



### RSPB Objection to Lewis Wind Power revised application for 181 turbines on the Lewis Peatlands Special Protection Area (SPA)

#### Summary

RSPB Scotland has lodged an objection to a revised application to build 181 wind turbines, by Lewis Wind Power (LWP), on the Lewis Peatlands SPA. This briefing seeks to outline the nature of and reasons for our objection. Our objection is explained in somewhat more detail in the annex to this briefing and is available, in full, at <http://www.rspb.org.uk/scotland/action/lewis/index.asp>.

Climate change represents the greatest global threat to people and wildlife. Wind farms, and other renewables developments, represent part of the solution to this climate threat. However, these developments should, and can, be sited and managed in a manner that does not harm wildlife. RSPB Scotland does not object to around 90% of the wind farms on which we were asked to comment; we adopt a consistent approach to the assessment of likely impacts, see <http://www.rspb.org.uk/scotland/policy/renewables.asp>.

The LWP application is one of the exceptions, because:

- It is sited in an area designated as a Special Protection Area for birds, an area with the highest level of conservation protection under European law;
- Through collisions, disturbance and habitat damage, the development will significantly harm most of the species for which the SPA is designated. These include golden eagle, merlin, black-throated diver, red-throated diver, golden plover, dunlin and greenshank. The proposal is also likely to affect corncrakes using nearby SPAs, and whooper swans on their migration from Iceland. The damage to the peatland habitats of these birds is likely to extend into the Lewis Peatlands SAC (which sits within the SPA and is designated because it is one of the best areas of blanket bog in the United Kingdom).
- The developers' Environmental Assessment proposes a number of measures to mitigate this damage, but these are largely small-scale, unproven and/or outwith the designated areas. As a result, it is clear that the proposal would have "*an adverse impact on the integrity of the SPA*" (the test set by the European Directives) – Scottish Natural Heritage (the Executive's statutory advisors on nature conservation) have reached the same conclusion.
- There are, in our view and the view of independent energy consultants, alternative means to meet the public policy objectives (eg expansion of renewables to address climate change, development of renewables in the Western Isles, or economic development, generally, in the Western Isles). This particular development is not necessary to justify an interconnector between the Western Isles and the mainland; this has been confirmed by SHETL, the company responsible for the interconnector.
- An independent review confirms that the developer has seriously over-estimated the economic benefits to the islands from this development. There are, therefore, no "imperative reasons of over-riding interest" that might allow a damaging development in an SPA.
- An approval of this development, in the circumstances described, would be a very dangerous precedent for all internationally important sites, and establish a threat not just to the outstanding environment of Lewis, but to SPAs throughout Europe.

For all the reasons above, **we believe that Scottish Ministers should refuse this application and allow all those engaged with delivering renewables to focus on more positive projects.** Should Ministers not be minded to refuse the application outright, we request that a public inquiry be held to ensure that all the issues be considered fully.

**RSPB Objection to Lewis Wind Power revised application for 181 turbines on the Lewis Peatlands Special Protection Area (SPA): an explanation: for full objection, see <http://www.rspb.org.uk/scotland/action/lewis/index.asp>.**

**RSPB Scotland's position on wind power and other renewables**

RSPB Scotland views climate change as the most serious long-term threat to wildlife and people in the UK and globally. If we are to avert serious disruption to natural, social and economic systems, we need to act now to limit the use of fossil fuels that release greenhouse gases into the atmosphere. We therefore support the increased use of wind power, as part of a mix of renewable energy technologies, as long as wind farms are sited, designed and managed so they do not significantly harm birds and other wildlife or their habitats. For further details on our views on climate change and renewables, see <http://www.rspb.org.uk/scotland/policy/renewables.asp> and [http://www.rspb.org.uk/Images/scotrenwefutures\\_tcm5-101087.pdf](http://www.rspb.org.uk/Images/scotrenwefutures_tcm5-101087.pdf).

Ninety percent of the wind farms we are asked to comment upon do not give us any cause for concern. This is a uniquely damaging proposal which does not represent the norm for the renewables industry.

**The development proposal**

The original proposal by Amec and British Energy (operating as Lewis Wind Power – LWP) for a 234 turbine wind farm was submitted to Scottish Ministers in 2004 under the Electricity Act 1989. RSPB Scotland objected to this application, as did SNH, SEPA, Historic Scotland, most of the affected Community Councils and thousands of local residents. A revised application for 181 turbines (652MW) was made to Scottish Ministers just before Christmas 2006. A number of turbines have been deleted, partly at the request of Comhairle nan Eilean Siar (Western Isles Council). It remains a significant construction project with 181 turbines, each 140m tall and supported by large concrete foundations (approximately 22mx22mx2m), 88 miles of roads, 30km of overhead cables, supported by 137 pylons, 29km of underground cable, 5 rock quarries and 8 electrical substations. This large-scale industrial complex will take four years to build.

**Why has the RSPB objected to this development?**

Having considered the Environmental Statements (ES) produced by the developer in detail, we have submitted an objection because we believe this development will have an enormously damaging impact on a number of internationally important sites. In particular: the Lewis Peatlands SPA, the Ness and Barvas (Corncrake) SPA (protected under the EC Birds Directive); the Lewis Peatlands Ramsar site (protected under the Ramsar Convention on Wetlands of International Importance) and the Lewis Peatlands Special Area for Conservation (SAC) (protected under the EC Habitats Directive).

**Why are these sites important?**

The Lewis Peatlands SPA holds a wide range of breeding birds and is designated specifically for golden eagle, merlin, black-throated diver, red-throated diver, golden plover, dunlin and greenshank. These species are present in high numbers, all use the site differently and many are spread throughout the site's area making it particularly difficult to design mitigation measures which can adequately address all the potential impacts. The Ness and Barvas SPA is designated for corncrakes which migrate from trans-Saharan Africa to breed on Lewis. The Ramsar site coincides with the SPA and is designated for both birds and peatland while the Lewis Peatlands SAC sits within the SPA and is designated because it is one of the best areas of blanket bog in the United Kingdom.

### **The impacts on birds**

LWP have identified a number of impacts on all the species for which these sites are designated. However, having applied their own interpretations to the conservation objectives of these sites they conclude that this does not amount to what is called an 'adverse effect on site integrity' by the European legislation which applies in this case. We have considered the information carefully and believe that not only are the impacts predicted likely to be underestimated but that the interpretation of the conservation objective applied by LWP is legally flawed (a view also expressed by SNH). Having reviewed the ES, we believe that a conservative estimate of the impacts arising from this development could be as follows (this does not include any impacts arising from the overhead pylons and cables as no information has been presented on this impact):

- **46 golden eagles** lost due to collision with turbines and the displacement of one breeding pair during the lifetime of the development;
- **24 red-throated divers will be lost due to collision** – this amounts to c.20% of the SPA breeding population, this is based on information from the ES which assumes divers will not change their breeding locations – this is not the case;
- **Black-throated divers** – the information provided is insufficient to predict losses due to collision risk.
- **Dunlin** – this site hosts just over half of all breeding dunlin protected by the SPA network in the UK and around one third of the British population of *schinzii* dunlin. The ES concludes that **243 pairs of dunlin** are likely to be lost due to displacement and disturbance. However, this is likely to be significantly higher if habitat changes are taken into account.
- **Golden plover** – this revised ES has drastically reduced the predicted impact on golden plover simply by deciding to use a more conservative 'buffer zone'. We believe that approximately **325 pairs** will be lost due to displacement and disturbance with an additional **260** birds being lost due to collision throughout the life time of the development.
- The development also presents a significant collision risk for **migrating corncrakes** (an internationally threatened species) which breed in a number of areas along the coast. This risk has not been quantified by the developer; and
- Lewis is also known to be on the migration route of large numbers of **whooper swans**, which are recognised to be at particular risk due their size and lack of manoeuvrability, particularly after an 800 km sea-crossing from Iceland.

### **The impacts on habitats**

Much of this proposal is located on peatland habitat, supported by complex hydrological systems which are highly sensitive to alteration. The survey work undertaken for the ES is extensive but, we believe, fundamentally flawed. We have taken expert advice which states that the proposed area which could be affected by the development goes significantly beyond the 50m (worst case scenario) zone around the turbines and roads identified in the ES, and instead could extend up to 250m or beyond. This means that the area of active blanket bog which could be affected by the development is 4,390ha. Any alteration to the habitat will obviously have an impact on the species it supports. As an important carbon store the loss, damage or disturbance to millions of cubic metres of peat is not an efficient or effective means of tackling climate change.

### **Are there any mitigation proposals<sup>1</sup>?**

The ES has attempted to define 'Primary Bird Areas' in order to ensure a layout which avoids those areas of 'greatest sensitivity'. However, this is impossible for golden plover or dunlin because they occur at such high densities across the entire site.

The ES also sets out a series of measures which it anticipates may reduce impacts - including forestry removal and peatland 'restoration'. Many of the proposed measures are either unproven or small scale and will do little to offset the scale and extent of damage the ES states this development will cause.

### **The process**

Because this development will affect a site protected under European law, Scottish Ministers are required to consider a series of legal tests as set down in the Habitats Directive before consent can be issued. These are:

- Will the proposal have an adverse effect on the integrity of the site(s) (**Test 1**);
- If Scottish Ministers believe it will, they must then consider whether there are any alternative solutions to the proposal – including other locations or technologies (**Test 2**);
- If there no other alternatives, they must then consider whether there are 'imperative reasons of overriding public interest' which justify allowing such a development (**Test 3**).

#### **Test 1: Will the proposal have an adverse effect on the integrity of the site(s)?**

From the explanation above of the ecological impact of the proposal, it is clear that this development will have an adverse effect on the Lewis Peatlands SPA, as well as the Ness and Barvas SPA and the Lewis Peatlands SAC

#### **Test 2: Are there alternative solutions?**

The ES considers and rejects the possibility that there could be any alternative solutions to this proposal. The purpose of this test is to ensure that if a damaging development is to be consented there should be no alternative means of achieving the same objectives. However, it is for Scottish Ministers to decide what the legitimate objectives are rather than the developer. LWP have determined that only a large wind farm on the Western Isles is acceptable in terms of their project objectives. In order to consider this issue further RSPB Scotland commissioned the independent energy consultants, *IPA Energy*, to look in detail at the alternative solutions available – a range of alternatives were demonstrated to be available. Meanwhile, even the developers own ES concludes that there is around 600MW of potential wind farm capacity outwith SPAs on the Western Isles alone.

#### **Is it necessary in order to get an inter-connector to the mainland?**

The developer states that the LWP proposal is necessary to provide justification for the construction of an electrical grid inter-connector from the Western Isles to the mainland. Using current Ofgem guidelines a renewable project of around 216MW could economically justify building a new connection. Clarification was sought from Scottish and Southern Energy's transmission division (SHETL) following their publication of a consultation on the route for the Western Isles inter-connector and they have confirmed that they are now beginning detailed preparatory works for the inter-connector as a result of commitments from developers. This does not include the LWP proposal as they have not yet signed a contract for connection to the transmission system. It is therefore not necessary to justify the construction of an interconnector.

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<sup>1</sup> Note: mitigation is a process by which a development proposal is amended or other operations carried out, so that any damage to conservation interests is reduced. Caselaw requires such mitigation to be sufficient, certain and maintain the integrity of the site – so, for instance, habitat management work outside a site is compensation, not mitigation.

### **Test 3: Will the economic benefits provide ‘imperative reasons of overriding public interest’?**

The ES states that the LWP proposal will bring 233 Full Time Equivalent (FTE) jobs to the Western Isles during the 20 year period of operation. Because the economic benefits arising from this proposal can be directly relevant to the tests required by European law, we sought the expert advice of *DTZ Consulting and Research* (DTZ). In turn, their findings were evaluated by Ian McNicoll, Emeritus Professor at Strathclyde University and former technical advisor to Western Isles Council. Both these studies concluded that the economic analysis presented by LWP was overly optimistic.

DTZ concluded that approximately 73 FTE jobs were likely to arise from the project. This huge difference is largely due to the number of jobs predicted to arise from community payments which LWP estimate to be 142 FTEs. This figure actually represents 142 person years rather than full time jobs over the lifetime of the development. A more accurate evaluation results in the conclusion that the community payments are likely to generate 6-8 FTE jobs.

The DTZ report also noted that potential impacts on tourism had not been considered in this ES, whereas the previous application in 2004 had indicated a possible 10% reduction in tourism as a result of the proposal. The RSPB does not normally consider tourism impacts when evaluating proposals, however, in this instance, because of the tests required by European law, it is possible that tourism impacts are part of the overall economic consequences that decision-makers should consider when evaluating this application.

### **Have we commented upon other large wind farms?**

As indicated above, we comment on many wind farm applications; overall, in Scotland, around 90% of such cases cause us no concern or issues are resolved by constructive dialogue with the developers. Two large wind farm proposals in particular have attracted some wider attention and deserve more explanation:

- ***Viking Energy wind farm proposal on Shetland:*** This is a large-scale onshore proposal (possibly 190) turbines which has not yet been submitted for consent (anticipated in May 2007). The area under consideration has no international or national designations and has never been considered as such. It plays host to a large number of red-throated divers and we are working with the Council and the developer to try and ensure that the design of the development minimises potential impacts. In contrast to Lewis, attempts to mitigate impacts are not complicated by the presence of significant numbers of different types of protected species within close proximity to the proposal. We have publicly commended the approach taken to date by the Council and the developers, especially in site selection and assessment methodology, but will apply our usual level of scrutiny to the application once it is submitted with an Environmental Statement before deciding how to respond.
- ***London Array:*** This offshore wind farm application was granted consent in December 2006. Originally proposed as a 341 turbine scheme the first phase of the development was reduced to 175 turbines to accommodate a large number of wintering red-throated divers. The site is not currently designated but might be in the future. For that reason the Department of Trade and Industry (DTI) chose to treat it as if it had been designated. These are wintering rather than breeding birds and so behave differently to those on Lewis and Shetland. The DTI concluded that there would not be an adverse effect on the site (even if it were designated) and we agreed. A package of measures including phased development and extensive monitoring has been put in place.

### **An international context**

If this development goes ahead, it could set a very dangerous precedent for all internationally important sites. They are protected in law for a reason. Further information about the proposal, our objection, all the reports mentioned above and links to the full Environmental Statement are available on the RSPB website at: [www.rspb.org.uk/scotland](http://www.rspb.org.uk/scotland)

## **Conclusion**

In general, the renewables industry has gone to considerable lengths to avoid sensitive sites, some of these are detailed in our report 'Scotland's Renewable Future' (see [http://www.rspb.org.uk/Images/scotrenewfutures\\_tcm5-101087.pdf](http://www.rspb.org.uk/Images/scotrenewfutures_tcm5-101087.pdf)). The Lewis Wind Power proposal has attracted a considerable level of domestic and international concern, and we can meet our renewable energy targets many times over without it. We urge Scottish Ministers to refuse the application and allow all those engaged with delivering renewables to focus on more positive projects. Should Ministers not be minded to refuse the application outright, we request that a public inquiry be held to ensure that all the issues be considered fully.

**For further information, please contact:**

**Lloyd Austin, Head of Conservation Policy**

RSPB Scotland, 25 Ravelston Terrace, Edinburgh EH4 3TP.

Tel: 0131 311 6500 Fax: 0131 311 6569

Email: [lloyd.austin@rspb.org.uk](mailto:lloyd.austin@rspb.org.uk)

or

**Martin Scott, Conservation Officer, Western Isles**

RSPB Scotland, Office 2, Clintons Yard, Rigs Road, Stornoway, Isle of Lewis HS1 2RF.

Tel: 01851 703296

Email: [martin.scott@rspb.org.uk](mailto:martin.scott@rspb.org.uk)

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