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## RSPB Scotland

Dr Alison M MacLennan  
Senior Conservation Officer  
Skye & Western Isles  
Sutherlands  
Broadford  
Isle of Skye IV49 9AB  
Tel/Fax: 01471 822882  
www.rspb.org.uk

Mr S Fraser,  
Area Planning & Building Control Manager  
Highland Council  
King's House  
The Green  
Portree  
IV51 9BS

19.7.02

### CONFIDENTIAL

Dear Mr Fraser,

Town and Country Planning (Scotland) Act 1997  
The Environmental Impact Assessment (Scotland) Regulations 1999  
Proposal: Erection of windfarm comprising 27 turbines, foundations, transformers,  
site tracks and other ancillary works.  
Site location: south of Edinbane, Isle of Skye  
Developer: Amec Wind

Thank you for the copy of the Amended Environmental Statement for the Edinbane  
Windfarm and your accompanying letter of 24<sup>th</sup> June 2002 requesting comments.

While some of the issues of concern identified in our letter of 25.34.02 have been  
addressed, there are a number of outstanding concerns with regard to the amended  
Environmental Statement. In addition, new information provided in the amended  
ES regarding sea eagle activity and [REDACTED] require further investigation and  
may have implications for some turbine locations. Given the seriousness of these  
concerns regarding species protected under Annex I of the EU Birds Directive and  
Schedule 1 of the Wildlife & Countryside Act, we are left with no alternative but  
to maintain our objection at this stage.

Details of our outstanding concerns and clarification on issues that have been  
addressed are offered below.



## Important issues which have not been addressed in the amended ES:

### 1. White-tailed sea eagle

A total of 81 minutes of white-tailed sea eagle activity were recorded on the proposed site during the last two watch periods (April, May) for which data has been presented. Forty percent of this activity took place within 300m of the proposed turbine locations and on one occasion, a pair was flushed from [REDACTED]. Without further information on the identification of individual birds (most wear coloured wing tags with a legend) and activity patterns of these birds, it is not possible to assess their breeding status or the impacts on this species.

Given that there are only 25 breeding pairs of white-tailed eagles in Britain, that they are part of an ongoing UK Government reintroduction programme, and that they are protected under Annex I of the EU Birds Directive and Schedule 1 of the Wildlife & Countryside Act (1981), it is crucial that more data should be provided for this species before decisions on this development are finalised. Raw data from the vantage point watches, maps of all flight line activity and recently collected data would assist in our assessment of the situation. Single monthly watches (albeit of 3hrs) during the breeding season may not be adequate to determine occurrence/use of the study area.

### 2. Merlin

The June 2002 amended ES refers to [REDACTED]. We have recently been made aware of [REDACTED] and understand that the developers have also received this information. Since turbine [REDACTED] we would wish to see this turbine removed and turbines [REDACTED] to ensure a minimum distance of 500m from [REDACTED]. Merlins are specially protected under Annex I of the EU Birds Directive and Schedule 1 of the Wildlife and Countryside Act (1981). They are small elusive raptors, hence the reason they are not often detected during vantage point watches of up to 2km distance.

### 3. Hen harrier

The Environmental Statement of February 2002 identified [REDACTED]. In our letter of 25.4.02 and at the meeting in Portree on 21.5.02 we requested more detailed information [REDACTED] in order that they might be fully taken into account in the assessment process. The amended ES does not appear to [REDACTED] which was recently passed on to RSPB. More detailed information from the vantage point watches might assist in our assessment of the importance of the proposed development area [REDACTED].

Hen harriers are afforded special protection under Annex I of the EU Birds Directive and Schedule 1 of the Wildlife & Countryside Act (1981).

Vantage watch data presented in the amended ES cover the late winter and spring periods (last watch represented is 9.5.02). Only two of the watch periods will therefore have covered the period when breeding harriers are active on the moor. There are no data covering the most active parts of the breeding season when adults attending a nest would be feeding chicks and when the fledglings leave the nest. Any conclusions based on this small window of data, regarding the harrier's use of the site and the potential impact of the development on breeding birds, are premature and unsubstantiated. Further data, including more frequent watches during the key stages of the breeding season, covering the remainder of the breeding season are essential for the above and for fully assessing the collision risk for this species. Maps of flight line activity and raw data for the contacts made would provide a clearer picture and allow patterns of use to be identified and mitigated against where possible.

#### 4. Golden eagle

The vantage point watches have identified 301 minutes (55 flights) of golden eagle activity within 3600 minutes of watches, most of which was by immature and sub-adult birds. Based on this and other data, the breeding golden eagle population is unlikely to be adversely affected by the development. However, since golden eagles are protected under Annex I of the EU Birds Directive and Schedule 1 of the Wildlife & Countryside Act regardless of their age and breeding status we would welcome clarification of the patterns of use made of the proposed site in order that appropriate mitigation can be given due consideration. Provision of raw data on all contacts made and maps of flight line activity would allow identification of patterns of use and clarify the proportion of time birds spent resting within the proposed site. We would also welcome clarification of the statement "the level of aerial activity through the terrain of the current proposal is not predicted to present a collision risk of an order of magnitude greater than for the existing wind farms in golden eagle territories in Argyll".

#### 5. Figures accompanying the Confidential Annex

The Confidential Annex June 2002 version makes reference to figures 1 – 4 yet only one unnumbered figure which relates to the main text rather than the annex is provided. Provision of the appropriate figures would be helpful.

#### 6. Vantage point watches

Table 1 in the Confidential Annex (June 2002) and Appendix 9 of the main ES document have a number of errors. Clarification of the following points is required:

- the correct grid reference for the Cruachan Beinn a' Chearcaill observation point for watch 1&2
- the correct combination of grid references and place names used in watches 5&6, 9&10 and 15&16.


#### Issues that have been addressed:

Following our letter of 25.4.02 requesting additional datasets, we are satisfied that the following issues are no longer of concern:

- Following consideration of the relevant section of the Tilhill 1996 report provided, we are satisfied that the area of particularly high density of breeding moorland waders on Ben Sca is sufficiently distant (>1km) from the nearest turbine (turbine 14), so as not to be displaced by this proposal.
- From the brief summary of breeding golden eagle territories provided we are satisfied that this confirms that the nearest territory is no longer viable and only intermittently active. Conclusions that the development is unlikely to impact on the established breeding population are accepted.

#### In conclusion

While the amended ES addresses some of the concerns expressed in earlier correspondence, it does not present sufficient data to satisfy key areas of concern regarding four of our highest conservation value species, viz white-tailed sea eagle, hen harrier, merlin and golden eagle. It is imperative that vantage watch data for the



In addition, we wish to reiterate our request for the following data (requested or intimated in our correspondence dated 25.4.02):

1. Raw data on vantage point watches. This should take the form of a tabulated summary of all contacts made during the vantage point watches, including flight heights, duration, location, time and activity of birds. Details of resting birds should also be included.
2. A map of all flight lines recorded for each species. Although not specifically requested previously, it was assumed that this would be provided since these are essential to identify patterns in usage and areas of importance.

[REDACTED] detailed information from vantage point watches are essential in order that RSPB Scotland can make a full and informed assessment of the proposal and give due consideration to appropriate mitigation measures.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alison MacLennan', with a long horizontal flourish extending to the right.

Dr Alison MacLennan

Cc Anne McCall, RSPB  
Rowena Langston, RSPB  
George Campbell, RSPB  
Alex Turner, SNH