

## ***AVICH & KILCHRENAN COMMUNITY COUNCIL***

Tigh-an-Drochaid,  
Kilchrenan,  
Argyll,  
PA35 1HD.

Mr. P. Smith,  
The Scottish Executive,  
Consents & Emergency Planning Unit.  
Meridian Court,  
5 Cadogan Street,  
Glasgow,  
G2 6AT.

6<sup>th</sup> May 2006.

Carraig Gheal Wind Farm, Fernoch, Argyll

Dear Mr. Smith,

Here are some further matters of concern to the Community Council which we consider have not been properly consulted.

### Introduction

On the 5<sup>th</sup> April 2006 the Area Committee of Argyll & Bute Council passed the application by Green Power, for a wind farm at Carraig Gheal, for final consideration by the Scottish Executive. We believe that the Council did not have all the facts before them to enable them to make this decision. Notably, the matters outlined below should have been part of the Environmental Statement as required by the European EIA Directive. These matters should not be relegated to conditions as these are major issues of the application. The Scottish Executive should consider this aspect if they are minded to give this project approval.

## **Public Consultation Omissions**

### **Borrow Pits and/or Quarries/Road Stone Transport**

There is no information in the Environmental Statement (ES) regarding the sourcing of the road stone. We have been told of various possibilities by the developer:

- a) The ES in the Proposed Development document Appendix 2 page 43 vaguely mentions borrow pits but does not define their location or evaluate any environmental impacts of this activity e.g. Blasting. This information should have been publicly consulted as part of the ES.
- b) On another occasion we were told that the road stone would be obtained from existing Forest Enterprise borrow pits within the forest, but again, despite several requests, the locations have not been disclosed. Also, no evaluation of any possible environmental effects were done or made available for public consultation as part of the ES.
- c) A different answer to the same question "That the road stone would be obtained from external quarries" but with no indication of which quarries or their location. This is of vital interest to Avich & Kilchrenan Community Council as no estimate of the transport requirements has been made public. It may be that the quarry on the B845 could be used, again bringing into play our objections on the use of this route through the Glen Nant SAC en-route to the proposed western access to the site using the A85 and through the Fearnoch forest. We believe that this information should have been publicly consulted as part of the ES.

### **Trunk Road Access**

There is very little information in the ES regarding the potential trunk road route for delivering turbine components to the western route entrance. Again, when asked, the developer is very vague on this subject variously mentioning a sea landing at Oban (in the ES), a sea landing at Dunstaffnage, or via the A819 from Inveraray and in all cases onto the A85. Again, it is general, in most of the ES that I have seen, for this information to be included for public consultation. It may be that the developer has not finalised this route but if there have been communications between the developer and the consents division on this subject we would appreciate a copy.

## **Western Access Route**

### **a) Environmental Study**

The western access route is, very belatedly, being subject to an environmental assessment by Heritage Environment Ltd who is a Green Power consultant. This is presumably to address concerns raised by SNH in their second response letter dated 28<sup>th</sup> November 2005. We ask that this report be made part of a further ES amendment and it be advertised and made subject to public consultation as required by the European EIA Directive, the Habitats and the Birds Directives.

### **b) Glen Nant SAC**

The proposed western route passes very close to the Glen Nant SAC/SSSI and should thus be subject to appropriate assessment, to the best scientific standards, under the requirements of the Habitats Directive 85/337/EEC as modified by 97/11/EC and 2003/35/EC and of the Birds Directive 79/409/EEC. This assessment should leave no doubt that there will not be any adverse effects on the SAC.

Quote from SNH letter 28<sup>th</sup> November 2005 follows:

This application does not cover access routes to the sites which are still to be determined. It should be noted that the routes currently indicated in the ES will potentially impact on osprey and hen harrier (both of which are Annex 1 species) and part of Loch Etive Woods Special Area of Conservation. These impacts will have to be assessed by the relevant competent authority under the EU Habitats and Bird Directive (Scottish Office Circular No.6/1995) before any works which might impact on these resources takes place.

Quote ends.

We would take a firmer line and ask that this assessment be completed and subject to public consultation **before** the any principal consent. Anything less may be seen as an attempt to circumvent the public participation provisions of 85/337/EC as modified.

### **c) Strategic Timber Haulage Route**

This proposed route, which will be built by Green Power, passes through a section of the Caledonian forest reserve and as such should be subject to an environmental assessment. This route will involve extensive widening of some existing tracks.

Whether this is the responsibility of Green Power or of Forest Enterprise is not clear but again it should be clarified before the granting of any permission.

### **Peat Stability Study**

Whilst there is a discussion on hydrological constraints in section 9 of the main report this does not give much confidence that peat slides will not occur. There are large areas of active blanket bog within the site and peat depths up to 3 metres; service tracks cross some of these areas particularly near turbines 1, 2, 3 and 4. This south eastern area is close to the edge of the Inverinan forest which will have degraded the peat in this area; these are similar conditions to the site at Derrybrien. No vane tests have been carried out despite the fact that the ES mentions areas of very wet peat which is likely to have a low strength. Any disturbance could result in a “bog burst” type of peat slide. It is admitted that the area around turbine 2 is particularly sensitive. No slope angle assessments have been carried out. It is of considerable concern that the village of Inverinan lies just 3 km from this area of the site.

The possibility of peat slides is described as having a probability of medium/high in section 9.6.2.3 of the developer’s main report (See attached extract).

It is now becoming the norm for formal peat stability assessments to be carried out on all wind farms which are to be built on peat rich soils e.g Shira in Argyll, Dungavel in South Lanarkshire, Braes of Doune in Stirlingshire, Farr in Highland and of course Edinbane in Skye and many more.

We request that the developer be asked to hire a consultant to carry out a formal peat stability assessment. It goes without saying that this assessment report should be made available for public consultation as part of the EIA process by means of a supplement or addendum to the main EIA report.

### **Inverinan Private Water Supply**

We are not satisfied that sufficient attention has been paid to our objection on this matter and we are in discussion with SEPA to clarify their position. The Protective Services department of Argyll & Bute Council did not raise any objections on this subject but we have not had sight of any report that they may have produced. We do not know if SEPA made any representations on this subject; this should be clarified when our discussions with SEPA are complete. We will keep you informed.

## **Public Consultation**

### ***European EIA directive***

It is common practice, in Scotland, to give principal consent and to then deal with the matters discussed above by means of conditions. This practice known as pseudo assessment or even “salami slicing” is not permitted by the European EIA Directive 85/337/EEC as amended which requires all main effects of the project to be subject to the EIA process. We maintain that the matters raised above are such main effects.

The practice of reserving identifiable assessment of main effects to implementing decisions regarding conditions has the effect of circumventing the public participation provisions of 85/337/EC.

## **Conclusion**

As discussed above our concerns are that we, and even the major consultees, will not be given the opportunity to submit representations.

This can be simply resolved by requiring the developer to prepare an Environmental Statement addendum on the matters outlined above and that such an addendum be advertised with the normal 28 days for representations.

Yours sincerely,

Marilyn Henderson,  
Secretary.

cc. A. Gilmour, Planning  
Councillor A. Macaskill  
S. Austin, S.N.H., Oban