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, NatureScot, Scottish Environment Protection Agency (SEPA) and Historic Environment Scotland (HES), all as statutory consultation bodies. The Scottish Ministers have also consulted with other bodies which they consider likely to have an interest in the proposed Development, by reason of their specific environmental responsibilities or local and regional competencies.

3.2. The Scottish Ministers adopt this scoping opinion having taken into account the information provided by the Company in its request dated 23 January 2025 and the responses received to the subsequent consultation.

3.3. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment and have taken into account:

- the specific characteristics of the proposed Development
- the specific characteristics of that type of Development
- the environmental features likely to be affected

3.4. 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 Unit website at www.energyconsents.scot.

3.5. The Scottish Ministers expect the EIA report which will accompany the application for the proposed Development to consider in full **all** consultation responses attached at **Annex A**.

3.6. The Scottish Ministers are satisfied with the scope of the EIA set out in the scoping report.

3.7. In addition to the consultation responses, the Scottish Ministers wish to provide comments with regards to the scope of the EIA report. The Company should note and address each matter.

3.8. **Scottish Water** provided information on whether there are any drinking water protected areas or Scottish Water assets which the development could affect. Scottish Ministers request that the company contacts Scottish Water (via EIA@scottishwater.co.uk) and makes further enquires to confirm whether any Scottish Water assets may be significantly impacted by the development. The EIA report should include details 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. **Marine Directorate – Science Evidence Data and Digital (MD-SEDD)** provide generic scoping guidelines for onshore wind farm and overhead line development:https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren). The guidelines outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm or overhead line development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

3.11. 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.

3.12. MD-SEDD also provide standing advice for onshore wind farm or overhead line development (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. Developers are required to submit the completed checklist in advance of their application submission.

3.13. 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. This will provide the Scottish Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures.

3.14. The published 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. It should be noted by the Company that the Scottish Ministers engage the services of appropriate specialists to assess Peat Landslide Hazard and Risk Assessments submitted with an EIA report.

3.15. The scoping report identified viewpoints at Table 4.1 to be assessed within the **Landscape and Visual Impact Assessment (LVIA)**. The study area in kilometres from the outermost turbines of the proposed Development and final list of viewpoints and visualisations should be agreed following discussion between the Company, the Highland Council, HES and NatureScot.

3.16. As the maximum blade tip height of turbines exceeds 150m the LVIA as detailed in section 4 of the scoping report must include a robust Nighttime Assessment with agreed viewpoints to consider the effects of aviation lighting and how the chosen lighting mitigates the effects.

3.17. The **noise assessment** should be carried out in line with relevant legislation and standards as detailed in section 9 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. It is recommended by the Scottish Ministers that the final list of receptors in respect of noise assessment should be agreed following discussion between the Company and the Highland Council.

3.18. It is recommended that decisions on **bird surveys** – species, methodology, vantage points, viewsheds & duration - site specific & cumulative – should be made following discussion between the Company and NatureScot.

3.19. Where **borrow pits** are proposed as a source of on-site aggregate they should be considered as part of the EIA process and included in the EIA report detailing information regarding their location, size and nature. Ultimately, it would be necessary to provide details of the proposed depth of the excavation compared to the actual topography and water table, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement, and details of the proposed restoration profile. The impact of such facilities (including dust,

blasting and impact on water) should be appraised as part of the overall impact of the working. Information should cover the requirements set out in '*PAN 50: Controlling the Environmental Effects of Surface Mineral Workings'*.

3.20. The Scottish Ministers request that the company assess the impact of the proposed development on **existing and/or planned infrastructure**. In particular, the company should carry out the necessary assessments to confirm if any part of the proposed development is within the consultation zone of any of the following:

- a licenced explosives site
- gas (or any other) pipeline
- existing overhead electric lines
- underground cables
- water pipes
- telecommunications links

3.21. Scottish and Southern Electricity Networks (SSEN) have advised that the current/proposed access route would cross under a planned new 400kV overhead transmission line between Beauly and Spittal in Caithness. The Scottish Ministers recommend that the Company engage with SSEN regarding any potential interfaces between the two projects.

3.22. Scottish Ministers request the company to assess if any flammable, toxic or explosive chemicals detailed in The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 would be stored on site in quantities such that a Hazardous Substances Consent would be required under section 2 of the Planning (Hazardous Substances) (Scotland) Act 1997.

3.23. 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, 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 Company 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 the Scottish Ministers if 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. The Scottish Ministers note that further engagement between the relevant parties in relation to the refinement of the design of this proposed Development will be required, and request that they are kept informed of any on-going discussions.

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. 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.

5.7. 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).

[redacted]

ANNEX A – List of Consultees and their responses.

Consultation

List of consultees who provided a response

- The Highland Council A1-A34
- Scottish Environment Protection Agency A35-A44
- NatureScot A45-A56
- Historic Environment Scotland A57-A63
- Scottish Forestry A64-A66
- Transport Scotland A67-A69
- Aberdeen Airport A70
- Alness Community Council A71
- British Horse Society A72-A73
- British Telecoms Plc A74-A75
- Defence Infrastructure Organisation A76-A78
- Edinburgh Airport A79
- Glasgow Airport A80
- Glasgow Prestwick Airport A81
- Highlands and Islands Airport Ltd A82-A84
- Joint Radio Company A85-A86
- RSPB Scotland A87-A95
- Scottish Water A96-A99
- Scottish and Southern Energy Networks A100

See Section 2.6 above for a list of organisations that were consulted but did not provide a response.

A1

The Highland Council
Comhairle na Gàidhealtachd

Energy Consents Unit
[redacted]
Scottish Government
5 Atlantic Quay,
150 Broomielaw
Glasgow
G2 8LU

By email only to:

[redacted]

Please ask for: [redacted]
Our Ref: 25/00539/SCOP
Your Ref: ECU00006087
Date: 24 April 2025

Dear Victoria,

THC PLANNING REFERENCE: 25/00539/SCOP

DEVELOPMENT: NOVAR WIND FARM REPOWERING - DECOMMISSIONING OF THE EXISTING 34 TURBINES WITH A MAXIMUM BLADE TIP HEIGHT OF 60M, ERECTION AND OPERATION OF A WIND FARM FOR A PERIOD OF 50 YEARS, COMPRISING UP TO 10 TURBINES WITH A MAXIMUM BLADE TIP HEIGHT OF UP TO 180M, CONTROL BUILDING, SUBSTATION, ACCESS TRACKS, BORROW PITS, UNDERGROUND CABLING, CONSTRUCTION COMPOUNDS, LAYDOWN AREAS, METEOROLOGICAL MAST AND ANCILLARY INFRASTRUCTURE

LOCATION: NOVAR WIND FARM NOVAR ESTATE EVANTON

Thank you for consulting The Highland Council (THC) on the Environmental Impact Assessment (EIA) Scoping Request for the above project. We received the consultation on 13 February 2025 by email and we are grateful for the extension of time to make comments.

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. The applicant has also utilised the Council's Major PREAPP Service (THC ref. 24/00966/PREMAJ), and the applicant is advised that our advice response pack made under that request should be read alongside with this scoping response.

Whilst highly unlikely, this application may reduce in scale to a level that would be considered as an application under the Town and Country Planning (Scotland) Act 1997 (As Amended). If this is the case, we would require a revised scoping response under the relevant regulations.

A2

We trust that this consultation response helps inform ECUs Scoping Direction and is helpful to the applicant when formalising any forthcoming application.

Yours sincerely,

[redacted]
Graduate Planner – Strategic Projects Team
The Highland Council

ePlanning Centre, The Highland Council, Glenurquhart Road, INVERNESS IV3 5NX
[redacted]
LETTER

A3

SCOPING RESPONSE TO ENERGY CONSENTS UNIT

Applicant:	**Nadara**
Project:	**Novar Wind Farm Repowering - Decommissioning of the existing 34 turbines with a maximum blade tip height of 60m, erection and operation of a wind farm for a period of 50 years, comprising up to 10 turbines with a maximum blade tip height of up to 180m , control building, substation, access tracks, borrow pits, underground cabling, construction compounds, laydown areas, meteorological mast and ancillary infrastructure**
Project Address:	**NOVAR WIND FARM NOVAR ESTATE EVANTON**
Our / ECU References	**25/00539/SCOP / ECU00006087**

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 planning 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 included in the report below. Should any further responses be received from internal consultees, these will be forwarded on in due course.

A4

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 that 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 design chapter should clearly set out the design evolution of the scheme including constraints to the delivery of that scheme;
- 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.
- The assessment should also highlight sustainable development attributes including for example assessment of carbon emissions / carbon savings.

ePlanning Centre, The Highland Council, Glenurquhart Road, INVERNESS IV3 5NX
[redacted]
LETTER

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 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 current Development Plan comprises the:

- Fourth National Planning Framework (NPF4) adopted in 2023.
- Highland-wide Local Development Plan (HwLDP) adopted 2012.
- Inner Moray Firth Local Development Plan 2 (IMFLPD2).
- Associated Supplementary Guidance (SG), with particular regard to the Onshore Wind Energy Supplementary Guidance (OWESG) (2016) and Part 2b (2017).

A large number of policies will apply to this proposal from the above development plan documents. This response does not attempt to detail all which may be relevant, as such, it is recommended that the applicant/agent reviews all these plans and documents prior to submission to establish the planning policy context for the EIA. The scope of the EIA should, however, address all the relevant issues covered within NPF4, HwLDP, IMFLPD2, and Highland Council Supplementary Guidance. The Council's Scoping response to this proposal along with our response to the request for major pre-application advice, which highlights the most salient parts of NPF4 and the Local Development Plan and associated Supplementary Guidance documents. IMFLPD2 will have limited relevance to this proposal as its focus is mainly on regional and settlement strategies as well as identifying specific site allocations. However, certain aspects of the strategies for the local area and settlements may help to inform plans for community engagement and/or community benefit. IMFLPD2 does, however, establish boundaries (including any refinements) of the Special Landscape Areas (SLAs) across the plan area. The SLA citations webpage summarise key characteristics, qualities, sensitivities, and measures for enhancement and must be used to assess the potential impacts of the proposed development.

3.3 The Council has recently commenced the preparation of a new-style Highland Local Development Plan (HLDP), with the intention to undertake the evidence-gathering stage of the new LDP throughout 2023, with the tentative programme including an Evidence Report in 2024 and subsequent Gate Check, with Proposed Plan stage in 2025. Once adopted this new style HLDP will supersede and replace HwLDP and the Council 'area' LDP. The programme of work includes the review of the coverage and content of its current suite of Supplementary Guidance, to establish which aspects should be covered within the new Local Development Plan itself, which aspects should be covered within non-statutory

planning guidance and any aspects no longer required. Applicants are advised to monitor the Council's annual Development Plans Newsletter, as this provides the most up to date timetable for this work. The latest version was approved by the Council's Economy and Infrastructure Committee on the 2 February 2023 (Item 15) and is available on the Council Development Plans webpage.

3.4 The Onshore Wind Energy Supplementary Guidance, on pages 19 and 20, lists ten landscape and visual criteria that the Council use as a framework for assessing proposals. In considering landscape and visual impacts, the assessment should pay particular attention to these 10 criteria, as these will be used in the future appraisal of an application and should therefore also form part of the applicant's own assessment.

3.5 The Council also recognises the importance of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, as the legislative tool for addressing Scotland's Climate & Ecological Emergency, which the Council committed to under its own Climate and Ecological Emergency declaration in May 2019. In addition, the Scottish Government published its Onshore Wind: Policy Statement 2022 on 21st December 2022. This statement sets out the Government ambition to deploy a minimum of 20GW of onshore wind by 2030, up from the 9.4GW of existing generation capacity in June 2023.

3.6 Benefits to rural areas, such as provision of jobs and opportunities to restore and protect natural habitats, are also highlighted in Scottish Government Policy documents, with the aforementioned Policy Statement reinforcing the notion that the right development should be permitted in the right place.

3.7 Developer Contributions, Community Benefit & Community Wealth Building will all need to be considered as the scheme develops. With Developer Contribution sought towards Transport (including Active Travel), Green Infrastructure, Water & Waste and Public Art/Realm in compliance with NPF4 Policy 18 (Infrastructure first), HwLDP Policy 31 (Developer Contributions) and Developer Contributions Supplementary Guidance (2018).

3.8 Your attention is also drawn to the fact that the council has a separate remit to promote community benefit which is distinct and separate from planning. The policy contains contacts for further discussion on this matter and we would encourage the developer to engage early in the process. The Council's position with regard community benefits has recently been updated with the approval of a new 'Social Values Charter for Renewables Investment' at its meeting on 27 June 2024, with the report available at the following link:

https://www.highland.gov.uk/meetings/meeting/5003/highland_council.

3.9 The approved charter sets out The Highland Council's expectations from developers wishing to invest in renewables in the Highland area and what the Highland partnership – public, private, and community – will do to support and enable this contribution, namely:

- embed an approach to community wealth building into Highland;

- maximise economic benefits from our natural environment and resources;
- engage and involve relevant stakeholders to understand how we can continually improve our impact; and,
- unlock economic opportunities for the area.

3.10 Community Wealth Building is intended to encourage, promote, and facilitate a new strategic approach to economic development as set out in NPF4 Policy 25. This Policy indicates examples of what contributions by development proposals to community wealth building could include: improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets. However, that is not an exhaustive list.

3.11 Notwithstanding that wind energy developments contribute to the production and supply of renewable energy, The Council maintains that this commitment must be taken in balance along with all other considerations, and that such developments should be located, sited, and designed appropriately and thus assessed against the wider development plan policies.

Sustainability

3.12 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.

3.13 It would be highly beneficial to have information to explain electricity network benefits and capacity proposed, with the end result ideally being all wind turbines being operational on a consistent basis when there is sufficient windspeeds, rather than either certain or no turbines being in operational depending upon short term grid constraints or levels of demand.

3.14 To that end, concepts of developing energy storage and/or Major Energy Users (such as Hydrogen production) in association with Energy Generation are of interest to the Council, with considerable potential benefits for energy generation (avoiding or reducing curtailment),

diversity, decarbonisation, efficiency and supply and for the economy. It may be noted that the Council supports in broad principle the inclusion of energy storage within such developments and that in respect of hydrogen the Council has (March 2021) agreed to prepare a Hydrogen Strategy for Highland. A strategy for the provision of charging points within the development should also be submitted with the application.

Landscape and Visual

3.15 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 and are subject an independent verification check upon receipt:

https://www.highland.gov.uk/downloads/file/12880/visualisation_standards_for_wind_energy_developments

3.16 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 leaver arch 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. 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.

3.17 All elements of a development are important to consider within any EIAR and the assessment must include the expected landscape and visual impact of on-site BESS, borrow pits, access roads, compounds including substations and battery storage, this is despite the fact that the principal structures will be a primary concern. All elements of the proposal are to be rendered into photomontages.

3.18 There are a number of wind farm applications in this area that are yet to be determined / concluded in the vicinity of this application, many of these have been identified in the scoping report, which may or may not help clarify the weight towards particular policy elements in the final planning balance. Our interactive Wind Turbine map is up to date as of 31 December 2024 and can be accessed on the following link: http://highland.gov.uk/windmap. The Energy Consents Unit may also be able to provide details of any other known nearby

proposal that may be at Scoping Stage as these may have advanced at the same pace as your proposal.

3.19 The finalised list of 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 and NatureScot.

3.20 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.

3.21 As far as possible, the viewpoints should correspond with the viewpoints used for existing wind energy schemes within the area. The detailed location of viewpoints will be informed by site survey, mapping and predicted ZTVs. 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. However, at this stage, The Council is generally satisfied with the VPs selected and acknowledges the relocation of viewpoints 5 and 17, as advised by our Landscape Officer at the pre-application stage. However, as noted above, as the design develops, the final list of VPs should be agreed with the Highland Council.

3.22 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. However, it is important for assessors to remember that visual effects are defined by GLVIA3 not just as effects on views, but as 'Effects on specific views and on the general amenity experienced by people'.

3.23 The Study Area will be 35km, given the scale of the turbines. Given the size of the turbines and the landscape sensitivities of this site and the surrounding area, we would expect a detailed assessment of effects should be undertaken for the whole Study Area, including for Cumulative Impact Assessment, which should also include an assessment of sequential effects as the receptor moves through the landscape.

3.24 Furthermore, 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 (we recommend a minimum 5 point scale);

- 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. For the avoidance of doubt the Council consider that Moderate impacts can be significant, and it is recommended that the EIAR takes this approach as well;
- A clear matrix approach supported by descriptive text setting out how you have reached your conclusion of effect on landscape character, designated landscapes, visual receptors, and residential amenity. The LVIA should contain be an assessment of significance of singular and cumulative effects for each of the viewpoints following this methodology in addition to receptor groups. This approach is important because the logic of the applicant's assessment must be clearly and readily understood.

3.25 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. If the applicant wished to utilise this tool there may be an associated cost per image to be inserted which should be discussed with the Council prior to submission. To view current or determined schemes in the Council's Panoramic Viewer please see the link below:

http://www.highland.gov.uk/panoramicviewer

3.26 We expect the Landscape and Visual Impact Assessment to refer to the Council's Onshore Wind Energy Supplementary Guidance and expect an assessment of the proposal against the criterion set out in the Council's OWESG at pages 19 and 20 to be included within the LVIA chapter of the EIAR. The proposed development is situated within the Rounded Mountain Massif (LCT 329) an area of broad-based, smooth sided, lobed mountains found in discrete groups and Broad, rounded hills and the landscape located to the east of the Site is Rounded Hills and Moorland Slopes (LCT 330) Landscape Character Type, an area of upland moorlands with smooth, gentle slopes down to broad straths, creating an undulating skyline.

3.27 The finalised LVIA should include consideration of the impact of the proposals on the visual amenity of key transport routes in the area. When assessing the impact on recreational routes please ensure that all core paths and long-distance trails, are assessed. The assessments of these routes should include a sequential assessment of how the development will be experienced in relation to existing and consented wind farms. We expect an assessment of the development's visual impacts on surrounding settlements.

3.28 We advise that wind energy developments are generally sited within a complex combination of Landscape Character Types. As such, the Landscape Impact Assessment's analysis should not only focus on potential impacts on individual Landscape Character Types and individual Units, but also on the local landscape character composition within which these elements come together to define a particular sense of Place.

3.29 An assessment of the impacts of the proposal on landscape should assess the impacts on any landscapes designated at a national and local scale. While NatureScot will respond separately to the ECU on landscape and other matters, their draft guidance on assessing the impacts on Special Landscape Qualities of National Scenic Areas should be followed with NatureScot determining which qualities should be scoped in for detailed assessment once the full list of VPs is finalised.

3.30 Assessments of Special Landscape Areas (SLA) must utilize the SLA citations available on the Council's website. Although the site is outside the bounds of the Black Isle, Surrounding Hills, and Moray Firth Coast Landscape Sensitivity Appraisal included in the Highland Council Onshore Wind Energy Supplementary Guidance, approximately half of the Rounded Mountain Massif LCT area is covered under the BL41: Ben Wyvis Massif. The nearest turbine in the development is about 1.9km from the Appraisal area boundary. Therefore, applicants should consider the Appraisal's contents, particularly the description of sensitivities and development scope in area BL41 and take note of relevant details regarding Key Views and Routes.

3.31 The Landscape Sensitivity description for BL41: Ben Wyvis Massif (South) highlights several key characteristics. The setting of Ben Wyvis and the Ben Wyvis SLA are particularly susceptible. Ben Wyvis serves as a pivotal landmark in the upper reaches of the Cromarty Firth, and its prominence, a Special Quality of the SLA, should be protected. Although Ben Wyvis itself is outwith the LCA, it remains a dominant landmark visible from many locations, especially from the south and northwest, including Inverness and the Black Isle. Little Wyvis also appears prominently at a local level. Despite this not being a new site, potential impacts on the perception of scale and distance in the landscape (criterion 8 in the OWESG) and on the landmark qualities of Wyvis (criterion 3) remain challenging.

3.32 The area is also defined as having a sensitivity of '1' to large scale wind farms (in a scale of 14; 1 being the most susceptible to change), and a conclusion is drawn of No Scope for Large or Medium Turbines. Attention is drawn to the Key Routes from which development in the LCA may be prominent or significant in the view, such as the A9 Cromarty Causeway, where development may be seen framed by the Peffery Strath, The A835 Leanaig junction, where development may be relevant to the perception of landscape scale and distance with particular reference to Ben Wyvis. The ZTV indicates potential visibility from the Garden and Designed Landscapes Inventoried sites at Ardross castle and Novar House Gardens. Potential effects on the design qualities of these sites should be considered and mitigated, where significant.

3.33 As the heights of the proposed turbines are above 150m, aviation lighting is required. Further advice on aviation lighting is available from NatureScot however generally the impact of aviation lighting on WLAs and SLAs and areas where there would be an expectation of dark skies should be included. THC generally prefers the term 'Hours of Darkness' over 'Night-Time' in recognition of how extensive hours of darkness can be in the Highlands. It is pertinent to the assessment to understand that Hours of Darkness Effects will be visible

during people's working day and commuting hours for a significant part of the year and that sensitivities of receptors to these effects must account for this. Therefore, Hours of Darkness VPs should be representative of commutes and communities, as well as Wild Land.

3.34 The residential visual amenity impact should be assessed for all properties, settlements, housing groups within 2km of the turbines within the LVIA.

Cultural Heritage

3.35 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.

3.36 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. 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 should 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.

3.37 Historic Environment Scotland (HES) are anticipated to provide comment on the assessment methodology for heritage assets within their remit including the scope of the assessment and their requirements for supporting information (including visualisations) and the potential impacts on heritage assets in their consultation response.

3.38 The THC's Historic Environment Team has reviewed the application and expressed significant concerns about the impacts on the setting and views from the two closest listed groups: Wyvis Lodge and Ardross Castle, both A-listed, as well as the Ardross Castle Inventory Garden and Landscape. The HET has noted viewpoint 3 from Wyvis Lodge and requires an additional viewpoint from Ardross Castle itself.

Geology, Hydrology and Hydrogeology (Water Environment)

3.39 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.

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

3.41 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.

3.42 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.

3.43 SEPA will advise on whether matters relating to the water environment (hydrology, flood risk, hydrogeology, and GWDTE) can be addressed through separate environmental statement submissions. Nevertheless, the submission 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.

3.44 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 submission 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.

3.45 The Council's Flood Risk Management Team had no comments to make at this stage. However, there are a number of watercourses and waterbodies on the site therefore the following applies:

- A minimum of a 50m buffer of all watercourses / bodies and turbines/crane hard-standings, which should be shown on a suitably scaled drawing;
- All tracks should be kept a minimum 10m away from any waterbody except water crossings;
- Access tracks not acting as preferential pathways for runoff and efforts being made to retain existing natural drainage wherever possible;
- Natural flood management techniques should be applied to reduce the rate of runoff where possible; use of SuDS to achieve pre-development runoff rates and to minimise erosion on existing watercourses;
- Water crossings in the form of culverts or bridges, or upgrades to existing crossings must be designed to accommodate to 1 in 200 year flood event, plus climate change;
- Land rising within any floodplain to be avoided; if ultimately required, compensatory storage must be provided; and,

The EIAR should be informed by the Council's Flood Risk and Drainage Impact Assessment SG.

3.46 The need for, and information on, abstractions of water supplies for concrete works or other operations should also be identified. The submission 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.

3.47 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. The report should include details of any monitoring prior to, during and following construction. If appropriate, it should also include proposals for contingency measures in the event of an incident. Highland Council has some information on known supplies, but it is not definitive. An on-site survey will be required.

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

Ecology

3.49 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 what 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 and the inherent risk of peat slide (see later). Details of any habitat enhancement programmes (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.

Response from our Ecology Officer (Protected Species)

3.50 **Q6.1. "Do consultees agree that the range of ecology surveys carried are sufficient and appropriate?"**

The range of ecology surveys is considered sufficient and appropriate. A walkover survey included looking out for signs of protected species, including water, otter, badger and pine marten. This included signs of the presence of pine marten along the access track. Bat surveys included static bat detectors. If bats are potentially affected by the proposal, mitigation should be outlined in the EIA.

3.51 **Q6.2. "Do consultees agree that the survey areas and buffers adopted for each ecology survey are considered appropriate?"**

The survey buffer is considered appropriate, as it covers the site plus a 250m buffer for all protected species excluding bats. For bats, we do not have sufficient information to comment on the spatial cover of the deployed bat detectors, as no map has been provided. The detectors should provide a reasonable cover of the study area. We agree with an area of 200m around the turbine envelope when considering bat roost features.

3.52 **Q6.3. "Do consultees agree with the approach to the ecology surveys undertaken?"**

We need further information to be able to answer this question. The timing of surveys for protected species is important. We note the mention of habitat surveys being carried out in November We expect consideration of Highland nature Biodiversity Action Plan (HNBAP) priority species and habitats as well as the Scottish Biodiversity List (SBL) to comply with Policy 59 of the Highland-wide Local Development Plan (HwLDP).

3.53 **Q6.4. "Do consultees agree with those ecology features which have been scoped out from detailed assessment?"**

We agree with scoping out of amphibians, reptiles and invertebrates, as the applicant proposes to take a precautionary approach, by assuming their presence and applying appropriate mitigation. We also agree with scoping out fish and freshwater pearl mussels, on the basis of no designated sites within or in connectivity to the proposed development, as well as a lack of suitable habitat.

3.54 **Q6.5. "Do consultees agree that the assessment of both Scenario 1 (Single Phase Construction) and Scenario 2 (Two Phase Construction) will assess the worst-case scenario for ecological effects related to the Proposed Development during construction?"**

We do not have enough information to answer this question. We need to have further detail to what constitutes a worst-case scenario.

3.55 **Q6.6. "Do consultees agree that the assessment of the development as a whole (i.e. upon completion of Scenario 1 or Scenario 2 when all repowered turbines are operational) will represent the worst-case scenario for the assessment of the operational effects of the Proposed Development on ecological features?"**

We do not have enough information to answer this question. We need to have further detail to what constitutes a worst-case scenario.

3.56 The developer should undertake a specific peat assessment to inform the siting, design, or other mitigation in order to overcome significant effects on peatland and Carbon Rich Soils, Deep Peat, and Priority Peatland Habitat (CPP). We also expect an up-to-date National vegetation Classification (NVC) survey and a commitment to undertake peatland restoration on an area of increased size to that of the application site. The Environmental Impact Assessment Report (EIAR) should provide details of all direct, indirect, permanent, and temporary impacts to any bog habitat present on the site.

3.57 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.

3.58 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.

3.59 The EIAR needs to address the aquatic interests within local watercourses, including downstream 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.

3.60 The scoping report notes that a NVC survey and UKHab survey has been undertaken across the whole site and it is advised to include the results in the EIAR. It is recommended that

surveys also cover an appropriate buffer, including any areas where access tracks/track upgrades and borrow pits may be proposed. Target notes should be used to identify the presence of any notable plants including any nationally rare/scarce species. It is advised 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. Assessment should consider extent of habitat loss and damage, both direct and indirect, with suitable mitigation and/or restoration measures presented in an Outline Habitat Management Plan and, where required, a Peat Management Plan.

3.61 Further advice can be found in NatureScot's consultation response on ecology in relation to the surveys required and the adequacy of the work already undertaken.

3.62 SEPA will advise on whether the EIAR should include a map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems (GWDTE) and buffers as the applicant has proposed to scope this matter out, THC notes however that these habitats are easily damaged by insensitive drainage.

Response from our Ecology Officer (Habitats and Peatland):

3.63 We welcome that the applicant has conducted UKHab and NVC surveys and included a 250m buffer from infrastructure. The habitats on site include blanket bog, modified bog, wet heath, willow scrub and upland flushes.

3.64 **Q8.1. "Do you agree that operational and cumulative effects can be scoped out of the assessment?"**

We are unable to answer this question. NatureScot leads on peatland of national importance. We may comment further if NatureScot determines that the peatland on site is not of national interest.

3.65 The site is within an area of potentially good quality peatland. The mitigation hierarchy should be implemented. The assessment of peatland loss and peatland restoration proposals should adhere to NatureScot guidance 'Advising on peatland, carbon-rich soils and priority peatland habitats in development management', including the following aspects:

- The assessment and restoration should consider direct and indirect impacts on peatland, as well as permanent and temporary impacts.
- A 30m buffer from all infrastructure should be considered in the calculation of all impacted peatland.
- Peatland restoration should follow an offsetting ratio of 1:10 (lost: restored) plus an additional 10% of the baseline assessment of the extent of peatland for enhancement.

3.66 A peat management plan should be provided. Mitigation and compensation should follow the appropriate guidance from NatureScot. Mapped areas for peatland restoration need to be provided with the EIA.

3.67 **Q8.2. "Do consultees agree that the assessment of Scenario 1 (Single Phase Construction) will represent the worst-case scenario for the construction assessment on soils, including peat?"**

We do not have enough information to answer this question. We need to have further detail to what constitutes a worst-case scenario.

3.68 NPF4's commitment to deliver positive effects for biodiversity through development. Policy 3 states that, 'Development proposals for national, major and of EIA development should only be supported where it can be demonstrated that the proposal will conserve and enhance biodiversity, including nature networks within and adjacent to the site, so that they are in a demonstrably better state than without intervention, including through future management.' A draft or outline Habitat Management Plan (HMP) and Species Protection Plan (SPP) should be produced as part of the EIA, including any proposals for mitigation and enhancement in relation to important habitats and species. Any compensatory planting plans should be carefully considered and included in the HMP. The HMP should include a comprehensive monitoring programme for all habitat improvements, and breeding birds on the site. Remote sensing using radar or infra-red cameras should be considered, to help inform future development and decision making within the industry with regards to eagles. Lastly, the HMP (or other document) should also include a protocol for reporting collisions to NatureScot.

https://www.nature.scot/doc/developing-nature-guidance#annex-c

Response from our Ecology Officer (Biodiversity Enhancement)

3.69 The scoping report only contains a brief statement that biodiversity enhancement will be part of the development.

3.70 As this is a Major development, NPF4 Policy 3b is applicable and requires biodiversity enhancement of the site post-construction in addition to mitigation and compensation measures. In order to satisfy Policy 3b, the Highland Council's Biodiversity Enhancement Planning Guidance must be followed. We recommend the inclusion of a **detailed metric assessment,** such as the English Statutory Metric (provided as a separated and readable document) to support this. All sites marked for enhancement should also be clearly identified and mapped in the EIA.

3.71 Habitat enhancement and mitigation measures should be detailed. The proposal should also consider the creation and enhancement of nature networks.

3.72 An Outline Habitat Management Plan will be required. This must include detailed management prescriptions, monitoring schedule and landscape plan, for a minimum period of 30 years.

Ornithology

3.73 The presence of Schedule 1 Birds and qualifying interests of Special Protected Areas and other areas designated for aviary interests must be included and considered as part of the planning application process; not as an issue that 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 any comments from NatureScot and RSPB in this respect.

3.74 Nature Scot recommend that the scope of survey of work and list of target species is informed by a thorough desk study. Prior to submission of the EIA report Nature Scot advise that the applicants ensure that all survey methods have followed their guidance at: https://www.nature.scot/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms. In particular, the applicants should ensure that the proposed 2km survey buffer for raptors is extended to 6km for golden and white-tailed eagles; that Moorland Breeding Bird Surveys fall within the recommended survey period (mid-April to early July); and that Raptor surveys follow the recommended survey times for the target species (which may fall outside the April – June window proposed in the scoping report). This is particularly relevant for golden eagle given the proximity of this site to the SPA. It is advised that any proposed access routes are also covered by appropriate surveys in accordance with the guidance, to allow an assessment of potential for disturbance and displacement, and identification of any mitigation requirements. 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.

3.75 Surveys for black grouse are likely to be required in accordance with Section 3.7.4 of Nature Scot guidance, and that the RSPB, Forestry and Land Scotland should be consulted for any desk study records in this area. The EIAR would be expected to include information on the importance of any black grouse leks identified in the local context, and to consider the potential for indirect effects due to changes to foraging and roosting habitat. It is recommended that a 750m buffer is applied around black grouse lek(s) during construction, where no construction activity is allowed within the buffer (including vehicle movements along tracks) before 9am in the months of April and May. This is to avoid causing disturbance to lekking birds during the breeding season. The developer is advised to incorporate a buffer of at least 500m between any lek site and turbine to minimise the risk of displacement during operation. The scoping report makes no reference to any surveys being proposed for breeding grebes or divers despite the presence of apparently suitable habitat. Nature Scot advise consideration of breeding divers and Slavonian grebes in the scope of survey work so that any potential impacts to these species can be assessed. The RSPB should be

contacted for any desk study records. The need for surveys for roosting raptors should also be considered in line with Nature Scot's bird survey guidance.

3.76 In addition to SPA connected birds, legally protected birds in the wider countryside could be affected by the proposal, either as an individual scheme or in combination with other developments in the area. It is recommended that assessments for wider countryside birds follow the guidance at: https://www.nature.scot/guidance-assessing-significance-impacts-bird-populations-onshore-wind-farms-do-not-affect-protected.

3.77 An assessment of the impacts to birds through collision, disturbance, and displacement from foraging / breeding / roosting habitat will be required for both the proposed development site and cumulatively with other proposals. The EIAR should be clear on the survey methods and any deviations from guidance on ornithology matters.

3.78 Response from our Ecology Team

3.79 We are content with the scope of ornithology surveys which include breeding moorland birds, raptors, vantage point surveys, diver surveys, and black grouse lek surveys. As part of the desk study, we welcome the request to contact Highland Raptor Study Group regarding raptor breeding sites and information on capercaillie.

3.80 We agree with the survey buffer adopted for each ornithology survey. However, we cannot confirm if the spatial cover provided by the vantage point surveys is sufficient. A map of the viewsheds is required to determine if turbine 4 is appropriately covered.

3.81 It is noted that the applicant has agreed with NatureScot to only one year of survey effort, due to the quantity of existing survey data for the site. However, the scoping report also points out that a further year of vantage points will be carried out at VanP location 4, with particular focus in assessing potential impacts to golden eagles. We welcome this approach.

3.82 There is a mention of four Schedule 1 species recorded on site: golden eagle, white-tailed eagle, red kite, and peregrine. If applicable, mitigation will need to be provided to limit the potential impacts on these species. We suggest that the applicant investigates a variety of potential mitigation measures to reduce likely collision impacts on raptors. This could include painting one blade in black (this has been done in other countries – but this would mean taking into consideration potential impacts on aviation and landscape), using automated detection and deterrent systems, or implementing Species Protection Plans that includes adaptative management techniques such as deer and sheep carcass removal or relocation, and incidental raptor carcass search. We recommend a dialogue to be started with relevant stakeholders (e.g. NatureScot, RSPB, CAA, local stakeholders) regarding these potential measures.

3.83 We note that the scoping report concluded it is not possible to scope out any specific species at this stage (prior to Collision Risk Modelling).

3.84 We consider that it is appropriate for the EIAr to consider both construction scenarios in the assessment.

3.85 We do not have enough information to answer this question. We need to have further detail to what constitutes a worst-case scenario.

3.86 We do not have enough information to answer whether t the assessment of the development as a whole (i.e. upon completion of Scenario 1 or Scenario 2 when all repowered turbines are operational) will represent the worst case scenario for the assessment of the operational effects of the Proposed Development on ornithological features. We need further detail as to what constitutes a worst-case scenario

Noise

Operational Noise

3.87 The applicant must 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.

3.88 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. Should a higher daytime noise limit be sought, the application will require to be accompanied by a supporting argument to justify the choice as described in ETSU-R-97. 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.

3.89 These limits would apply to cumulative noise levels from more than one development. However, where existing development has consented limits that result in theoretical cumulative levels already being higher than suggested above, the applicant should agree appropriate limits with the Council's Environmental Health Officer.

Cumulative Noise

3.90 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. This requirement can be scoped out where noise levels from the proposed development alone are 10 dB or more below the levels from other wind farms, as measured at any noise sensitive receptor. This relates to predicted levels, not limits.

3.91 Where applications run concurrently, developers and consultants are advised to consider adopting a joint approach with regard to noise assessments. The noise assessment must

consider predicted and consented levels from such developments. The good practice guide offers guidance on how to deal with cumulative issues.

3.92 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. There may be some receptors where a relaxation of noise limits has been applied due to the occupier having a financial involvement with a previous wind farm development. It is not necessarily the case that the relaxation will extend to other developments. The assessment should also 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.

3.93 Receptors at which predicted noise levels from the development alone fall out-with the 25dB LA90 can be scoped out of further assessment.

3.94 The assessment should also include a mitigation scheme to be implemented should noise levels from the development be subsequently found to exceed consented levels.

Noise Exposure

3.95 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

3.96 If background noise surveys are required, these should be undertaken in accordance with ETSU-R-97 and the Good Practice Guide. It is recommended that monitoring locations be agreed with the Council's Environmental Health Officer. Where a monitoring location 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.

3.97 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 provided they have been undertaken in accordance with current best practice or otherwise adjusted.

3.98 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

3.99 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.

3.100 Operational vibration, infrasound, and low frequency noise can be scoped out from further assessment.

Construction Noise

3.101 Given the separation distances to noise sensitive receptors, it is unlikely that a detailed construction noise assessment will be required in relation to work at the turbine sites however, construction traffic and any access track works are likely to be closer to receptors and this may require detailed assessment.

3.102 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. Generally, people are tolerant of construction noise during typical working hours which are taken to be 8am to 7pm Monday to Friday and 8am to 1pm on Saturdays. Works for which noise is inaudible at the curtilage of any noise sensitive property could still be carried out out-with these times.

3.103 If the applicant intends to undertake noisy work out-with the aforementioned times, they will be required to submit a detailed construction noise assessment for the written approval of the Planning Authority. For the avoidance of doubt, this would include any proposal to run compound generators overnight for the purposes of lighting or drying of PPE etc.

The assessment should include:

1. A description of construction activities with reference to noise generating plant and equipment.
2. A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations.
3. A description of any noise mitigation methods that will be employed and the predicted effect of said methods on noise levels.
4. A prediction of noise levels resultant at the curtilage of noise sensitive receptors.
5. An assessment of the predicted noise levels in comparison with relevant standards.

3.104 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. The applicant will be required to submit a scheme demonstrating how this will be implemented. Particular attention should be given to the use of tonal reversing alarms and ground compaction plant which are often the most intrusive noise generating elements of a large construction project.

Substations and Battery Energy Storage Systems

3.105 If the application includes a proposal for a sub-station or battery storage site, a separate noise assessment may be required to demonstrate that noise will meet the following standards:

- Noise arising from within the operational land of the sub-station, when measured and/or calculated as an LZeq, 5min, in the 100Hz one third octave frequency band must not exceed 30 dB, at noise sensitive premises (in the case of BESS sites, this requirement may be waived if it can be demonstrated that the noise has no tonal element).
- The Rating Level of noise arising from the use of plant, machinery or equipment installed or operated within the operational land of the sub-station, must not exceed the current background noise levels at noise sensitive premises. The Rating Level should be calculated in accordance with BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Noise from sub-stations and battery sites would not normally be considered cumulatively with wind farms.

Scoping Questions

3.106 **Q9.1** Can the consultees confirm that they agree with the proposed assessment methodologies, specifically the use of ETSU-R-97 and the IOA GPG to assess operational wind turbine noise and BS 5228 to assess construction noise associated with the construction of the Site access and site traffic? **Yes**

Q9.2 Can the consultees confirm whether they have any concerns with the use of historical baseline noise data from the assessment of the Novar Wind Farm or Clach Liath Wind Farm for this Site? **No concerns provided historical data was measured or has been adjusted in accordance with the GPG.**

Q9.3 Do consultees agree that the assessment of Scenario 1 (Single Phase Construction) will represent the worst-case scenario for the assessing the noise effects of construction related to the Proposed Development? **Yes**

Q9.4 Do consultees agree that the assessment of the development as a whole (i.e. upon completion of Scenario 1 or Scenario 2 when all repowered turbines are operational) will

represent the worst case scenario for the assessing the operational noise effects of the Proposed Development? **Yes**

Q9.5 Can consultees agree that assessment of vibration, low frequency noise and AM can be scoped out of the EIA? **Yes**

Traffic and Transport

Background

3.107 The Transport Planning Team has reviewed the transport-related information provided in Chapters 2 and 10 of the Environmental Impact Assessment Scoping Report dated January 2025. It is noted that the grid connection to the site will be subject to a separate application. Two construction phasing scenarios have been proposed: a single-phase construction where decommissioning and erection of the new turbine occur simultaneously, and a two-phase construction where the existing wind farm is decommissioned, three new turbines are erected in Phase 1, and the remaining seven turbines are erected in Phase 2. The impacts of the worst-case scenario will be assessed. During the operational phase, it is forecasted that a small maintenance crew will visit the site up to four times a month.

Assessment Scope and Methodology

3.108 The following documents should be used to inform any subsequent assessment:

- Roads and Transport Guidelines for New Developments available on the Highland Council website
- Policy 18 – Infrastructure First, NPF4
- Highland Council Transport Assessment Methodology for Renewable Energy Proposals which is provided at the end of this response.

3.109 The Transport Planning Team agree with the statement that Rule 2 of the IEMA guidelines will apply to Highland Council Roads. Although the environmental impacts of development are important, the IEMA methodology does not provide a practical evaluation or understanding of how the Council's Road network will perform structurally, physically and in terms of road safety during the construction phase of the proposed development. The IEMA guidelines do not address the physical characteristics of the road network, which typically are more rural in nature given the location of the development or whether the road network can safely accommodate development and construction traffic without detriment to either the structural integrity of the road or existing road users.

Study Area

3.110 The Highland Council roads within the study area are B817 between Evanton and Alness and B9176 between the A9 and the B817. The study area should be expanded to cover any Highland Council roads that serve quarries and other suppliers of bulk materials and also the Port of Entry which is currently proposed to be Nigg. Although it is proposed to source

aggregate on site, if no geotechnical evidence is submitted to support this proposal, as a worst case scenario, any construction traffic forecasts should assess the impact of 100% of materials being imported into the site.

Baseline Data

3.111 The proposal to undertake ATC surveys on the B9176 between the A9 and the B817 junction and at the access to the site on the B817 is acceptable. Surveys should be carried out in neutral months (April, May, September or October). The application of a low growth factor is also acceptable.

Likely Significant Effects

3.112 To provide robust estimates of construction traffic, the following information should be compiled and provided within the assessment:

- An indicative site layout showing all of the hardstanding and access tracks
- An estimate of the length and area of new and upgraded access tracks and platforms required to construct the development
- Related to this an estimate of the volume of bulk materials required (roadstone and concrete) with details of how the estimate has been calculated
- Possible sources of the bulk materials required, i.e., existing quarries and/or whether a borrow pit might be available within or close to the site.
- A location plan showing the initial proposed HGV routing
- The maximum size of the proposed components such as turbines and blades and of the abnormal indivisible loads likely (width, height, length and weight).

3.113 A Road Mitigation Schedule should be submitted with any future application setting out the physical road improvements required where the increase in HGVs will be significant (more than 10% increase) and where issues are identified in the road condition survey as set out in the Transport Statement/Assessment Methodology attached at the end of this response.

3.114 It is recommended that the applicant consults as early as possible the Council's Structures and Abnormal Loads Teams regarding affected Council maintained structures and restricted routes. It is likely that there are some structures on access routes that have not been assessed for abnormal loads and some structures may not be suitable for the increased intensity of HGV loadings. The contact details for both teams are:

- structures@highland.gov.uk
- abnormal.loads@highland.gov.uk

Issues Scoped out

3.115 The Transport Planning Team note that traffic generation from the operational and decommissioning phases will be scoped out of any assessment. Although this approach is acceptable, we would advise that should permission be granted, the Transport Planning Team will recommend that conditions requiring notification and approval of the planning authority in consultation with the respective roads' authorities and communities for any significant HGV or abnormal load movements required during the lifespan or decommissioning of the windfarm.

Other Issues Not Covered within Chapter 10

3.116 **Maintenance Agreement and Bond** – Notwithstanding the above requirements, there will remain a risk of damage to Council maintained roads from development traffic. In order to protect the interests of the Council as roads authority, a suitable agreement relating to Section 96 of the Roads (Scotland) Act and appropriate planning legislation, including the provision of an appropriate Road Bond or similar security will therefore be required.

Questions to Consultees

3.117 **Q10.1 Do consultees agree with the proposed Study Area?**

No: The Study Area must be expanded to include any Highland Council roads that serve locations of quarries and other suppliers that will be used during the construction period. Any Highland Council roads that serve the intended Port of Entry should also be included.

Q10.2 Do consultees agree that operational and decommissioning of the repowered scheme impacts can be scoped out of the EIA?

Yes: But the Transport Planning Team will recommend that suitably worded conditions are attached to any permission given for the operational and decommissioning traffic impacts to be assessed and mitigated as they can be significant.

Q10.3 Do consultees agree that the assessment of Scenario 1 (Single Phase Construction) will represent the worst-case scenario for the assessing the construction traffic related to the proposed development?

Yes: The worst case scenario should also include 100% of materials being imported into the site if it cannot be evidenced that there is suitable material on site.

Transport Assessment Methodology

3.118 Transport Planning would 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 be submitting all relevant information in relation to roads, traffic and transportation matters arising from the development proposals.

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; and
- 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; and
- 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; and
- 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; and
- 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.

Construction Traffic Management Plan

3.119 THC Transport Planning will require any application for planning permission associated with this proposal to submit a 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.

Detailed Junction Design

3.120 Details of any new site access should be clearly set out on dimensioned drawings related to OS data and include confirmation of geometry, construction form, drainage details to prevent water running out onto the public road and evidence that appropriate visibility splays can be

achieved. Vehicle swept paths should also be provided to evidence that the proposed junction form will be suitable for its intended use. Details of reinstatement of any temporary site access at its junction with the public road, post construction is also required. Appropriate junction arrangements and visibility splay information can be found in THC's published Roads and Transport Guidelines for New Developments.

Socio-Economic, Tourism and Recreation

3.121 We consider that Socio-Economic, Tourism and Recreational impacts should be considered even if this is separate to the EIAR to ensure that these matters are appropriately addressed. The assessment should estimate who may be affected by the development, in all or in part, which may require 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. 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.

Public Access

3.122 When assessing the impact on recreational routes please ensure that all core paths, rights of way, national cycle network, and long distance trails are assessed. Other useful information about patterns of recreational use on site include Strava's Global Heatmap and Ramblers Scotland Paths Map. These should help form a more adequate baseline of information for a comprehensive assessment of the proposal's impact on public access during the construction and operation phases of any development.

3.123 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. While the Scoping Report and an eventual EIA may include impacts on elements of outdoor access assessed under other headings, 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. 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

3.124 Those impacts, along with the mitigation measures, will inform an Access Management Plan which is required to be submitted as part of the EIAR and an assessment of the development's impact on public access included within this Socio Economic section of the

EIAR as per the requirements of HwLDP Policy 77 Outdoor Access.

3.125 As a point to note, any retained or planned gates should have a pass gate installed by them to accommodate walkers, cyclists and horse riders with an internal width of at least 1.5m – kissing gates are unacceptable.

Aviation, Radar and Telecoms

3.126 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.

3.127 There should be continued dialogue with HIAL over the impact on the radar at airports in the area.

3.128 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 and Shadow Flicker

3.129 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 phase 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.

3.130 Depending on the proximity of the working area and access route 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.

3.131 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.

3.132 Given the reported separation distance from any nearby residential properties, it is accepted that a shadow flicker assessment is not required to be undertaken.

Forestry

3.133 Our Forestry officer reviewed the report and noticed that the proposed access utilises the existing forest roads which are currently used to access the operational wind farm site. Where an Abnormal Load Assessment is required, this must be supported by an Arboricultural Impact Assessment. This is to include the section of forest road leading to the proposed site, as well as the Turbine Delivery Route along the public road network.

3.134 Where an Abnormal Load Assessment is required, this must be supported by an Arboricultural Impact Assessment. This is to include the section of forest road leading to the proposed site, as well as the Turbine Delivery Route along the public road network.

3.135 Any proposed tree surgery or felling must be clearly identified for the consideration and prior written approval of the planning authority. This report must be prepared by a suitably qualified Arboricultural consultant and in accordance with BS5837:2012 (Trees in relation to design, demolition and construction).

3.136 Where considered appropriate by the planning authority, replacement tree planting may be required to compensate for those removed. Any tree protection measures must be clearly specified, along with a detailed Arboricultural Method Statement. All tree works must be supervised by the appointed Arboricultural consultant. In addition to approval from the planning authority, landowner consent will be required for any tree works beyond the normal road corridor. A Felling Permission from Scottish Forestry may also be required, unless the proposed tree works are covered by any exemption.

3.137 Policy 6 of the National Planning Framework 4 seeks to protect and expand forests, woodland and trees, while ensuring that woodland and trees are sustainably managed on development sites. This will be achieved as follows:

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with

relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

3.138 With reference to NPF4 Policy 6b i & ii, development proposals will not be supported where they have an adverse impact on native woodlands or result in the fragmentation of the woodland habitat. Policy 6c also makes reference to the Scottish Government's policy on the Control of Woodland Removal.

3.139 If forestry is to be scoped out of the EIA, then it is important that any subsequent application minimises any impact on native woodland in order to comply with NPF Policy 6. Should there be a requirement for woodland removal associated with the wind farm development, then this will be considered by the planning authority in consultation with Scottish Forestry.

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 response, please contact the undersigned.

[redacted]

Graduate Planner – Strategic Projects Team

A35

[redacted]
Case Manager
ECU

Our Ref: PCS-20004535
Your Ref: ECU00006087

SEPA Email Contact:
[redacted]

24 February 2025

Dear [redacted]

Electricity Act 1989 - Section 36
ECU00006087
The Proposed Development would comprise the repowering of the Novar Wind Farm which would involve the decommissioning of all existing turbines on site (34 turbines, approximately 60m tip height), and the construction, operation and eventual decommissioning of up to 10 new wind turbines with a maximum tip height of 200m, and associated access tracks, underground cabling and associated infrastructure
Novar Wind Farm, Novar Estate, Evanton

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development. We have already provided a response to The Highland Council in August 2024 as part of their major applications meetings. It appears that the information provided for this consultation is the same as that provided previously and therefore our response is largely the same. Our groundwater guidance has been updated Guidance on Assessing the Impacts of Developments on Groundwater Abstractions and Guidance on Assessing the Impacts of Developments on Groundwater

SEPA
Unit 6
4 Parklands Avenue
Holytown
Motherwell
ML1 4WQ
[redacted]

A36

Dependent Terrestrial Ecosystems have been added to the planning section of the SEPA website, in place of LUPS GU31.

We welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter and would especially welcome further pre-application engagement once initial peat probing, peat condition assessment and habitat survey work has been completed and the layout developed further as a result.

Our position and advice, given below, is based on the determining authority ultimately determining that the proposal is classed as development that could be supported for the purposes of assessment under Policies 5 and 22**,** as defined in National Planning Framework 4. If this is not the case, please advise so we can re-consider our position and advice.

Advice for the planning authority / determining authority

To **avoid delay and potential objection** the EIA submission must contain a series of scale drawings of sensitivities, for example peat depth, peat condition, Groundwater Dependent Terrestrial Ecosystems (GWDTE), proximity to watercourses, overlain with proposed development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, then reduce and then mitigate significant impacts on the environment. We request that the issues covered in Appendix 1 below, be addressed to our satisfaction in the EIA process. This provides details on our information requirements and the form in which they must be submitted.

We have also provided site specific comments in the following section which provides pre-application advice and can help the developer focus the scope of the assessment.

1. Site specific comments

1.1 We note that the drawings provided show 9 of the 10 new turbines on peat over 1m deep, only Turbine 7 is on peat between 51 and 100cm. The applicant must show that the layout has followed the mitigation hierarchy in NPF4.

1.2 We require the provision of layout drawings that show the existing and proposed structures. It is expected that this will be shown on drawings showing buffer zones and peat depths. Drawings should be at a resolution that allows the information to be clearly seen.

1.3 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, and existing built infrastructure must be re-used or upgraded where possible.

1.4 A comparison of the environmental effects of alternative locations of infrastructure elements may be required, particularly where they deviate from the existing infrastructure.

1.5 In this case, where much of the site is on peat, we expect the application to be supported by a comprehensive site specific peat management plan.

1.6 In this case, where it is clear that much of the site is likely to be peatland and/or wetland, we suggest you may wish to go straight to carrying out national vegetation classification survey (NVC) survey without carrying out phase 1. For further information on assessments please refer to Guidance on Assessing the Impacts of Developments on Groundwater Dependent Terrestrial Ecosystems. Good practice during wind farm construction | naturescot also provides useful information on NVC survey method and mapping requirements.

1.7 SEPA note the applicant intends to use the existing turbine bases as crane bases for the repowering of the windfarm.

2. Regulatory advice for the applicant

2.1 Details of regulatory requirements and good practice advice, for example in relation to engineering works in the water environment and waste management, 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 at: NHNI@sepa.org.uk.

If you have queries relating to this letter, please contact us at planning.north@sepa.org.uk including our reference number in the email subject.

Yours sincerely

[redacted] Officer

Planning Service

Ecopy to: [redacted]

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 - www.sepa.org.uk/environment/land/planning/

Appendix 1: Detailed scoping requirements

Please note that some of the planning guidance referenced in this response is being reviewed and updated to reflect the National Planning Framework 4 (NPF4) policies. For example the Flood Risk Standing Advice and Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems. It still provides useful and relevant information, but some parts may be updated further in the future.

This appendix sets out our minimum information requirements and we would welcome discussion around these prior to formal submission to avoid delays. 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. If there is a significant length of time between scoping and application submission, the developer should check whether our advice has changed.

1. Site layout

1.1 Each of the drawings requested below must detail all proposed upgraded, temporary and permanent infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. All drawings must be based on an adequate scale with which to assess the information.

1.2 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, and existing built infrastructure must be re-used or upgraded where possible.

1.3 A comparison of the environmental effects of alternative locations of infrastructure elements may be required.

2. Water environment

2.1 The proposals should demonstrate how impacts on local hydrology have been minimised and the site layout designed to minimise watercourse crossings and avoid

other direct impacts on water features. Measures should be put in place to protect any downstream sensitive receptors.

2.2 The submission must include a set of drawings 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) A map showing the location, size, depths and dimensions of all borrow pits overlain with all lochs and watercourses within 250m and showing a site-specific buffer around each loch or watercourse proportionate to the depth of excavations. The information provided needs to demonstrate that a site specific proportionate buffer can be achieved.

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.

3. Flood risk

3.1 Advice on flood risk is available at Flood Risk Standing Advice and reference should also be made to Controlled Activities Regulations (CAR) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities.

3.2 Crossings must be designed to accommodate the 0.5% annual exceedance probability flows (with an appropriate allowance for climate change), or information provided to justify smaller structures.

3.3 If it is considered the development could result in an increased risk of flooding to a nearby receptor, then a flood risk assessment (FRA) must be submitted. Our Technical Flood Risk Guidance for Stakeholders outlines the information we require

to be submitted in an FRA.

4. Peat and peatland

4.1 Where proposals are on peatland or carbon rich soils (CRS), the following should be submitted to address SEPA's requirements in relation to NPF4 Policy 5 to protect CRS and the ecosystem services they provide (including water and carbon storage). Peatland in near natural condition generally experiences low greenhouse gas emissions, is accumulating and may be sequestering carbon, has high value for supporting biodiversity, helps to protect water quality and contributes to natural flood management, irrespective of whether that peatland is designated for nature conservation purposes or not.

4.2 It should be clearly demonstrated that the assessment has informed careful project design and ensured, in accordance with relevant guidance and the mitigation hierarchy in NPF4, that adverse impacts are first avoided and then minimised through best practice.

4.3 The submission should include a series of layout drawings at a usable scale showing all permanent and temporary infrastructure, with extent of excavation required. These plans should be overlaid on the following:

a) Peat depth survey showing peat probe locations, colour coded using distinct colours for each depth category. This must include adequate peat probing information to inform the site layout in accordance with the mitigation hierarchy in NPF4, which may be more than that outlined in the Peatland Survey – Guidance on Developments on Peatland (2017);

b) Peat depth survey showing interpolated peat depths;

c) Peatland condition mapping – the Peatland Condition Assessment photographic guide lists the criteria for each condition category and illustrates how to identify each condition category.

4.4 The detailed series of layout drawings above should clearly demonstrate that development proposals avoid any near natural peatland and that all proposed

excavation is on peat less than 1m deep.

4.5 The layout drawings should also demonstrate that peat excavation has been avoided on sites where this is possible. On other sites where complete avoidance of peat and carbon rich soils is not possible then it should be clearly demonstrated that the deepest areas of peat have been avoided and the volumes of peat excavated have been reduced as much as possible, first through layout and then by design making use of techniques such as floating tracks.

4.6 The Outline Peat Management Plan (PMP) must include:

a) A table setting out the volumes of acrotelmic, catotelmic and amorphous peat to be excavated. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes;

b) A table clearly setting out the volumes of acrotelmic, catotelmic and amorphous excavated peat: (1) used in making good site specific areas disturbed by development, including borrow pits (quantities used in making good areas disturbed by development must be the minimum required to achieve the intended environmental benefit and materials must be suitable for the proposed use), (2) used in on and off site peatland restoration, and (3) disposed of, and the proposed means of disposal (if deemed unavoidable after all other uses of excavated peat have been explored and reviewed);

c) Details of proposals for temporary storage and handling of peat - Good Practice during Wind Farm Construction outlines the approach to good practice when addressing issues of peat management on site and minimising carbon loss;

d) Suitable evidence that the use of peat in making good areas disturbed by development, including borrow pits, is genuine and not a waste disposal operation, including evidence on the suitability of the peat and evidence that the quantity used matches and does not exceed the requirement of the proposed use. If peat is to be used in borrow pits on site, SEPA will require sections and plans including the phasing, profiles, depths and types of material to be used;

e) Use of excavated peat in areas not disturbed by the development itself is now not a matter SEPA provides planning advice on. Please refer to Advising on peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot 2023, and the Peatland ACTION – Technical Compendium which provides more detailed advice on peatland restoration techniques. Unless the excavated peat is certain to be used for construction purposes in its natural state on the site from where it is excavated, it will be subject to regulatory control. The use of excavated peat off-site, including for peatland restoration, will require the appropriate level of environmental authorisation. Excavated peat will be waste if it is discarded, or the holder intends to or is required to discard it. These proposals should be clearly outlined so that SEPA can identify any regulatory implications of the proposed activities. This will allow the developer and their contractors to tailor their planning and designs to accommodate any regulatory requirements. Further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

5. GWDTE and existing groundwater abstractions

5.1 Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas.

5.2 A National Vegetation Classification (NVC) survey should be submitted which includes the following information:

a) A set of drawings demonstrating all GWDTE and 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. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. 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.

5.3 Please note that due to discrepancies in habitat definition and ambiguity in correspondence with NVC types we do not accept the use of The UK Habitat Classification System (UKHab) as an alternative to NVC.

6. Pollution prevention and environmental management

6.1 The submission must include a schedule of mitigation, which includes reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils and peat at any one time) and regulatory requirements. Please refer to the Guidance for Pollution Prevention (GPPs) and our water run-off from construction sites webpage for more information.

7. Life extension, repowering and decommissioning

7.1 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.

7.2 The discarding of materials as waste should be avoided. However, if there is an intention to discard materials then further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

A45

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

[redacted]
Response by email

14 March 2025
Our ref: CEA179028/100797
Your ref: ECU00006087

Dear [redacted]

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
SCOPING OPINION REQUEST FOR PROPOSED S36 APPLICATION FOR NOVAR WIND FARM REPOWERING

Thank you for your consultation on the above proposal dated 11 February 2025. The proposed development is to decommission the existing 34 turbines of the Novar Wind Farm (approximately 60m to blade tip height, in operation since 1997) and replace them with 10 wind turbines of up to 180m blade to tip height.

1. Background

To date we have provided some informal pre-application advice to the applicants, as well as advice through the Highland Council's Major Pre-application advice service meeting in August 2024.

2. Key issues

We are grateful to the applicants for providing a clear Scoping Report. At this stage we have not seen the detailed methodology, survey results or assessments for this proposal. Based on the initial information provided in the Scoping Report we advise that the proposal raises the following key issues relevant to our interests:

- Landscape and visual impacts: The proposed development would introduce some additional visibility and influence of wind farm development within areas currently unaffected by the operational Novar wind farm. This is likely to include areas within Wild Land Area (WLA) 29: Rhiddoroch – Beinn Dearg – Ben Wyvis, the Cromarty Firth and Dornoch Firth National Scenic Area (NSA). The proposed development individually and cumulatively (with application stage Abhainn Dubh and scoping Ceislein wind farms) may result in significant and adverse effects on the distinctive landscapes of the Ben Wyvis massif and the Cromarty Firth.
- Potential impacts to protected areas: In particular, to comply with the Habitats Regulations, the applicants will have to demonstrate that the proposed development will not have an adverse effect on the site integrity of the nearby Novar Special Protection Area (SPA), through which site access is proposed.
- Potential impacts to priority peatland habitats, including blanket bog.
- Potential for impacts, including cumulative impacts, to wider countryside birds such as golden eagle.

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

A46

Annex 1 to this letter, to assist with the EIA process. We recommend that results of survey and assessment are used to inform the design and layout, seeking to avoid impacts to the sensitivities outlined in Annex 1 to this letter 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 EIAR. Our website includes a wide range of standing advice and guidance documents which we recommend the applicants follow in the preparation of the EIAR, see: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents.

This includes the guidance document "NatureScot pre-application guidance for onshore wind farms". This is a key resource for issues within our remit and outlines advice on the type of survey and assessment likely to be required for this type of development, sources of further information and guidance on data presentation. It includes specific advice on applications for repowering and the level of survey and assessment likely to be required in relation to birds, other ecological survey work and LVIA. This document also contains advice on repowering and habitat management/enhancement which the applicants are advised to refer to.

NPF4 sets out requirements for development to deliver positive effects for biodiversity, primarily under Policy 3. For national and major developments, or those subject to EIA, Policy 3b notes that proposals will only be supported where it can be demonstrated that they will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention. The policy requires that such proposals demonstrate significant biodiversity enhancement, in addition to any proposed mitigation.

The Scottish Government Draft Planning Guidance on Biodiversity (published November 2023 – see: https://www.gov.scot/publications/scottish-government-draft-planning-guidance-biodiversity/) provides further advice on delivering biodiversity enhancement. Although labelled as "Draft Guidance" it is intended that it should be used now to assist in implementation and delivery of Policy 3. We advise that:

- Information on predicted losses, and the proposed mitigation, compensation and enhancement should be clearly set out, and also concisely summarised, in the application, so that this can be easily understood by decision makers.
- The proposal should clearly set out the type and scale of enhancement it will deliver, ensuring that the application clearly distinguishes between those elements mitigating or compensating for adverse effects and those delivering enhancement.
- On-site enhancement should be prioritised before off-site delivery. Where purely on-site enhancement is not possible, the Scottish Government draft guidance sets out further considerations for off-site delivery.
- It is also important that the application demonstrates that the enhancement is to be secured within a reasonable timescale and with reasonable certainty, including appropriate management and monitoring arrangements, and sustained for the future (preferably in perpetuity) in order to deliver a lasting legacy.
- Enhancement requires consideration of all biodiversity, not just the significant effects that are the focus of EIA.

Our *Developing with Nature* guidance (see: https://www.nature.scot/doc/developing-nature-guidance) has been prepared, in discussion with Scottish Government, to support local development applications. It sets out a number of common measures to enhance biodiversity that are widely applicable. For national, major

and EIA developments, more detailed assessment and more ambitious measures are likely to be required, but elements of the *Developing with Nature* guidance may still be helpful.

For information and updates, please see our enhancing biodiversity webpage at: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-enhancing-biodiversity. We also recommend that the developers consult the planning authority and Local Biodiversity Action Plan for further information on potential enhancement opportunities.

The Scoping Report includes a number of questions and we hope those relevant to us are answered within this letter. The applicants and their consultants are welcome to contact us directly for any further clarification or guidance they may require.

Please note that while we are supportive of the principle of renewable energy, our 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 from us in relation to this proposal. The advice in this letter is provided by NatureScot, the operating name of Scottish Natural Heritage.

Yours sincerely

[redacted]

Fodderty Way, Dingwall Business Park, Dingwall, IV15 9XB
Sligh Fodderty, Pàirc [redacted]

Annex 1 – details to assist with the EIA for the proposed Novar Wind Farm Repowering

1. Landscape and visual impacts

Summary
The proposed development would introduce some additional visibility and influence of wind farm development within areas currently unaffected by the operational Novar wind farm. This is likely to include areas within Wild Land Area (WLA) 29: Rhiddoroch – Beinn Dearg – Ben Wyvis, the Cromarty Firth and Dornoch Firth National Scenic Area (NSA). The proposed development individually and cumulatively (with application stage Abhainn Dubh and scoping Ceislein wind farms) may result in significant and adverse effects on the distinctive landscapes of the Ben Wyvis massif and the Cromarty Firth.

The proposed development
The proposed development would comprise the removal of the 34 existing operational Novar wind farm turbines (with a tip height of approximately 60 m) and repowering with ten turbines (up to a blade tip height of 180 m). As the proposed turbines would be over 150 m in height visible aviation lighting would be required[1].

WLA 29: Rhiddoroch – Beinn Dearg – Ben Wyvis, is approximately 800 m northwest of the Proposed Development and the Dornoch Firth NSA is located approximately 15 km northeast of the site. The Highland Council will lead on provision of advice on nearby Special Landscape Areas.

Elevated landform within the site boundary is formed by the ridgeline between Meall Mor, Meall an Tuirc, Bendeallt and Cnoc Gille Mo Bhrianaig, elevation ranges from 310 m Above Ordnance Datum (AOD) to 625m. Operational and proposed wind farms closest to the site include:

- Operational Novar 2 (16 turbines at 106 m blade tip height), adjoining the site;
- Application Abhainn Dubh (13 turbines at 149.9 m blade tip height), approximate 3 km south; and
- Scoping Ceislein (20 turbines at 250 m blade tip height), 1 km east.

Dornoch Firth NSA
We note that effects of the proposed development on the Special Landscape Qualities (SLQs) the Dornoch Firth NSA will be scoped into the LVIA. We request a full assessment of effects on SLQs in accordance with NatureScot Guidance *Special Landscape Qualities - Guidance on assessing effects*[2].

WLA 29: Rhiddoroch – Beinn Dearg – Ben Wyvis
The applicant proposes to scope out a Wild Land Impact Assessment for WLA 29 which is located approximately 800 m west of the proposed development. We note that landscape and visual receptors outlined to be scoped into the LVIA within WLA 29: Rhiddoroch – Beinn Dearg – Ben Wyvis include:

- Host Landscape Character Type (LCT) 329 - Rounded Mountain Massif;
- LCT 330 - Rounded Hills and Moorland Slopes - Ross & Cromarty;
- Viewpoint 1 Beinn Dearg;
- Viewpoint 2 Carn Salachaidh;
- Viewpoint 16 An t - Socach, Ben Wyvis, off summit;
- Viewpoint 23 Diebidale Ridge;
- Highland Council Ben Wyvis Special Landscape Area (SLA); and

[1] Civil Aviation Authority Air Navigation Order 2016
[2] See: https://www.nature.scot/doc/special-landscape-qualities-guidance-assessing-effects.

Fodderty Way, Dingwall Business Park, Dingwall, IV15 9XB
Sligh Fodderty, Pàirc Gnìomhachais Inbhir Pheofharain, Inbhir Pheofharain, IV15 9XB
[redacted]
[redacted]ureScot is the operating name of Scottish Natural Heritage

- Highland Council the Fannichs, Ben Dearg and Glencalvie SLA.

As stated in our pre-application advice of 10th September 2024 for Novar Wind Farm Repowering - we advise that it is likely to be useful to undertake a Wild Land Impact Assessment[3] for WLA 29 with a focus on guiding the design of the proposed development and to help direct mitigation. Accounting for the layout (approximately 800 m east of WLA 29) and height of the turbines (up to 180 m to blade tip) the proposed development would bring development of this nature closer to WLA 29 than the existing operational Novar wind farm. As shown by the 'Scoping Report Figure – Comparative ZTV (Tip Height) and Viewpoints' the proposed development will introduce some visibility and influence of wind farm development within WLA 29 to areas currently unaffected by the operational Novar wind farm. Given the proximity of the proposed development and number of receptors within WLA 29 proposed to be scoped into the LVIA, and the potential for significant adverse effects on these receptors, we again encourage the applicant to undertake a Wild Land Impact Assessment for WLA 29.

Cumulative effects

The proposed development would bring wind farm development marginally further west of the existing operational Novar wind farm and north of in-planning Abhainn Dubh wind farm. Given the height of the proposed turbines (up to 180 m to blade tip) the introduction of the proposed development would extend the influence and visibility of wind farm development on the Ben Wyvis massif and the Cromarty Firth.

In line with NatureScot Guidance - Assessing the cumulative landscape and visual impact of onshore wind energy developments[4] '…it may be appropriate to include proposals in an assessment which are at earlier stages of development (including at scoping), particularly where clusters of development or "hotspots" emerge, or where proposals are adjacent to one another', we request that cumulative effects with scoping stage Ceislein wind farm (Energy Consents Unit (ECU) Reference: ECU00005174), are considered within the assessment and the Assessment of Effects on the Dornoch Firth NSA SLQs, where deemed necessary, given its proximity east of the proposed development and its likely progression into the planning system.

Cumulatively with application Abhainn Dubh and scoping Ceislein we consider there is potential for significant adverse cumulative effects on the distinctive landscapes of the Ben Wyvis massif and the Cromarty Firth.

When considering which other wind farm developments to include within the cumulative assessment, we consider that the Highland Council are best placed to advise.

Aviation Lighting

Outside of settlements near the Cromarty Firth including Alness, Evanton and Dingwall, landscapes within the study area have relatively low baseline lighting levels with remote, wild land qualities and scattered settlement. We note that the applicant seeks to agree a reduced lighting scheme with the CAA and encourage this is progressed to reduce potential for significant adverse effects resulting from visible aviation lighting.

We consider that potential for significant adverse cumulative day time effects could progress into significant adverse night-time effects, with scoping Ceislein wind farm in proximity east of the site which would be a key consideration of the cumulative impact assessment (CLVIA) and the assessment of effects

[3] See: https://www.nature.scot/doc/assessing-impacts-wild-land-areas-technical-guidance.
[4] See: https://www.nature.scot/doc/guidance-assessing-cumulative-landscape-and-visual-impact-onshore-wind-energy-developments.

on visible aviation lighting. Our understanding is that no visible aviation lighting is proposed for the in-planning Abhainn Dubh wind farm, south of the site.

We consider that lighting affects both landscape character and visual receptors and recommend assessment in line with the jointly drafted Guidance on Aviation Lighting Impact Assessment[5].

Questions for Consultees

Q4.1 Do consultees agree with the extent of the Study Areas proposed: 35 km for the LVIA, limited to 10km Study Area for Core Paths; residential properties in Boath and Glen Glass including the Loch Glass house for the assessment of residential amenity; and 35 km for the cumulative LVIA?

We agree with the proposed 35 km study area. We defer to the Highland Council whom we consider are best placed to advise in terms of potential effects on the Core Path network, and residential visual amenity.

Q4.2 Do consultees agree that there are unlikely to be significant effects from decommissioning of the Proposed Development and accordingly this will be scoped out of the LVIA?

We disagree, while decommissioning effects would be temporary and likely to be similar to the construction effects that resulted in the introduction of the existing Novar wind farm, we consider that some of these effects would be significant and adverse.

Q4.3 Do consultees agree that the location of assessment viewpoints proposed will provide a representative basis for the assessment?

We agree with the selection of assessment viewpoints. We note that further consultation will be undertaken for night time viewpoints once a lighting scheme is agreed, and hub height and preliminary Visible Aviation Lighting ZTVs are available. We would be happy to comment further at this stage.

Q4.4 Do consultees agree that the assessment of Scenario 1 (Single Phase Construction) will represent the worst-case scenario for assessing the landscape and visual amenity effects related to the Proposed Development during construction?

On the basis that the anticipated time for construction works (18 to 24 months para. 2.3.22 of the Scoping Report) for either scenario (Scenario 1 and 2 as detailed on page 11 of the Scoping Report) is not materially different we broadly agree. However, it would be helpful to confirm, if possible which scenario will be implemented as the LVIA progresses.

Q4.5 Do consultees agree that the assessment of the development as a whole (i.e. upon completion of Scenario 1 or Scenario 2 when all repowered turbines are operational) will represent the worst-case scenario for the assessment of the operational effects of the Proposed Development on landscape and visual amenity?

As above for Q4.4.

[5] See: https://www.nature.scot/doc/guidance-aviation-lighting-impact-assessment.

2. Protected areas

We recommend that the design and layout aims to avoid direct and indirect impacts to protected areas including those outlined below. For further information on these sites please refer to SiteLink at: https://sitelink.nature.scot/home.

European sites
The status of the following 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. Further information on the legislative requirements of European sites can be found at: https://www.nature.scot/doc/legislative-requirements-european-sites. A Habitats Regulations Appraisal (HRA) would be required to assess potential impacts to these sites, and any future application would need to demonstrate there was no adverse impact on site integrity.

Novar Special Protection Area (SPA)
The SPA is protected for breeding capercaillie. Although based on the repowering layout the closest turbine would be around 4km from the SPA, as noted in the Scoping Report, the proposed access passes through the SPA and other areas of connected forestry which may also be used by capercaillie. We agree that a Habitats Regulations Appraisal will be required to consider the potential for disturbance and displacement, as well as habitat loss/change and collision risk. Any potential for cumulative impacts with the proposed Ceislein Wind Farm should also be considered. The proposed development should aim to avoid impacts to capercaillie and their supporting habitats.

The EIAR should confirm whether track upgrades would be required within the SPA, and consider the potential for resulting disturbance or loss of capercaillie habitat and how these impacts could be mitigated. Consideration of potential for disturbance to capercaillie from the operation of the track will also be required, particularly from construction and/or decommissioning traffic, and details of the measures required to mitigate those impacts provided in the EIAR (e.g. time limitations on track use, no stop zones, etc).

We recommend the initial assessment includes a comprehensive review of available desk study information and habitat suitability. A desk study of existing capercaillie records should be undertaken covering the wind farm site, access route and surrounding area through consultation with the RSPB Capercaillie Project Officer (the contact is Helen Gray – email Helen.Gray@rspb.org.uk), Forestry and Land Scotland and reference to any other available wind farm survey data. We also recommend that the applicants liaise with the developers of the proposed Ceislein Wind Farm (currently at scoping), as this development proposes use of the same access track through the SPA, and where possible aim to share any survey data so as to avoid the need for duplication of survey work and any unnecessary disturbance. We would be happy to provide further advice on the scope of any further survey work that may be required once this initial assessment has been completed.

We agree that an assessment of potential collision risk to capercaillie overflying the proposed development site should also be carried out. This could occur during dispersal, or if birds are moving between the SPA and other suitable habitat outside the SPA. Capercaillie are rarely seen in flight between breeding woods but radio tracking evidence shows that they can move considerable distances, including over open ground. Applications within the Cairngorms (e.g. Cairn Duhie Wind Farm) have included an assessment of the likely routes followed, including expert opinion on dispersal behaviour/likely movements between woodland areas to give an indication of collision risk. We would recommend a similar approach for this site. This assessment would again be informed by desk study records and consideration of habitat suitability.

The Morangie Forest SPA is also protected for breeding capercaillie. The potential for impacts to this site should also be considered.

Cromarty Firth SPA
The proposal is close to the SPA which is protected for breeding osprey and common tern, and a range of non-breeding coastal birds. The proposed wind farm and its access would be within connectivity distance[6] of wider ranging species such as osprey, greylag geese and whooper swans (which may forage in fields close to the access). As there may be connectivity for these species we advise they are scoped in until survey work and desk studies are complete and an informed decision can be made. If these species could be affected by the proposed development a Habitats Regulations Appraisal would be required.

Ben Wyvis SPA
The SPA is located around 3km from the proposed wind farm and is protected for breeding dotterel. We recommend the EIAR gives some consideration to the potential collision risk to dotterel moving in and out of the SPA.

3. Habitats

The Scoping Report notes that the site is dominated by blanket bog and degraded bog habitat with notable areas of wet heath, mountain heath, willow scrub and upland flushes. We highlight that where Annex 1 or UKBAP Priority Habitats occur, habitat surveys should be carried out to NVC level (see also advice for peatland habitats below). We recommend that habitat surveys cover the whole development site so as to assess impacts from the development, help inform potential redesign or micro-siting, and identify potential areas for habitat restoration and enhancement. Surveys should cover an appropriate buffer to account of hydrological changes as well as any areas where access tracks/track upgrades and borrow pits may be proposed. Target notes should be used to identify the presence of any notable plants including any nationally rare/scarce species.

We welcome the applicant's proposals to reuse existing infrastructure as far as possible. Where this is not possible, we recommend that survey results are used to inform the design and layout process, so that new infrastructure avoids, where possible, sensitive habitats such as blanket bog. Where this is not possible, impacts should be minimised and suitable mitigation, restoration and/or compensation measures be proposed. Assessment should consider the extent of habitat loss and damage, both direct and indirect, temporary and permanent, and suitable mitigation and/or restoration measures be presented in an Outline Habitat Management Plan and Peat Management Plan. Our guidance document "NatureScot pre-application guidance for onshore wind farms" contains advice on repowering and habitat management/ enhancement which the applicants are advised to refer to.

We recommend full details of proposed methods for decommissioning, construction, reinstatement and habitat restoration are included in the EIAR. Advice on Good practice during Wind Farm construction can be found at: https://www.nature.scot/doc/guidance-good-practice-during-wind-farm-construction.

Priority peatland habitats
As noted in the Scoping Report, most if the site is located within an area mapped as Class 1 peatland and, based on the scoping layout, all of the turbines are proposed on areas mapped as Class 1 peatland, with the scoping report noting peat depths >0.5m deep, with areas >1m deep in the north, centre and south of the

[6] See our guidance note "Assessing connectivity with Special Protection Areas" at: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents.

site. We recommend that survey and assessment of impacts to peatland habitats follows our peatland guidance[7]. This includes in Annex 1 a recommended method for assessment of peatland habitat condition. We advise that the table contained in this Annex is completed in addition to the applicant's proposed Peatland Condition Assessment. Our peatland guidance also includes advice on the mitigation hierarchy; survey and assessment; and mitigation and enhancement, including peatland restoration techniques, Habitat Management Plans and the level of information which would be expected for a future application. Where there are significant effects on high quality peatlands we may object to a proposal.

NPF4 Policy 5 (Soils) provides protection for carbon-rich soils and peatlands. NPF4 Policy 5d requires that 'where development on peatland, carbon-rich soils or priority peatland is proposed, a detailed site specific assessment will be required'. In addition to NVC habitat survey, development proposals on peat should be supported by a site-specific and detailed peat survey, a Peat Management Plan and a Peat Landslide Hazard Risk Assessment (PLHRA). Links to current guidance relevant to peatland survey and assessment can be found at: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents.

We advise that site-specific assessments and surveys inform the project design and siting to ensure compliance with the mitigation hierarchy, and that impacts to blanket bog are avoided by design. Where impacts cannot be avoided, they should be minimised, and our current recommendation is that restoration to achieve offsetting (i.e. compensation rather than biodiversity enhancement) should be in the order of 1:10 (lost:restored), i.e. 1ha loss of peatland should result in measures to restore 10ha of peatland. The guidance recommends that any proposed enhancement should be in addition to this, for example 10% of the baseline blanket bog habitat.

We note that the development extends beyond the existing turbine envelope at Turbines 1 and 2 and that these areas contain deep peat. Although at this stage no NVC data is available, Turbine 1 is proposed above 600m and habitat in this area appears, based on aerial imagery, to be relatively intact. We advise that habitat surveys confirm the habitat at this location and, in accordance with our guidance, the development aims to avoid impacts to montane bog habitat.

4. Ornithology

We have not yet seen full details of the survey methods, results and assessment, so cannot comment on the likely impacts of the proposal at this stage. Prior to submission of any future application we advise that the applicants ensure that survey and assessment has followed our bird survey guidance[8]. We advise that survey work and the desk study cover access routes as well as any proposed habitat management or enhancement areas. This will allow the potential for disturbance and displacement to be assessed, especially for Schedule 1 species, and any constraints and/or mitigation requirements to be identified.

We advise that collision risk modelling will be required for the three turbines outside the footprint of the existing wind farm. The applicants should note that our CRM guidance has recently been updated, see: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/renewable-energy/onshore-wind-energy/wind-farm-impacts-birds.

[7] See: https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management.
[8] See: https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms and https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms.

This proposal may have the potential to impact on the NHZ7 golden eagle population, both as an individual scheme and in combination with other developments. We recommend that, in addition to survey work and desk study consultation with the Highland Raptor Study Group, GET (Golden Eagle Topographical) modelling is undertaken to help with the assessment of impacts, including potential loss of foraging habitat. For further advice see: https://www.nature.scot/doc/naturescot-statement-modelling-support-assessment-forestry-and-wind-farm-impacts-golden-eagles.

The EIAR should demonstrate that all areas suitable for black grouse have been surveyed. If black grouse could be affected we would expect the EIAR to include information on the importance of any lek(s) in the local context, and to consider the potential for indirect effects due to changes to foraging and roosting habitat, as well as any necessary mitigation. Advice on mitigation and recommended buffers is provided in our pre-application guidance[9]. We advise that a buffer of at least 500m is incorporated between any lek site and turbines to minimise the risk of displacement during operation.

Once all 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. Potential impacts to roosting birds should also be considered in accordance with our guidance. Assessments for wider countryside birds should follow our guidance at: https://www.nature.scot/doc/guidance-assessing-significance-impacts-bird-populations-onshore-wind-farms-do-not-affect-protected.

We advise that cumulative assessments are carried out at the level of the relevant Natural Heritage Zone or SPA population and follow our guidance (see: https://www.nature.scot/doc/guidance-assessing-cumulative-impacts-onshore-wind-farms-birds). Assessment for species such as golden eagle, white-tailed eagle, peregrine and hen harrier should be for NHZ7. For red kite the assessment should be against the whole North of Scotland population and for osprey it should be against the NHZ21 population. Depending on submission timescales we may be able to provide additional data to assist with the cumulative assessments, on request from the applicants. Mitigation options should be considered as part of the assessment process and it is recommended these details are included as part of any future application.

Further information and advice on assessment of impacts to birds from wind farms (including collision risk modelling, SPA connectivity, effects of aviation lighting, etc) is available at: 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.

Questions for Consultees

7.1 Do consultees agree that the range of ornithology surveys carried out are sufficient and appropriate?

Overall, we consider that the proposed scope of survey work is likely to be sufficient to complete an assessment from. Although only one year of breeding bird surveys are proposed monitoring reports from the existing wind farm will be expected to provide additional data, and if available should be summarised in the EIAR.

We welcome proposals for a second year of Vantage Point survey work to assess impacts to golden eagle.

[9] See: https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms.

To date survey work has not covered access tracks and we advise that assessment of the potential for disturbance and displacement will be required, so as to identify any necessary mitigation. We recommend that the applicants discuss the possibility of sharing survey information with the proposed Ceislein wind farm, which would be considering the same access, so as to avoid duplication of survey effort and any unnecessary disturbance.

We recommend that the applicants also try to obtain the results of survey work undertaken for recent Peatland Action work, which has identified additional Schedule 1 species in the area.

7.2 Do consultees agree that the survey areas and buffers adopted for each ornithology survey are appropriate?

The survey buffers appear to follow our guidance, noting that it is expected that data will be obtained for any known eagle territories.

7.3 Do consultees agree that it is appropriate for the assessment to consider both construction scenarios to allow assessment of the potential effects of a phased construction, and hence operational, effect on ornithological features?

We agree that this seems a logical approach to take.

7.5 Do consultees agree that the assessment of both Scenario 1 (Single Phase Construction) and Scenario 2 (Two Phase Construction) will assess the worst-case scenario for ornithological effects related to the Proposed Development during construction?

We agree that assessment of both scenarios should be undertaken so that appropriate mitigation can be identified.

7.6 Do consultees agree that the assessment of the development as a whole (i.e. upon completion of Scenario 1 or Scenario 2 when all repowered turbines are operational) will represent the worst-case scenario for the assessment of the operational effects of the Proposed Development on ornithological features?

It appears likely that assessing the development when all the turbines are in operation is the worst-case scenario for both collision risk and disturbance/displacement.

5. Protected species

We would expect the EIAR to demonstrate that survey work for protected species has covered the proposed development site, access routes and appropriate buffers around these, as well as any proposed habitat enhancement areas.

We would also expect the EIAR to demonstrate that survey work and any necessary mitigation has followed our standing advice at: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents. 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. If protected species could be

affected mitigation details/Species Protection Plans should also be included in the EIAR. General advice on survey and assessment for protected species is also available in our pre-application guidance document[10].

The Scoping Report notes the presence of mountain hares on site and we recommend our standing advice for this species is followed[11]. The proposed development site is also within the Strathpeffer Wildcat Priority Area and again, we recommend our standing advice for wildcats is followed[12]. Our standing advice for pine martens should also be followed (see above links). The Scoping Report notes that our guidance on *Bats and onshore wind turbines - survey, assessment and mitigation* will be followed.

In relation to freshwater interests, we recommend the applicants follow our pre-application guidance document[13] in relation to survey and assessment requirements.

6. Deer management

We note and welcome the applicant's proposal to include a Deer Management Statement within the EIAR in accordance with our guidance. This should also consider potential impacts to habitats as a result of any potential changes to deer movements.

7. Forestry

If felling is required to accommodate the proposal (e.g. access requirements) we recommend that the applicant contacts Scottish Forestry to discuss the Control of Woodland Removal Policy and the implications this may have on the development.

8. Grid connection

Should further details on the grid connection be known by the time the EIA Report is prepared we recommend these are included. This may have implications for the natural heritage interests highlighted above, in particular Novar SPA, as well as other interests not included here.

9. Decommissioning

We recommend that the EIA process assesses the likely impacts of decommissioning for the new proposal. Although this can be brief it should still provide an appropriate level of detail on how the site infrastructure may be removed and how the site is intended to be restored.

[10] See: https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms.
[11] See: https://www.nature.scot/doc/standing-advice-planning-consultations-mountain-hare.
[12] See: https://www.nature.scot/doc/standing-advice-planning-consultations-wildcats.
[13] See: https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms.

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email: Econsents_Admin@gov.scot

[redacted]
Case Manager
Energy Consents Unit

[redacted]
EH9 1SH

Enquiry Line: 0131-668-8716
[redacted]

Our case ID: 300074088
Your ref: ECU00006087
19 March 2025

Dear [redacted]

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Novar Wind Farm Repowering
Comments on scope of proposed Environmental Impact Assessment

Thank you for consulting us on this Environmental Impact Assessment (EIA) scoping report, which we received on 10 February 2025. 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.

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 topics covered by our advice-giving role, and also other topics such as unscheduled archaeology, category B and C listed buildings, and conservation areas.

Proposed development

We understand that the proposed development comprises the decommissioning and removal of the existing Novar Wind Farm and the construction of a new turbine array of 10 turbines standing up to 180m tall plus associated infrastructure and ancillary works.

Scope of assessment

We have identified potential for significant effects on our historic environment interests. Our advice on the nature of these impacts and any potential mitigation measures are included in an annex to this covering letter. This also includes our requirements for information to be included in the EIA Report.

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Further information

Decisions that affect the historic environment should take the Historic Environment Policy for Scotland (HEPS) into account as a material consideration. HEPS is supported by our Managing Change guidance series. In this case, the advice provided in the Setting guidance note appears to be particularly relevant.

We also recommend that the applicant refers to the EIA Handbook for best practice advice on assessing cultural heritage impacts.

We hope this is helpful. If you would like to submit more information about this or any other proposed development to us for comment, please send it to our consultations mailbox, hmconsultations@hes.scot .If you have questions about this response, please contact Deirdre Cameron at deirdre.cameron@hes.scot

Yours sincerely

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH
Scottish Charity No. **SC045925**
VAT No. **GB 221 8680 15**

ANNEX: Our Detailed Comments

Background

We have been involved in pre-application consultations with the developers relating to the identification of assets for assessment and visualisations.

In June 2024 we were consulted on a preliminary list of visualisations. Our response welcomed the proposals but requested further information to allow us to understand the decision making process behind the selection made.

In August 2024 we received a follow-on consultation which included much of the information requested in our original consultation response. While not as comprehensive as we would have wished, we were able to use the details provide to confirm an initial selection of cultural heritage assets for visualisations and request the addition of 6 more sites to the list of sites to be taken forward for illustration and assessment.

Scoping Report

We note and welcome the consideration of cultural heritage interests in the scoping report. However there are some specific issues with the report which raise concerns for our interests. Most of these are addressed in the "Scoping Questions to Consultees" section below but we also wish to highlight the following matters -

Section 5.2 Pre-scoping consultations
I can confirm HES were consulted and offered comments and advice on cultural heritage matters at the pre-application stage. Although the information provided in the scoping report is an accurate reflection of comments provided by HES, it does not include all of our advice. In particular, our comments relating to the need to document and explain processes and decisions within the EIA reporting process are not mentioned.

The majority of our comments in this response relate to the lack of such detailed information in the report that would allow the reader to understand the basis for the decisions made.

This lack of detail is perplexing as the pre-application consultations with HES included background information such as grid references and descriptions for visualisation locations, explanations for why specific assets were not proposed for illustration, 1:20000 scale maps showing the location of cultural heritage assets against the ZTV mapping, and photographic plates to provide a background understanding of the landscape around Ardross Castle and its designed landscape. This information is not included in the scoping report.

Section 5.4 Assessment scope and methodology
The assessment is based on the use of 1km, 5km and 10km study areas. No explanation is provided for these specific distance-based zones. We recommend that in the first instance Zone of Theoretical Visibility (ZTV) mapping should be used to identify assets at risk of setting impacts and professional judgement applied to assess which sites may be at more significant risk. Distance-based study areas can be too limited to ensure that all relevant assets are considered in the assessment process.

However, we note the statement in 5.4.7 that designated assets beyond the 10km study area have been considered in the assessment but none were considered to be at risk of significant impacts. We also note the information in 5.5.4 that a ZTV will inform the assessment process. We are therefore content that in this case, the use of these study areas should be sufficient to identify all the relevant assets within our interest.

Section 5.5 Likely significant effects
This section addresses matters relating to the scoping in of assets for further assessment and the production of visualisations.

Table 5.1: Proposed Visualisations lists those assets proposed for further consideration in the EIA Report and the illustrative material that will be produced to support those considerations. No information is provided relating to the precise locations of the viewpoints proposed and it is not clear whether these are the only assets that will be assessed in detail or if others will be included but not illustrated. Although we are generally content that the assets identified are appropriate, the report does not explain why other assets apparently within the study area and ZTV have not been selected for visualisation. We therefore cannot be certain that all the relevant assets have been selected.

Our interest

There are no designated cultural heritage assets within the red line development boundary.

There is one scheduled monument close to the existing wind farm access track that could be at risk of physical impact during the construction and use of the wind farm; Cladh Churadain chapel and burial ground (SM5007). We note and welcome the commitment given in section 5.5.11 to ensuring that any changes to the track in this area would be designed to ensure there would be no direct impact on the monument and that a suitable buffer would be put in place to protect it from construction works. We do not agree that these potential impacts should be scope out of the EIAR. The EIAR should provide a detailed scheme to ensure these commitments could be fulfilled. The information included in the EIAR should also ultimately be included in a Construction Environmental Management Plan for the project if consented.

There are a large number of designated cultural heritage assets within the ZTV and study area which could experience setting impacts from the development. These are listed in

Appendix 5.1:Table A5.1. The scoping report is not entirely clear on what will scoped into further assessment but from the statement provided in section 5.5.2 we assume that all of the assets listed in Table A5.1 will be assessed in the EIAR. We would wish these assessments to define the settings of these assets and to include sufficient information to allow users of the EIAR to understand how their settings will be affected by the development and how the assessment of significance of impact and effect on each asset has been reached

As noted in the Scoping Report section above, it is not clear how individual assets have been selected for visualisations. We would expect this to be addressed in the EIAR.

Scoping Questions to Consultees –

Table 5.2 provides a list of questions for consultees. Our answers are as follows

Q5.1 Is the proposed assessment methodology, including proposed Study Areas, accepted?
We cannot accept the methodology at this stage because it does not set out a clear process for the assessment of the significance of effects resulting from the development.

We note the commitment given in section 5.4.1 that the assessment will be undertaken in accordance with the published NatureScot and HES guidance contained in the Environmental Impact Assessment Handbook. If this guidance is followed, the methodology should be acceptable.

Q5.2 Do the consultees agree with the receptors and impacts proposed to be scoped out of the assessment?

We do not agree.

The scoping report contains very little information to explain how or why decisions to scope assets in or out of further assessment have been made. Without this information it is not possible to check the reasoning behind these decisions and offer you informed advice.

We do not agree that Cladh Churadain chapel and burial ground (SM5007) can be scoped out of further assessment. In section 5.5.11, the scoping report notes the proximity of the wind farm access track to this monument. The EIAR should include a detailed description of the mitigation scheme that would be put in place during the use and/or alteration of the track to ensure that there are no adverse impacts on this monument during the construction and use of the wind farm.

Q5.3 Are there any additional assets beyond the proposed Study Areas that consultees consider significant effects are likely to occur?

We have not identified any additional assets beyond the study areas for our interests at this stage.

Q5.4 Initial viewpoints for visualisations have been identified through consultation with HES. Are there any additional assets for which consultees would like to see visualisations?

The scoping report does not provide locational information for the cultural heritage visualisations. We therefore cannot determine whether the individual illustrations proposed will show appropriate viewpoints for the assets listed.

The scoping report does not show a clear understanding that assets may have sensitive views both from and towards them, and the applicant should demonstrate that they have understood these aspects of setting and selected visualisation locations accordingly. Some assets may benefit from more than one illustration. This in turn will allow us to provide more detailed advice on the suitability of visualisation locations.

We are content that those assets already selected for visualisations are appropriate. There may be further assets that merit detailed assessment and illustration, but as the scoping report does not contain information on the selection process we cannot be certain. At this stage we are able to identify three additional assets where we would wish to see illustrations produced to assist with assessment of setting impacts –

- Balnacrae, chambered cairn 230m SWS of (SM2396)
- Easter Baldoon, chambered cairn 190m NNE of (SM4753)
- Cladh Churadain, chapel and burial ground (SM5007)

If the visualisations show potential for significant effects on assets, they should be provided as both cylindrical and planar projections. We also request that for each asset illustrated there should be a visualisation that shows both the existing and new Novar proposals on the same illustration to allow us to compare the position and scale of the turbine array.

Q5.5 Do consultees agree that the assessment of Scenario 1 (Single Phase Construction) will represent the worst-case scenario for the construction assessment on unknown heritage assets?

As this relates to undesignated assets, we have no comments.

Q5.6 Do consultees agree that the assessment of the development as a whole (i.e. upon completion of Scenario 1 or Scenario 2 when all repowered turbines are operational) will represent the worst-case scenario for the assessment of the operational effects of the Proposed Development on cultural heritage assets?

Yes.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH
Scottish Charity No. **SC045925**
VAT No. **GB 221 8680 15**

A63

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Our position

The proposed development has the potential to result in significant adverse effects on cultural heritage assets within our interest. The information provided in the scoping report is not sufficient to fully understand how those effects will be assessed or mitigated appropriately. Our main concerns relate to the following matters –

- The lack of information relating to the assessment process for scoping assets in or out of further assessment.
- The lack of information relating to the location of viewpoints.
- The lack of a methodology for assessing the significance of effects on cultural heritage assets
- The lack of detail relating to mitigation measures to protect SM5007 Cladh Churadain chapel and burial ground from risk of physical impacts.

We consider these issues should be addressed during the ongoing assessment process leading up to the submission of the Environmental Impact Assessment Report. We would be happy to provide additional information and advice to ensure that the EIAR contains sufficient appropriate background information to allow all parties involved in the consideration of the Report to understand the conclusions reached and the processes behind them.

Historic Environment Scotland
19 March 2025

A64

Scottish Forestry
Coilltearachd na h-Alba

Glèidhteachais a Gàidhealtachd's nan Eilean
"Fearann – coilleach"
Rathad Fodderty
Inbhir Pheofharain

Highland and Islands Conservancy
"Woodlands"
Fodderty Way
Dingwall
IV15 9XB

highland.cons@forestry.gov.scot
Tel: 0300 067 6950

Conservator
[redacted]

17th February 2025

[redacted] Unit
Scottish Government

[redacted]

[redacted]

Re. ECU00006087
ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR NOVAR WIND FARM REPOWERING

Thank you for consulting Scottish Forestry on the Scoping Report for the proposed **NOVAR WIND FARM REPOWERING** (proposed development). Scottish Forestry is the Scottish Government agency responsible for policy, support and regulation of the forestry sector in Scotland. As such we comment on the potential impact of development proposals on forests and woodlands.

The first consideration for all woodland removal decisions should be whether the underlying purpose of the proposals can reasonably be met without resorting to woodland removal. Scottish Government's Policy on Control of Woodland Removal clearly sets out a strong presumption in favour of protecting Scotland's woodland resources.
https://forestry.gov.scot/support-regulations/control-of-woodland-removal

In line with Scottish Government's wider objective to protect and expand Scotland's woodland cover, applicants are expected to develop their proposal with minimal woodland removal. Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits.

The following criteria for determining the acceptability of woodland removal should be considered relevant to this application –

- ***Woodlands with a strong presumption against removal***

Only in exceptional circumstances should the strong presumption against woodland removal be overridden. Proposals to remove these types of woodland should be judged on their individual merits and such cases will require a high level of supporting evidence. Where woodland removal is justified, the Compensatory Planting (CP) area must exceed the area of woodland removed to compensate for the loss of environmental value.

- ***Woodland removal with a need for compensatory planting***
  Design approaches that reduce the scale of felling required and/or converting the type of woodland to another type (such as from tall conifer plantation to low-height, slow growing woodland), must be considered from the earliest stages, rather than removing the woodland completely. The purpose of any required CP is to secure, through new woodland on site (replanting) or off site (on appropriate sites elsewhere), at least the equivalent woodland-related net public benefit embodied in the woodland to be removed.

National Planning Framework 4 - Policy 6 Forestry, Woodlands and trees identifies several themes that should be considered relevant to this application –

b) Development proposals will not be supported where they will result in:
i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Conclusion
The Scoping report describes a potential impact on Ancient Woodland and Veteran trees of high ecological value, as such the polices in this letter should be applied within the EIA report.

Scottish Government's policy on control of woodland removal: implementation guidance February 2019 https://forestry.gov.scot/support-regulations/control-of-woodland-removal provides guidance on the level and detail of information Scottish Forestry will expect within the EIA Report, to help us reach an informed decision on the potential impact of the proposed development. Detailed information on any compensatory planting proposals should also be provided.

All felling, restocking and compensatory planting proposals must be compliant with the UK Forestry Standard. https://forestry.gov.scot/sustainable-forestry/ukfs-scotland

The applicant should note that any compensatory planting required as a result of the proposed development, may also need to be considered under The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017. https://forestry.gov.scot/support-regulations/environmental-impact-assessment and should follow the process for preparing a woodland creation proposal, as set out in our guidance booklet: Woodland Creation Application Guidance. https://forestry.gov.scot/support-regulations/woodland-creation

Any additional felling which is not part of the planning application will require permission from Scottish Forestry under the Forestry and Land Management (Scotland) Act 2018 (the Act). For areas covered by an approved Long Term Forest Plan (LTFP), the request for additional felling (and subsequent restocking) areas needs to be presented in the form of LTFP amendment. https://forestry.gov.scot/support-regulations/felling-permissions

Please don't hesitate to contact me if you have any questions regarding Scottish Forestry's response.

[redacted]
Highland and Islands Conservancy

Development Management and Strategic Road Safety
Roads Directorate

[redacted]

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

[redacted]

Your ref:
ECU00006087

Our ref:
GB01T19K05

Date:
03/03/2025

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR NOVAR WIND FARM REPOWERING

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

Proposed Development

The proposed development comprises the repowering of the existing Novar Wind Farm which is located approximately 11 km north of Dingwall and 9 km northwest of Alness. The existing wind farm comprises 34 wind turbines with a tip height of approximately 60m and has been operational since 1997. The repowering will involve the removal of all existing turbines and the construction of 10 new turbines with a tip height of 180m.

The nearest trunk road to the site is the A9(T) which lies approximately 13km to the southeast via the A9(T) Skiach ghost island priority junction.

Assessment of Environmental Impacts

Chapter 10 of the SR presents the proposed methodology for the assessment of Traffic, Transport and Access. This states that the assessment will be carried out in accordance with the Institute of Environmental Management and Assessment (IEMA) Guidelines entitled Environmental Assessment of Traffic and Movement (July 2023).

These specify that road links should be taken forward for further assessment where the following two rules are breached:

Rule 1: Include road links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%)

Rule 2: Include road links of high sensitivity where traffic flows have increased by 10% or more.

Chapter 10 states that the Study Area for the assessment will be "defined by the preferred abnormal load and general construction traffic routes" and will comprise:

- A9(T) between Invergordon and Ardullie;
- B817 between Evanton and Alness; and
- B9176 between the A9 and its junction with the B817.

It is noted that base traffic data for the trunk road will be obtained from the Traffic Scotland database for the A9(T), both east and west of the B9176 junction at Skiach. We also note that future traffic flows will be factored from traffic data using Low Growth factors estimated from National Road Traffic Forecasts. Transport Scotland considers this approach acceptable but would add that the trips generated by the removal of the existing 34 turbines will require to be included in the generated traffic figures with any required mitigation being identified.

It is noted that any impacts associated with the operational phase and the decommissioning of the new turbines are to be scoped out of the EIA. We would consider this to be acceptable in this instance.

Abnormal Loads Assessment

The SR states that a Route Survey Report for Abnormal Indivisible Loads (AIL) will be prepared. In addition, detailed swept path analysis will be undertaken for the main constraint points on the route from the port of entry (likely to be Nigg) through to the site access junction to demonstrate that the turbine components can be delivered to site and to identify any temporary road works which may be necessary.

This is considered appropriate, and we would add that Transport Scotland will require to be satisfied that the size of turbines proposed can negotiate the selected trunk road route and that their transportation will not have any detrimental effect on structures within the trunk road route path.

I trust that the above is satisfactory but should you wish to discuss any issues raised in greater detail, please do not hesitate to contact me [redacted]

Yours faithfully

REDACT

[redacted]

Transport Scotland
Roads Directorate

cc [redacted]

From: [redacted]
Date: 13 February 2025 10:07:52
Attachments: image001.png

Scoping Opinion - Novar Wind Farm Repowering

This proposal is located outwith the consultation area for Aberdeen Airport. As such we have no comment to make and need not be consulted further.

Kind regards
Kirsteen

90 Aberdeen International Airport EST. 1934

#ABZ Safeguarding
abzsafeguard@aiairport.com
www.aberdeenairport.com
Aberdeen International Airport Limited, Dyce, Aberdeen, AB21 7DU

2023 UK NTA NATIONAL TRANSPORT AWARDS 2023
WINNER: TRANSPORT HUB OF THE YEAR 2023

CONFIDENTIAL NOTICE: The information contained in this email and accompanying data are intended only for the person or entity to which it is addressed and may contain confidential and / or privileged material. If you are not the intended recipient of this email, the use of this information or any disclosure, copying or distribution is prohibited and may be unlawful. If you received this in error, please contact the sender and delete all copies of this message and attachments. Please note that Aberdeen International Airport Limited monitors incoming and outgoing mail for compliance with its Information Security policy. This includes scanning emails for computer viruses. Aberdeen International Airport Limited is a private limited company registered in Scotland under Company Number SC096622, with the Registered Office at Dyce, Aberdeen, Scotland, AB21 7DU. COMPANY PARTICULARS: For information about Aberdeen International Airport, please visit aberdeenairport.com

A71

From: [redacted]
Sent: 26 February 2025 11:53
To: [redacted]
Subject: Novar ECU 00006087 Novar Repowering Scoping Report

Alness Community Council have noted the questions within the repowering scoping report documents and follows is a general overview of concerns raised:

1) Visual Impact - Will there be a full visual impact assessment for the 34 turbines at 61 mtrs being replaced by 10 at 180mtrs?
2) Decommissioning of the existing facility, will they reuse the existing bases or do they remove them and if so how? Please detail the sequence of construction/decommissioning?
3) What will be the additional impact of infrastructure amendments to allow for transport of very large turbines?
4) Can you replace the turbines that exist and reuse the infrastructure that is already there.

Please advise.
Thankyou

[redacted]
(Chair of Alness Community Council)

A72

Patron His Majesty The King

Bringing horses and people together

The British Horse Society Scotland
Suite A3
Stirling Agricultural Centre
Stirling FK9 4RN

[redacted]

Website www.bhs.org.uk
Tel REDACT
Mob REDACT

[redacted]

28th February 2025

Dear Sir/Madam,

Re: Request for scoping opinion for proposed Novar Wind Farm ECU00006087

Thank you for the opportunity to respond to this request for scoping opinion. The British Horse Society (The BHS) represents the interests of the 3.4 million people in the UK who ride or who drive horse-drawn vehicles and is the largest and most influential equestrian charity in the UK. The BHS is committed to protecting and promoting the interests of all horses and the people who care for them through our work in education, welfare, safety and access.

Outdoor Access
Access to safe off-road riding routes is vital to the health and wellbeing of horses and their riders. Under the terms of the Land Reform (Scotland) Act 2003, equestrians have the same rights of access to the outdoors as other non-motorised users, such as pedestrians and cyclists. Equestrian use should therefore be included when planning and designing wind farm proposals. Considering all access takers, including equestrians, in the early stages helps to avoid problems down the line and ensures that projects like this are an opportunity to preserve and improve access for all, rather than curtail it or restrict it to certain groups.

Core paths RC16.7 (Novar Quarry) and RC16.04 (Novar Green Road) intersect with the southern end of the site access, near Culcain. In addition, there is an extensive network of forestry and hill tracks within and close to the application boundary. It is likely these tracks are used well used by walkers, cyclists and equestrians. Consideration should therefore be given to how access will be maintained and managed both during the construction phase and when the repowered windfarm is operational. I encourage the applicant to produce an Outdoor Access Management Plan to accompany their application.

The BHS is here to help and can provide guidance on suitable surfaces and infrastructure to accommodate equestrians and other access takers. Obstructions to access like cattle or deer grids and locked gates with no side gate should be avoided. We would be very willing to work with the applicant on these aspects. I have enclosed our “Guidance on managing woodland and forestry access”.

The Importance of Off-Road Riding
Access to safe off-road riding routes is vital to the health and wellbeing of horses and their riders. Equestrian road users are classed as vulnerable as they are more likely to be involved in a road accident and more likely to suffer the worst consequences.

Most riding accidents happen on minor roads and with increasing numbers of horses and riders seeking to access the countryside, adequate access to off-road riding should be a priority, especially in rural and semi-rural areas, like the Highlands. Few riders access busy roads by choice (although the horse has as much right to be on public roads as cars, bikes and pedestrians) - but they often have few other places to ride or no other way to access their safe off-road riding.

The British Horse Society is an Appointed Representative of South Essex Insurance Brokers Limited
who are authorised and regulated by the Financial Conduct Authority.

Registered Charity Nos. 210504 and SC038516. A company limited by guarantee. Registered in England & Wales No. 444742

Vehicles travelling to and from the site are likely to meet equestrians both on the public roads and on the site access track and drivers should be advised of this risk. I have enclosed a copy of our *"Guidance to drivers of large vehicles"* document.

The Horse and the Rural Economy
Scotland's equestrian industry is worth over £300 million to the Scottish economy annually. This figure excludes the value of the horse racing industry, which is worth a further £300 million. Equestrianism is therefore an important part of the rural economy. Recent joint research between SRUC and The BHS showed 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, leading to growth in the sector.

A national survey of riders who had recently given up their horse found that 27% of them had done so because they had lost access and had nowhere to ride. Failing to accommodate horses on our local path networks may lead to riders being forced to give up their horses, which in turn may damage the local economy.

I trust that the above information is of assistance. If you have any questions or would like to discuss the needs of equestrians further, please do contact me.

Kind regards,

REDACTED

[redacted]
Scotland Access Officer
The British Horse Society

From: radionetworkprotection@bt.com
Sent: 12 February 2025 10:42
To: [redacted]
Subject: RE: WID13718 Request for Scoping Opinion - Novar Wind Farm Repowering

BT Group

OUR REF; WID13718

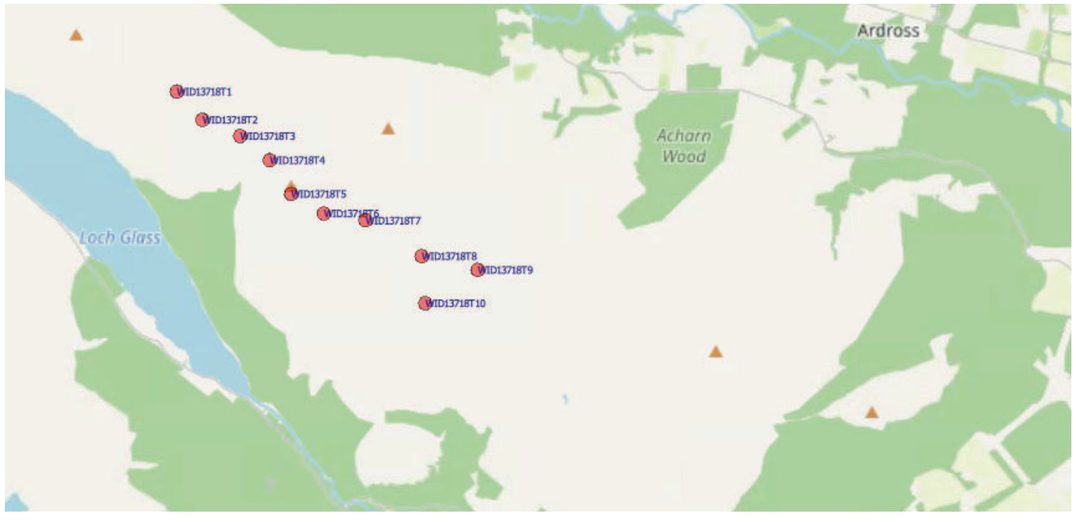
Thank you for your email dated 10/02/2025.

We have studied this proposal using the co-ordinates within the scoping report table 2.1, with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that this proposal should not cause interference to BT's current and presently planned radio network.

BT requires 100m minimum clearance from any structure to the radio link path. It should be noted that this decision is for the date of its issue as the use of the spectrum is dynamic and can change on an ongoing basis. Therefore, please reconsult us if there are any changes during the planning process with heights and locations of any structures, and its finalisation, as we may have new links assigned by Ofcom over its duration.

Please note this refers to BT Radio Links only, you will need to contact other providers separately for information relating to other supplier links / equipment.



Kind Regards

[redacted]
Network Planning

BT Group

This email contains information from BT Group that might be privileged or confidential. And it's only meant for the person above. If that's not you, we're sorry - we must have sent it to you by mistake. Please email us to let us know, and don't copy or forward it to anyone else. Thanks.

We monitor our email systems and may record all our emails.

British Telecommunications plc
R/O : 1 Braham Street, London, E1 8EE
Registered in England: No 1800000

British Telecommunications plc is authorised and regulated by Financial Conduct Authority for the provision of consumer credit

Defence Infrastructure Organisation

Teena Oulaghan
Safeguarding Manager
Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
Lichfield
Staffordshire
WS14 9PY
REDACT

E-mail: [redacted]

Your Reference: ECU00006087

Our Reference: DIO10066065

[redacted]

18 February 2025

By email only

Dear [redacted]

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

Thank you for consulting the Ministry of Defence (MOD) in relation to the scoping through your communication dated 10 February 2025.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

I am writing to advise you that the MOD has concerns with the proposal.

The proposal concerns a development of 10 turbines with maximum blade tip heights of 180 metres above ground level. The proposed development has been assessed using the location data (Grid References) below provided in the developers Environmental Impact Assessment Scoping Report dated January 2025.

Turbine no.	Easting	Northing
1	252687	873845
2	252978	873502
3	253415	873297
4	253754	873001

5	253991	872597
6	254369	872353
7	254858	872254
8	255505	871811
9	256160	871626
10	255528	871257

The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to their potential to create a physical obstruction to air traffic movements.

Physical Obstruction

The application site falls within Tactical Training Area 14 (TTA 14T), an area within which fixed wing aircraft may operate as low as 100 feet or 30.5 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

To address the impact up on low flying given the location and scale of the development, the MOD would require that conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.

The development proposed includes wind turbine generators that exceed a height of 150m agl and are therefore subject to the lighting requirements set out in the Air Navigation Order 2016. In addition to any CAA requirements, the MOD will require the submission, approval, and implementation of an aviation safety lighting specification that details the installation of MOD accredited aviation safety lighting.

As a minimum the MOD would require that the turbines are fitted with MOD accredited Infra-red (IR) lighting.

Summary

The MOD has concerns with this proposal due to the potential impact to low flying aircraft operating in the development area.

The MOD must emphasise that the advice provided within this letter is in response to the information detailed in the developer's document titled 'Environmental Impact Assessment Scoping Report' dated January 2025. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further, please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

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

Yours sincerely
REDACT

[redacted]
Safeguarding Manager

A79

From: [redacted]
Cc: Safe Guarding
Subject: ECU00006087 - Novar Wind Farm Repowering
Date: 03 March 2025 12:10:30
Attachments: image001.png

Good morning,

In respect of the above, I can confirm the location of this development falls out with our Aerodrome Safeguarding zone for Edinburgh Airport therefore we have no objection/comment.

[redacted]

[redacted]
Aerodrome Safeguarding & Compliance Officer

Edinburgh Airport
Where Scotland meets the world

Our values

[redacted] onday-Friday
www.edinburghairport.com

Edinburgh Airport Limited
Room 3/54, 2nd Floor Terminal Building
EH12 9DN, Scotland

CONFIDENTIAL NOTICE: The information contained in this email and accompanying data are intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this email, the use of this information or any disclosure, copying or distribution is prohibited and may be unlawful. If you received this in error, please contact the sender and delete all copies of this message and attachments. Please note that Edinburgh Airport Limited monitors incoming and outgoing mail for compliance with its privacy policy. This includes scanning emails for computer viruses. COMPANY PARTICULARS: For particulars of Edinburgh Airport Limited, please visit http://www.edinburghairport.com Edinburgh Airport Limited is a company registered in Scotland under Company Number SC096623, with the Registered Office at Edinburgh Airport, Edinburgh EH12 9DN.

A80

From: [redacted]
Sent: 12 February 2025 11:44
To: [redacted]
RE: Request for Scoping Opinion - Novar Wind Farm Repowering

This proposal is located outwith the consultation area for Glasgow Airport. As such we have no comment to make and need not be consulted further.

Kind regards
[redacted]

GLASGOW AIRPORT

#GLA Safeguarding
#GLA Safeguarding

07808 115 881
glasafeguard@glasgowairport.com
www.glasgowairport.com
Glasgow Airport, Erskine Court, St Andrews Drive, Paisley, PA3 2TJ

STA SCOTTISH TRANSPORT AWARDS Winner 2024
AIRPORT OF THE YEAR

CONFIDENTIAL NOTICE: The information contained in this email and accompanying data are intended only for the person or entity to which it is addressed and may contain confidential and / or privileged material. If you are not the intended recipient of this email, the use of this information or any disclosure, copying or distribution is prohibited and may be unlawful. If you received this in error, please contact the sender and delete all copies of this message and attachments. Please note that Glasgow Airport Limited monitors incoming and outgoing mail for compliance with its Information Security policy. This includes scanning emails for computer viruses. Glasgow Airport Limited is a private limited company registered in Scotland under Company Number SC096624, with the Registered Office at St Andrews Drive, Glasgow Airport, Paisley, PA3 2SW. COMPANY PARTICULARS: For information about Glasgow Airport, please visit www.glasgowairport.com

A81

From: [redacted]
Cc: Safeguarding
Subject: RE: External - Request for Scoping Opinion - Novar Wind Farm Repowering
Date: 10 February 2025 14:27:36
Attachments: image001.png

[redacted]

On behalf of Glasgow Prestwick Airport, I have reviewed the scoping documentation available on the ECU Portal for the proposed Novar Wind Farm Repowering (ECU00006087).

The proposed development lies outside the GPA safeguarding area and consequently we would have no comment or valid objection to make.

Kind regards,

[redacted]

Logo

[redacted]

www.glasgowprestwick.com

Glasgow Prestwick Airport Ltd.
Aviation House
Prestwick
KA9 2PL
Scotland
United Kingdom

A82

From: [redacted]
Cc: Safeguarding
Subject: RE: Request for Scoping Opinion - Novar Wind Farm Repowering
Date: 03 March 2025 14:00:44
Attachments: image001.png
values2025_49f0881e-b581-44a4-b961-1aecd2620b56.png

OFFICIAL

OFFICIAL

Your Ref: ECU00006087
Our Ref: 2025/042/INV

Dear Sir/Madam,

Proposal: ELECTRICITY ACT 1989 THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR NOVAR WIND FARM REPOWERING

The development has been assessed using the criteria below:

Turbine	Easting	Northing	Tip Height (m)
1	252687	873845	180
2	252978	873502	180
3	253415	873297	180
4	253754	873001	180
5	253991	872597	180
6	254369	872353	180
7	254858	872254	180
8	255505	871811	180
9	256160	871626	180
10	255528	871257	180

HIAL has been consulted on the above proposed development, received by this office on: 10/02/2025

With reference to the above, our preliminary assessment shows that, at the given position and height, this development may impact the safeguarding criteria and operation of Inverness Airport.

HIAL request that an Aviation Impact Feasibility Study (AIFS), of the proposed development, is undertaken to understand any impact on the infrastructure and operation of Inverness Airport. The following are required to be assessed by the applicant:

Hazard	Additional Information
Air Traffic Control Surveillance Minimum Altitude Chart (ATCSMAC) (Inverness and Sumburgh Airports only)	Please see CAP777 requirement.
Instrument Flight Procedures (IFPs)	Please see CAP785 requirement. The IFP Assessment MUST be produced by an Approved Procedure Design Organisation (APDO). A list of APDO can be found on the CAA website: Approved procedure design organisations | Civil Aviation

	Authority (caa.co.uk) *The IFP impact assessment should include the currently published procedures, as available in the UK AIP, and the Discrete IFPs (applicable to Barra, Campbeltown, Tiree & Islay). The Discrete IFPs are available from this office.
Primary Surveillance Radar	Please see CAP670 and CAP764. A Radar Line of Site (RLOS) assessment is required for the Thales STAR Primary Surveillance Radar (PSR). This should include RLOS profiles from the Radar to Wind Turbines and / or Radar coverage assessments of the Wind Turbines. **Thales Star 2000 Radar Parameters:** **Latitude:** 573248.0948N **Longitude**: 0040325.7321W **Easting:** 276977.560 **Northing:** 852598.070 **Antenna Electrical Centre:** 17.4m
New Airspace and Instrument Flight Procedures (Inverness Airport only)	It should be noted that Inverness Airport are in the process of developing new airspace and instrument flight procedures; this work is relatively mature and should be included in the AIFS. Data and information can be found: Inverness Airport | Civil Aviation Authority (caa.co.uk)
Lighting Requirement	For further information please refer to Advice Note 2 'Lighting' (available at http://www.aoa.org.uk/policy-campaigns/operations-safety). Please also consider the lighting requirements as documented in The Air Navigation Order 2016, Article 222.

It should be noted that HIAL would work with the developer towards a resolution. However, HIAL currently submit a holding objection until the AIFS has been submitted to and reviewed by HIAL.

Once the AIFS has been reviewed by HIAL, and any impact is understood, the applicant may then expect to be contacted by HIAL to enter formal discussions.

Kind regards,

[redacted]

Safeguarding
Highlands and Islands Airports Ltd
Inverness Airport Dalcross IV2 7JB
www.hial.co.uk

Our Values



From: [redacted]
[redacted] 12 February 2025 [redacted]
Cc: Wind SSE
Subject: Novar Wind Farm Repowering - Request for Scoping Opinion ECU00006087 [WF585684]

Dear [redacted],

A Windfarms Team member has replied to your co-ordination request, reference **WF585684** with the following response:

If any details of this proposal change, particularly the disposition or scale of any turbine(s), this clearance will be void and re-evaluation of the proposal will be necessary.

Please do not reply to this email - the responses are not monitored.
If you need us to investigate further, then please use the link at the end of this response or login to your account for access to your co-ordination requests and responses.

Dear

Planning Ref: ECU00006087

Name/Location: Novar Wind Farm Repowering

Site Centre/Turbine(s) at NGR:

Turbine Ref	X Co-ordinate	Y Co-ordinate
1	252687	873845
2	252978	873502
3	253415	873297
4	253754	873001
5	253991	872597
6	254369	872353
7	254858	872254
8	255505	871811
9	256160	871626
10	255528	871257

Development Radius:

0.1km

***Hub Height**: 102.5m **Rotor Radius**: 77.5m*

*This proposal is **cleared - subject to 50m Micrositing -** with respect to radio link infrastructure operated by the local energy networks.*

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

[redacted]
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.
Registered in England & Wales: 2990041
About The JRC | Joint Radio Company | JRC

We maintain your personal contact details and are compliant with the Data Protection Act 2018 (DPA 2018) for the purpose of 'Legitimate Interest' for communication with you. [redacted]

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?id=34998

A87

A88

[redacted]

[redacted]

The Scottish Government

Email: [redacted]

Date: 7th March 2025

[redacted]

[redacted]: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR NOVAR WIND FARM REPOWERING

Thank you for consulting RSPB Scotland on the above EIA scoping opinion request. We hope that our comments presented below will be useful to the applicant in preparing any EIA Report.

It is understood that if the current proposal was to be consented, the 34-turbine operational wind farm would be removed, and ten new turbines (which will be double the current tip height) would be constructed. These are proposed with an operational life of 50 years, and would be operational alongside the existing Novar 2 Wind Farm, which comprises 16 turbines with a maximum blade tip height of 106 m.

Figure 2.2 shows that proposed Ts 1 and 2 extend the repowered proposal outwith the current development footprint by over 1km to the northwest. Therefore, it would be useful and more accurate to describe this as a 'repowering and extension' proposal.

Designated Sites and Birds of Conservation Concern

As noted in the Scoping report, the proposed Site boundary overlaps the Novar Special Protection Area (SPA) which is designated for Capercaillie. The Cromarty Firth SPA is also within connectivity distance for some qualifying species and a number of other protected sites are within scope for the EIA.

Therefore, due to the location and nature of the proposed development, there would be likely significant effects on the qualifying interests of European sites. Consequently, the determining authority is required by the Conservation of Habitats and Species Regulations 2017 to undertake an Appropriate Assessment of the effects of the proposal on the SPAs and their qualifying species in light of the sites' conservation objectives. The EIA Report must include sufficient information to inform the Appropriate Assessment.

RSPB North Scotland
Inverness Office
Etive House, Beechwood Park
Inverness
IV2 3BW

Tel: 01463 715000
Facebook: @RSPBScotland
Twitter: @RSPBScotland
rspb.org.uk/Scotland

The RSPB is part of Birdlife International, a partnership of conservation organisations working to give nature a home around the world.

Chair of Council: Kevin Cox **President:** Dr Amir Khan **Chair, Committee for Scotland:** Dr Vicki Nash **Director, RSPB Scotland:** Anne McCall
The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654 Registered address: The Lodge, Potton Road, Sandy, Bedfordshire, SG19 2DL

Section 7.3.5 of the Scoping Report summarises the species recorded during surveys to date, however this only partially reflects our knowledge of the site.

We therefore have the following comments and recommendations on designated sites and wider countryside species to inform the EIA.

Novar SPA and Capercaillie

Approximately 3km of the proposed access track (which is also the existing access track to the Novar Wind Farm) runs through the Novar Special Protection Area (SPA) which is designated for its internationally important population of Capercaillie. The SPA citation states that the SPA supports approximately 13 individuals, representing about 1.2 % of the British population.

However, since the citation, it has become evident that we are in a Capercaillie emergency where the Scottish Capercaillie population faces extinction within our lifetime unless urgent action is taken. The Capercaillie Emergency Plan[1], published in September 2024 by NatureScot and the Cairngorms National Park Authority states that "Capercaillie numbers have decreased by 52% in the last 5 years with the latest National Survey (2021/22) estimating that there are only 532 Capercaillie left in Scotland. This is the lowest recorded level since the start of the national survey in 1992-1994 and places the species at a critical point on the recovery curve around the 'solution testing' and 'deployment of solution' stages."

Within this context, RSPB Scotland has concerns regarding potential disturbance and displacement impacts during construction, operation and decommissioning on the Novar SPA Capercaillie population as active Capercaillie lek sites are present within close proximity to the site boundary.

Capercaillie are particularly sensitive to disturbance during the lekking and breeding season and are protected under Annex 1 of the Birds Directive and Schedule 1 of the Wildlife and Countryside Act 1981. They are strictly protected from disturbance (intentional or reckless) at, on, or near an active nest or lek.

Cromarty Firth SPA – Osprey, Greylag Goose and Whooper Swan

Osprey, Greylag Goose and Whooper Swan are qualifying features of the Cromarty Firth SPA, along with twelve other bird species.

Section 7.5.10 of the Scoping Report states that it is proposed to scope out potential impacts on Cromarty Firth SPA as it is considered that there is not suitable habitat for Osprey nesting within the wind farm area and the potential for birds to overfly the Site on the way to the SPA is not considered to exist.

However, we are aware of at least two pairs of breeding Osprey under 1km from the Site Boundary (access), which should we believe should be considered part of the SPA population and scoped into the assessment as they are likely to forage in the SPA. Further information should be requested from the Highland Raptor Study Group.

With regards to Whooper Swan and Greylag Goose we agree that foraging habitat around the Proposed Development (including the access track) is limited, which

[1] Capercaillie emergency plan - Cairngorms National Park Authority

would limit their potential to overfly the Proposed Development. However, flights during migration should be considered and the species not scoped out unless the data from the latest vantage point surveys support this.

We note that a precautionary approach should be taken at this stage and if effects of the species cannot be ruled out, they should be considered as likely significant effects.

Ben Wyvis SPA – Dotterel

We note that the Ben Wyvis SPA lies approximately 3km from the proposed development Site at its closest point. It is designated for breeding Dotterel, and RSPB hold a historical record close to the proposed site boundary. Dotterels are notoriously difficult birds to survey and specific survey methods are required in suitable habitat[2].

We therefore suggest that this SPA is scoped into the assessment, which should make clear whether there is suitable breeding habitat for Dotterel on site. If not, it is possible that these birds migrate over site and the EIA should include a qualitative assessment if no data is available.

Other Schedule 1 raptors

RSPB Scotland are aware of a number of breeding Schedule 1 raptors within close proximity to the site boundary such as Hen Harrier and Red Kite. Data should be requested from RSPB Scotland and the Highland Raptor Study Group so potential impacts can be considered in the assessment. In addition, Red Kite collisions have been recorded at nearby wind farms in the Highlands and more information on these should be sought from NatureScot.

Survey Methodology

Q7.1 asks, 'Do consultees agree that the range of ornithology surveys carried out are sufficient and appropriate?' and Q7.2 asks 'Do consultees agree that the survey areas and buffers adopted for each ornithology survey are appropriate?' In summary, we do not. The scoping exercise should help inform survey design; it is therefore disappointing to note that one year of field surveys (September 2023 to August 2024) have already been completed prior to this exercise. We have a number of concerns regarding the surveys undertaken to date:

1. The surveys undertaken in 2023 and 2024 only cover the turbine area and not the access track, which passes through the Novar SPA. With regards to Capercaillie, Section 7.3.7 and 7.4.4 explain that desk study data will be used to inform the assessment of potential impacts caused by works on and to the access track such as tree felling, upgrading and widening.

   RSPB Scotland monitor the known Capercaillie leks in the Novar SPA annually and a request can be made for this data (please contact dataunit@rspb.org.uk). However, it should be noted that due to resource limitations, there is usually no annual full coverage of the SPA and a lack of data should not be interpreted as Capercaillie absence. However, in 2025, we hope to have more survey coverage of the SPA area due to additional surveys

[2] Gilbert, G., Gibbons, DW., Evans, J., Bird Monitoring Methods (1998): https://www.rbbp.org.uk/wp-content/uploads/2020/10/Dotterel-Gilbert-et-al.pdf

being undertaken for another nearby wind farm proposal, and for which we expect data to be shared with us.

2. Section 7.4.6 states that Capercaillie surveys were undertaken concurrently with Black Grouse surveys within 1.5km of proposed turbines. Since both species have different habitat and survey requirements, this is not compatible. Woodland cover within the survey area for these species is within dispersal distance for Capercaillie, and therefore specific surveys following the NatureScot survey guidance[3] should be undertaken in suitable habitats (i.e. mature Scots pine, regenerating Scots pine and Spruce, boggy areas adjacent to woodland etc.).

   This should be done in the month of April (and when there has been no recent snow cover), to ascertain whether there are signs or leks present.

3. NatureScot's advice on repowering projects[4], states that "If the proposal includes an extension beyond the footprint of the existing wind farm, then two years of full bird survey work is likely to be required in those areas, following the standard approach for any wind farm extension."

   Despite proposed Ts 1 and 2 extending the site boundary over 1km northwest from the existing infrastructure, the applicant does not appear to consider this to be an extension and therefore is not proposing any further surveys. This is concerning as the habitat and topography in which Ts 1 and 2 lie appear suitable for Golden Eagle, Golden Plover and Dotterel. Therefore, we would strongly recommend two years of survey covering the expanded development footprint and appropriate buffers.

4. Section 7.4.7 also states that no further surveys will be undertaken as "existing survey data that exists for the Site … provides evidence that birds have become habituated to the presence of the existing wind farm." This is a very broad statement and should be explained and evidenced in the EIAR with detail provided.

5. Although VP locations are shown in Figure 7.2, the VP viewsheds are not included and it is therefore unknown whether a 500m buffer from turbine locations have been fully covered as per NatureScot guidance[5]. This guidance also states that "It is important to minimise the observer's effect on bird behaviour. For this reason, VPs are best located outside the survey area where possible." Therefore, clarification of VP locations should be given within the EIA and any limitations recognised in the assessment.

Information should be provided within the EIA report to demonstrate that the survey data are adequate, robust, and accurate including:

- Full information on the VP work undertaken, including dates, times and weather conditions for each.

[3] https://www.nature.scot/sites/default/files/2018-07/Guidance-Licensing-Capercaillie-survey-methods.pdf
[4] General pre-application and scoping advice for onshore wind farms | NatureScot
[5] https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms

- Maps showing VP locations that also denote viewsheds.
- Survey methodologies, including detailed information on any Capercaillie surveys including habitat suitability.
- Maps showing survey areas for breeding bird surveys.
- Maps showing breeding, foraging and roosting areas, commuting routes and migration flight routes for all species recorded.
- Worked example(s) of collision risk calculations.
- Provision of raw data in order independent verification of collision risk calculations

Assessment of impacts on birds

Even though existing access tracks and infrastructure will be reused where possible, the EIA should consider all the components of the proposal including turbines (and their lighting), hard standings, battery compounds, access roads (including the route on public roads to get the turbines on site), on site tracks, met masts, borrow pits, drainage, grid connection, substation and temporary construction buildings/storage compounds. It should also assess the impacts of all phases of the project including site selection, design, construction, operation, maintenance and decommissioning (of current and new proposed infrastructure).

Disturbance, displacement, loss of suitable habitat (breeding, wintering and foraging) and collision risk should be assessed for all scoped in species, both during construction and operation. This should not only include impacts from the wind turbines but also new tracks and infrastructure as well as any existing road widening or upgrades.

The potential barrier effects of this proposal should also be addressed in the EIA, particularly with regards to Golden Eagles and other raptors and Whooper Swans and geese.

With regards to eagles, we recommend the production of a Golden Eagle Topographical (GET) model, particularly for the area in which proposed turbines 1 and 2 are located. We are concerned that the extended area, with larger turbines proposal could obstruct routes between known breeding, roosting and foraging areas. A robust assessment of impacts on this species is therefore required. However, the model should not take precedence over observational data, particularly of breeding birds as the GET model is used to predict landscape use by dispersing and non-breeding golden eagles. However, we recommend that this can be useful in informing turbine layout to avoid the most suitable terrain for Golden Eagle.

NatureScot guidance for repowering projects[2] suggests overlaying original VP data onto the new turbine layout when undertaking collision risk modelling as this will reveal historical flight paths over areas where turbines are proposed. Undertaking such an exercise would be beneficial in this case. Although new VP data has been collected, historic use of the site from before the operational wind farm was built could provide an insight into the potential impacts when viewed alongside more recent data. However, new data should also be used from VPs covering turbines outside the current footprint to calculate collision risk.

Lastly, we note that the proposed operational life is understood to be 50 years, although the Applicant does not seek a time-limited consent (paragraph 2.3.30 of the Scoping Report). If the EIA is only assessing the proposal over a 50-year timeframe then the consent should also be for 50 years. In addition, if the EIA

reveals a number of issues or impacts that need to be monitored, then a permanent consent is unlikely to be appropriate.

Construction scenario questions

- Q7.3 Do consultees agree that it is appropriate for the assessment to consider both construction scenarios to allow assessment of the potential effects of a phased construction, and hence operational, effect on ornithological features?

  Yes.

- Q7.5 Do consultees agree that the assessment of both Scenario 1 (Single Phase Construction) and Scenario 2 (Two Phase Construction) will assess the worst-case scenario for ornithological effects related to the Proposed Development during construction?

  It is currently unclear what the worst-case scenario in terms of spatial and temporal construction impacts of both scenarios on birds would be, therefore, assessing both is welcome.

- Q7.6 Do consultees agree that the assessment of the development as a whole (i.e. upon completion of Scenario 1 or Scenario 2 when all repowered turbines are operational) will represent the worst-case scenario for the assessment of the operational effects of the Proposed Development on ornithological features?

  Yes.

Cumulative and In-combination Impacts

A robust cumulative assessment of collision risk, disturbance, displacement, and barrier effects should take account of all operational, consented and proposed wind energy schemes as well as other relevant plans or projects that could impact on bird populations in line with NatureScot guidance[6]. We recommend that the scale of this assessment should be at both the relevant Natural Heritage Zones: NHZ7 (Northern Highlands) and NHZ21 (Moray Firth), and in relation to any relevant designated sites, including the Novar SPA and the Cromarty Firth SPA.

Cumulative impacts should also be considered in relation to other types of development such as overhead power lines and Battery Energy Storage Systems (BESS), such as the Spittal - Loch Buidhe - Beauly 400kV connection project (ECU00006008: at scoping but being submitted imminently), and the Averon Battery Energy Storage System (BESS) (ECU00006034). We are also aware of a number of other proposed developments at the pre-application stage such as the Strathrory grid connection and the Field Fyrish BESS which should also be considered when in the planning system.

Access and construction and operational/maintenance traffic should also be considered in an in-combination assessment of disturbance and displacement on the Novar SPA Capercaillie population. This should inform the Appropriate Assessment and any shadow HRA as suggested in section 7.5.3 of the Scoping Report. This is because the access track through the SPA will also be shared with other proposed

[6] https://www.nature.scot/doc/guidance-assessing-cumulative-impacts-onshore-wind-farms-birds

developments such as the Ceislein Wind Farm (currently at scoping: ECU00005174), and the existing Novar wind farms.

Lastly, we note that it is anticipated that the grid connection for the existing Novar Wind Farm would be maintained but an additional grid connection will be required for the additional energy generated. Although the new grid connection would be subject to a separate consenting process (Section 2.3.17), it must be recognised that this will be a required element if the wind farm is approved, and it is necessary to consider the likely location and route of such a connection as any overhead lines (or underground cables) could impact on qualifying species and habitats of the surrounding designated sites and wider-countryside birds.

Woodland habitats

Section 6.3.4 states that, "For the access track which leads up to the area for the proposed wind turbines, baseline surveys recorded the following habitat types: Ancient woodland (mixed), coniferous woodland (semi-natural and plantation), felled coniferous plantation, broadleaved woodland, mixed woodland, wet woodland, gorse scrub, mixed scrub, upland acid grassland, modified grassland and arable farmland. Numerous veteran trees were also recorded and mapped individually along this access track route."

We welcome that the assessment will consider the extent of habitat loss and damage and effects on protected species, both direct and indirect, temporary and permanent, with suitable mitigation and / or restoration measures presented in an Outline Habitat Management Plan (HMP) and/ or Species Protection Plans (SPP) and an Outline Peat Management Plan (PMP).

However, since the access route is also within the Novar SPA, any impacts to Capercaillie supporting habitats will also need to be assessed to inform the Appropriate Assessment and any shadow HRA, as suggested in section 7.5.3 of the Scoping Report.

Peat and Priority Peatland Habitats

The NatureScot Carbon and Peatland Map 2016, identifies that the proposed development constitutes extensive areas of nationally important Class 1 (Nationally important carbon-rich soils, deep peat and priority peatland habitat / areas likely to be of high conservation value). Further to this, Section 6.3.2 states that the site is "dominated by blanket bog and degraded bog habitat with notable areas of wet heathland with cross-leaved heath, mountain heath and willow scrub and upland flushes" We therefore welcome that a Peatland Condition Assessment and a Habitat Condition Assessment will be undertaken.

Peat depth surveys to date have found areas of peat up to 3.55 m in depth present on the site (section 8.3.5). The final infrastructure design should avoid deep peat over 50cm and any sensitive habitats. The mitigation hierarchy must be followed, with impacts avoided and minimised where possible.

Where it is proposed that new tracks or tracks to be upgraded will cross peatland areas, appropriate track design and construction methods should be planned. We welcome the preparation of a peat management plan (PMP) that is informed by peat depth probing, and by a full site appraisal of potential re-use opportunities, including information regarding the plans for excavated peat storage.

We suggest that operational pollution risk e.g., oil leaks from turbines, and the indirect effects of peatland drying next to infrastructure should be scoped into the assessment.

NatureScot guidance[8] states 'that restoration to achieve offsetting (i.e. compensation rather than biodiversity enhancement) would be in the order of 1:10 (lost:restored)' plus 'an additional 10% of the baseline assessment of the extent of priority peatland habitat for biodiversity enhancement'.

If the overall predicted impacts of the proposal are shown to be acceptable, potential for the restoration of suitable area of blanket bog as part of the applicant's biodiversity enhancement proposals should be explored as outlined below.

Post-construction monitoring and Outline Habitat Management Plan

An Outline HMP should detail any mitigation and compensation actions required, as well as proposals for Biodiversity Enhancement (if this is not detailed in another document) and post construction monitoring. We believe that development should leave nature in a better state than before it took place and welcome NPF4's commitment to deliver positive effects for biodiversity through development.

Policy 1 of NPF4 states that 'when considering all development proposals significant weight will be given to the global climate and **nature crises'** (emphasis added). Policy 3 states that,

> 'Development proposals for national or major development or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention'.

It goes on to list a number of criteria which applicants must demonstrate they have met, including 'significant biodiversity enhancements are provided, **in addition to** (emphasis added) any proposed mitigation'. Scottish Government guidance[7] on biodiversity and the implementation of NPF4 Policy 3 for EIA and major development has been produced and should be referred to.

The Applicant should give early consideration to how positive effects for biodiversity would be delivered, and we welcome that some ideas have been discussed such as peatland restoration and grassland management (section 2.3.2). We suggest consideration is also given to habitat creation and restoration for Capercaillie, and RSPB Scotland's Capercaillie Advisory Officer would be willing to discuss options for this with the Applicant. As much detail as possible should be provided in the HMP prior to determination in order that the benefits be fully considered alongside the application.

However, the mitigation hierarchy should be followed first and foremost, and any mitigation, compensation and enhancement measures clearly and separately identified within the EIA and other accompanying documents. In addition, it is currently RSPB Scotland's view that biodiversity enhancement measures should not

[7] Scottish Government (2023) Biodiversity: draft Planning Guidance. https://www.gov.scot/publications/scottish-government-draft-planning-guidance-biodiversity/

be delivered on designated sites for nature, apart from in specific and exceptional instances, and enhancement measures must be truly additional.

The HMP (or other document) should include a comprehensive monitoring programme for any habitat improvements, migrating and breeding birds on the site and a protocol for reporting collisions to NatureScot.

In addition to the production of a HMP a Deer Management Plan (DMP) should be drafted.

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

[redacted]

Thursday, 20 February 2025

[redacted]
Energy Consents Unit
5 Atlantic Quay
Glasgow
G2 8LU

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

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

Follow Us

Dear Customer,

Novar Wind Farm Repowering, Evanton, Highlands, IV17 0XJ
Planning Ref: ECU00006087
Our Ref: DSCAS-0126814-LXM
Proposal: Repowering of the existing Novar Wind Farm with a maximum of 10 turbines with a maximum tip height of 180m. Located on land approximately 11km north of Dingwall and 9km northwest of Alness.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this proposal. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that the proposed activity falls partly within two drinking water catchments where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Loch Glass supplies Assynt Water Treatment Works (WTW) therefore it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified without delay using the Customer Helpline number **0800 0778 778**.

The proposed development will have a negligible impact on the yield of the catchment, therefore it is rated as a low-impact development with regards to water resources. The turbines themselves pose a low risk with regard to water resource (quantity) impacts. However, it is important that during construction, drainage is not directed out of the catchment. Catchment boundaries derived at this map scale can be subject to uncertainty and ground-truthing may be required to confirm whether borderline infrastructure is within or outside the catchment.

The proposed development is likely to be low risk to water quality given the location within the catchment., however care should still be taken and in particular we would like to know the implications of dismantling existing turbines and constructing new ones, will the existing concrete bases be used?

NatureScot have a peat restoration project application further north and west on this ridge within a few hundred metres of the wind farm site. Is peat restoration as part of the scope of works?

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at **www.scottishwater.co.uk/slm**.

We welcome receipt of this notification about the proposed activity within a drinking water catchment where a Scottish Water abstraction is located.

The fact that this area is located within a drinking water catchment should be noted in documentation. Also anyone working on site should be made aware of this during site inductions and we would also like to take the opportunity, to request that 3 months in advance of any works commencing on site, Scottish Water is notified at **protectdwsources@scottishwater.co.**uk so we can make our operational teams aware there will be activity taking place in the catchment.

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 refer to our guides which can be found at https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

All developments that propose a connection to the public water or waste water infrastructure are required to submit a Pre-Development Enquiry (PDE) Form via our Customer Portal prior

to any formal technical application being submitted, allowing us to fully appraise the proposals

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,

[redacted]

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."

Supplementary Guidance

- 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 Development Operations department at the above address.

- If a 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 a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

From: [redacted]
To: [redacted]
Subject: Re: Request for Scoping Opinion - Novar Wind Farm Repowering
Date: 10 February 2025 15:56:12
Attachments: image001.png
Outlook-5ejgozeu.png

Dear Vicky,

Thank you for sending us a consultation.

Upon review of the site locations, we have no concerns regarding the impact of the proposal on existing operational assets given the separation between our overhead lines and proposed turbine locations.

The proposed/existing access, however, would cross under our planned new 400kV overhead transmission line between which would run between new substations at Beauly up to Spittal in Caithness. It is a development which is identified in NPF4 and is expected to be consented, erected and operational by 2030 under current UK government transmission network upgrade and expansion targets. We plan to submit our Section 37 ELA 1989 application for this project later this year for Scottish Ministers approval. Subsequently, we'd be grateful if the ECU could feed this back to the applicant, even though it is recognised these considerations may fall outwith the scope of their EIA.

We trust this suitably assists. Let me know if you require anything further.

Kind regards,

[redacted]

[redacted] MRTPI
Senior Town & Country Planner

SSEN Transmission - Land Team
Prime View (Unit 11)
Prime Four Business Park,
Kingswells,
Aberdeen,
AB15 8PU

[redacted]

Scottish & Southern Electricity Networks
TRANSMISSION

ANNEX B

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.

July 2020 updated September 2023

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) 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 MD-SEDD 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. MD-SEDD 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 MD-SEDD, 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, MD-SEDD 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, MD-SEDD 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.

MD-SEDD 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.

MD-SEDD provision of advice to ECU

- MD-SEDD should not be asked for advice on pre application and application consultations (including screening, scoping, gate checks and EIA applications). Instead, the MD-SEDD 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, MD-SEDD 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, MD-SEDD can be asked to provide advice on suitable wording, within a planning condition, to secure proposed monitoring programmes, should the development be granted consent;
- MD-SEDD 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, MD-SEDD should be contacted.

MD-SEDD Standing Advice for each stage of the EIA process

Scoping

MD-SEDD 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 MD-SEDD generic scoping guidelines then ECU should be informed who will then co-ordinate a response from MD-SEDD.

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

MD-SEDD 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

MD-SEDD 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.

MD-SEDD 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

MD-SEDD 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 MD-SEDD is consulted on these programmes.

Wording suggested by MD-SEDD 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 Directorate – Science Evidence Data and Digital (MD–SEDD) and any such other advisors or organisations.

2. The WQFMP must take account of the Scottish Government's MD-SEDD 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 MD-SEDD.

3. Thereafter, the WQFMP shall be implemented within the timescales set out to the satisfaction of the Planning Authority in consultation with MD- SEDD 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, Marine Scotland Science (now MD-SEDD) 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.

Annex 1 (revised September 2023)

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) – 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:

MD-SEDD 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 **MD-SEDD** 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. **This should be carried out where a Special Area of Conservation (SAC) is present and where salmon are a qualifying feature, and in exceptional cases when required in the scoping advice for other reasons. In other cases, developers can assume that fish populations are present**;			
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 **MD-SEDD** 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 **MD-SEDD** and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure. **At least 12 months of baseline pre-construction data should be included. The monitoring programme can be secured using suitable wording in a condition.**			
7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations. **This can be secured using suitable wording in a condition.**			

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 **MD-SEDD** advice, please set out reasons.
1. Any designated area **(e.g. SAC),** 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.			