

Mainprize, Nick

From: Marilyn [marilyn.henderson@talk21.com]
Sent: 28 October 2009 11:50
To: nick.mainprize@forestry.gsi.gov.uk
Cc: angus.gilmour@argyll-bute.gov.uk; iain.MacIntyre@argyll-bute.gov.uk;
andrew.Swain@argyll-bute.gov.uk; charles.reppke@argyll-bute.gov.uk;
keith.miller@forestry.gsi.gov.uk; stephen.Austin@snh.gov.uk
Subject: WLATHR - Probable Impact on Adjacent Golden Eagles



Attachment WEST LOCHAW
information..txt (5... ARGYLL Draft ...

Dear Mr. Mainprize,

Please find attached the amendment from our Ornithological expert as promised.

In the event of any future consent being given for this route which may include the problem areas indicated, please be aware that this report together with all relevant information will then be sent to the EU Commissioners and the Scottish Government Departments involved.

Under Freedom of Information rules, may we please now have copies of all internal consultations which have taken place in respect of the EIA and associated subjects.

Yours faithfully,

Marilyn Henderson,
Chair/Secretary,
Avich & Kilchrenan Community Council.

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WEST LOCHAWE ARGYLL
PROPOSAL TO CONSTRUCT A TIMBER HAUL ROUTE
AND WIND FARM ACCESS WITH ASSOCIATED BORROW PITS
AND PROBABLE IMPACT ON ADJACENT GOLDEN EAGLES

My attention has been drawn to the application being made to Forestry Commission Scotland by Green Power and Forest Enterprise for the construction of a new timber haul route and wind farm access with associated borrow pits. I have been asked to comment on the impact which in my judgement this proposal might have on the nearby Golden Eagles.

My name is Michael Gregory. Since the early sixties I have been one of a small group of people who carry out the annual monitoring of the eagle population in mainland Argyll. This involves checking the distribution and breeding performance of these birds, and I receive an annual licence from the relevant authority to ensure that any visits to nest sites comply with the Wildlife and Countryside Act 1981. In 1993 I founded the Argyll Raptor Study Group and for 10 years I acted as Chairman/Secretary of that group. I was co-author of two scientific papers relating to eagles in Argyll published in the journal 'Ibis' by The British Ornithological Union generally recognised as the premier ornithological body in the U.K. I wrote the section on the Golden Eagle in the recently published book 'The Birds of Argyll'.

I have read the two Environmental Statements produced for the haul/access road and the borrow pits, and in particular the sections written by consultants employed by the applicants to consider possible adverse effects and suggest mitigation measures. I regret that I am not persuaded by the content.

The block of country to the west of Loch Awe and lying roughly between Kilmartin and the Oban-Dalmally road is known to have contained four separate Golden Eagle home ranges. The breeding productivity of birds occupying these ranges has varied considerably. The most southerly of the four has unfortunately been subject to prolonged harassment and no young eagles have been reared there since 1972. It is usually occupied by immature birds. The most northerly territory centred on Beinn Ghlas near Taynuilt no longer contains a resident pair of eagles and seems to have been abandoned due to the construction of a wind

farm there in 1999. [This site is regularly monitored for evidence of eagle usage as a condition of the planning consent for the wind farm and a Report on the situation by Moss and Walker 2008 has been lodged with the Argyll and Bute Council, and S.N.H. but has not been made public. It is admitted, and should be noted, that the mitigation measures carried out with the intention of conserving the eagles have been a failure]. We are therefore left with only two viable Golden Eagle territories in this large block of country already considerably constrained by the amount of afforestation carried out in recent decades. Both of these have maintained a 50% productivity record in recent years which is necessary to maintain the population in this part of Argyll. If any eagle territories justify special conservation measures then these have to be foremost contenders. One of them lying west of Inverinan and given the conservation code LAW2 is very close to the proposed haul road and has been given consideration in the Environmental Statements.

The analyses of the likely impact of construction activities on the eagles seem to be different in the two cases considered i.e. the haul road and the borrow pit 27. For the haul road the consultant states that the eagles use at least one nest site within 1000 metres of the proposed route, and he accepts that disturbance during construction could lead to a failed breeding attempt which he accepts would be significant. The mitigation suggested is to leave a disturbance free zone to a radius of 1000 metres from the nest site. For borrow pit 27 somewhat different and contradictory figures are quoted. Here it is stated that the eagles utilise two nest sites that are within the buffer zone of 1000-1500 metres, and again accepting that disturbance is likely to cause failure of a breeding attempt, the mitigation suggested is to avoid any borrow pit operations within 1500 metres of an occupied nest during the period February to July incl.

When considering the effect of future operational traffic using the road, reference is made to a recommendation that any new forest road should be at least 1000 metres from any eagle nest site, and it seems to be accepted that any nest site within 1000m of the road might be abandoned in the future. The mitigation measures suggested are to leave a narrow band of sitka as a screen when the existing plantation is felled in a few years time.

I find the potential threats to the eagles to be considerably understated by the above and the suggested mitigation is inadequate. To my knowledge there are **six alternative nest sites**, all of which I have seen used by this pair of eagles. Two of these are **within 600 metres** of

the proposed road and borrow pit 27. None are more than 1500 metres away. The construction of the road, as well as the borrow pit or quarry, will require rock excavation and the use of blasting and hydraulic hammers. There will be considerable noise. The buffer distance of 1000 metres, or 1500 metres whichever is chosen, might be helpful when dealing with routine forestry work, but is arbitrary and untested. It has been admitted that the road will be built to a higher standard than the usual forest road and that there will be more traffic travelling at higher speed. During construction and into the future disturbance will be caused to these eagles **whether or not they are nesting**. They spend much of their time on these crags and roost there throughout the year. There is no scope for these eagles to relocate their nesting area. They are constrained by the neighbouring pair to the west, by existing forestry, and will be in future by the recently approved wind farm to the north. In my opinion the construction and operational use of this road will lead to the eventual abandonment of this territory. The mitigation proposed is insufficient. The Commission should refuse this application and suggest a new alignment well to the east.

Michael Gregory,
for Avich & Kilchrenan Community Council.

28th October 2009.

