

By Email: [Econsents\\_Admin@scotland.gsi.gov.uk](mailto:Econsents_Admin@scotland.gsi.gov.uk)

1 August 2014

Dear Ms Gallacher

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000. SECTION 36 APPLICATION FOR THE PROPOSED TALLADH-A-BHEITHE WIND FARM, APPROXIMATELY 25KM SOUTH OF DALWHINNIE AND 14KM WEST-NORTH-WEST OF KINLOCH RANNOCH**

Thank you for your email dated 25 June requesting RSPB Scotland's comments on the above proposal.

**RSPB Scotland objects to this proposal as we consider it would have serious implications for breeding golden eagles. We also have strong concerns on other grounds. We detail this objection below.**

***Golden eagle***

A pair of golden eagles nests close to the edge of the development area. The site has been known to be occupied since 1982 and contributes to the breeding bird assemblage of the Coire Bhachdaidh SSSI. It is a highly productive pair, having fledged nine chicks in the last ten years (Tayside Raptor Study Group data), almost double the national average, and contributing substantially to the re-occupation of golden eagle territories in the local area. The site lies within NHZ 11 and is adjacent to NHZ 10; SNH has assessed the conservation status of golden eagle in both regions as being unfavourable, due to low levels of territory occupancy<sup>1</sup>

RSPB Scotland considers that the risk of turbine collision is likely to put at risk continued occupation of this breeding site, or at least reduce its productivity and may also have an adverse impact on the wider population. We detail below our concerns about the way in which some vantage point ("VP") watches, on which collision rates were calculated, were carried out and also on the interpretation of the data; we consider the risks to have been underestimated.

Collision risk was calculated using flight line data collected from three VPs in 2009-2010 (covering 83.5% of the site) and a different three in 2013. Of the VPs used in 2009-2010, VP2 and VP4 were located within the wind farm footprint (04 App 01. Pt3 - Figure G3968.046A).

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<sup>1</sup> Whitfield, D P, Fielding, A H, McLeod, D R A and Haworth, P F (2008). A conservation framework for golden eagles: implications for their conservation and management in Scotland. Scottish Natural Heritage Commissioned Report No.193  
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The location of VPs within the wind farm envelope does not comply with SNH guidance on Vantage Watch Point Selection<sup>2,3</sup>

*'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.'*

The location of these vantage points may have deterred eagle foraging activity in the area, leading to an underestimation of usage of the area by golden eagles.

The sole VP used in 2012, VP5, (located within 200m of VP4), was also within the site. It is unclear what area this VP covered. Section 3.30 states:

*"...it is calculated that the 2012 VP survey effectively covered 82.7% of the Study Area".*

However, 04 App 01. Pt3 - Figure G3968.047A, shows a survey blind-spot of 16.07% and an 'Area effectively surveyed for golden eagle' of 21.78%. The single flight recorded at Potential Collision Height during 2012 was beyond the 2km view shed from the VP and therefore was not included in modelling.

RSPB Scotland therefore disagrees with the following conclusions about flight activity in 2012:

"Confidential Annex – Section 2.1:

*In 2012 a single VP was used which over-looked the current site but did not provide complete coverage (see figure G3968.047A in ES Technical Appendix 9.1) but again it is unlikely that golden eagle flight activity has been substantially underestimated."*

"Ornithological Assessment – Appendix 9.1:

2012 VP survey

*Breeding period:*

**4.17** *Golden eagles were observed flying within the Study Area at 20 to 140m for 60 seconds out of 48 hours. Only one golden eagle flight line was recorded to pass through the Study Area during 2012."*

**4.18** *The relatively low number of sightings of adult golden eagles over the proposed wind farm site is not unexpected since desktop survey information indicates that these birds have historically foraged more frequently on the ridges and summits of the mountainous area to the west of Loch Ericht."*

Coverage in 2013 was satisfactory, with the three VPs used all located out-with the wind farm envelope and covering the majority of the site (01 App 9.1). An exact figure is not provided as the blind-spot calculations do not include an area to the south-west which is more than 2km from VPs. (G3969.005C). But coverage is clearly higher than the 83.5% coverage in 2009/10. We therefore place more weight on the surveys undertaken during this year as complying with statutory nature conservation body guidance.

The calculated collision risk of 0.574 sub-adults per year calculated from the 2013 data will lead to a reduction in productivity and ultimately the loss of this productive pair. We do not agree that the 2013 data are anomalous for reasons explained below.

The assertion is made that 2013 flight activity was unrepresentative and driven by the temporary presence of deer gralloch. We do not think sufficient justification has been provided for this

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<sup>2</sup> Recommended bird survey methods to inform impact assessment of onshore wind farms 2014; Updated 2010.

<sup>3</sup> Survey methods for use in assessing the impacts of onshore windfarms on bird communities, 2005 (Appendix 1)

conclusion, or for excluding days of gralloch presence from the calculation of collision risk, as no information has been presented on the dates that stalking took place in other survey years. It has not been demonstrated that there is a clear correlation between stalking activity and eagle activity, nor that eagle activity did not reach 2013 levels in earlier years, but was undetected simply as a consequence of survey intensity.

In 2014 two new pairs of golden eagle established in the vicinity, pair B building a nest and pair C raising young (see Confidential Annex included as a separate attachment to this email). It is likely that the increased flight activity in the study area is due in part to territorial disputes and foraging as these pairs settled during the two preceding years. This is circumstantially supported by the prey abundance maps, which show that areas of high live prey abundance do not overlap with areas of high recorded golden eagle flight activity, despite VP1 being well placed to cover this area in the north-east of the estate (Figure G3968.045A and Confidential Annex Figure 2.2)

We would be prepared to reconsider our position if the Applicant were to provide information to clarify the speculative assertion that 2013 flight activity was anomalous and driven by the temporary presence of deer gralloch. However, more robust evidence would be provided by an additional year's VP survey work that included additional hours during the stalking season, so that the requisite number of monthly hours per VP at this time were covered both with and without grallochs present, to gauge the level of effect of the presence of gralloch on flight activity, within the context of a full year's VP surveys.

As stated in the Applicant's '*Golden Eagle assessment*', the benefits of supplementary feeding of golden eagles away from the wind farm area are unproven, labour intensive and may have low uptake (Supplementary feeding pp 24-25). Moreover, supplementary feeding could conceivably be detrimental to breeding condition and breeding success if it encourages adult eagles to take easy food of low nutritional value, instead of live prey. We therefore have concerns about how sustainable this intervention is over the lifetime of the wind farm (05 App 9.2 OHMP). This is particularly so when land management on the estate may change and the nearest breeding pair is already highly productive

#### ***Other concerns***

We have strong concerns about the impacts of the development on other bird species and habitats, although those concerns do not merit objection, provided that certain measures are secured through suitable planning conditions and/or legal agreement.

#### ***Golden Plover***

The wind farm envelope is adjacent to the Coire Bhachdaidh SSSI, with the nearest turbine 100m away. Golden plover are included in the breeding bird assemblage. The wind farm envelope supported 3-4 pairs of golden plover in the 2013 survey (01 App 9.1 – Section 4.67). There is evidence from peer-reviewed studies<sup>4</sup> that this and other species are displaced by turbine presence and it is likely that these pairs and some within the SSSI will be displaced.

#### ***Greenshank***

It is likely that one pair of greenshank will also be lost from the wind farm area due to displacement.

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<sup>4</sup> Pearce-Higgins, J. W., Stephen, L., Langston, R. H. W., Bainbridge, I. P. and Bullman, R. (2009), The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology*, 46: 1323–1331.

## **Peat**

86% of the development site is blanket bog, of which between 9 and 21Ha of deep peat will be lost to construction. This would be a loss of 3.1% of the total deep peat on site (Chapter 8 Section 8.4.8). The loss of blanket bog, a priority habitat, and peat, which is an important carbon store, is of concern to RSPB Scotland. We welcome, however, the commitment to fell conifers and grip blocking to restore blanket bog but further detail is required in the HMP as it is not clear what area it covers and Annex 9.3 was not included in the documents available to RSPB Scotland. Peat bog restoration over a larger area, away from the wind farm site, may benefit breeding upland waders and compensate for losses caused by the wind farm.

**Should you be minded to consent this development despite RSPB Scotland's objection, we recommend the following mitigatory and compensatory measures be secured through suitable planning conditions and/or Section 75 planning obligation.**

- a. A suitably qualified Ecological Clerk of Works (ECoW) being appointed by the Applicant, to oversee mitigation and compensation measures.
- b. No development or track construction shall commence until the Applicant has submitted a Habitat Management Plan to the satisfaction of Perth and Kinross Council, in consultation with RSPB Scotland and SNH. This should include measures to encourage live prey away from the turbines and that any response to management of habitat, prey and golden eagles should be monitored.
- c. The Applicant shall implement in full the agreed Habitat Management Plan, to the satisfaction of Perth and Kinross Council in consultation with RSPB Scotland and SNH.
- d. A programme of post-construction monitoring – including vantage point work to determine golden eagle usage of the site - should be agreed with SNH and RSPB Scotland.
- e. The HMP should include the removal of conifers and drain blocking to restore peat bog.
- f. If turbines are to be delivered to site via barges on Loch Erich, this should not take place during breeding season to prevent disturbance to breeding golden eagles. This will require restricting boat movements to the period **31 August to 28 February inclusive.**

Yours Sincerely



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