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Our ref: 659920

Red John Pumped Storage Scheme - consultation request re application for section 36 consent

Dear Stephen,

Thank you for consulting RSPB Scotland on the Red John pumped storage hydro-electric scheme application. Having considered the submitted information we provide the following advice and recommendations. We believe the EIA Report does not demonstrate that the construction of the proposed development will not disturb important breeding birds, and therefore recommend that a species protection plan should be required by condition if consent is granted.

Renewable energy schemes, like any type of development, can be damaging for wildlife if sited insensitively. However, climate change poses one of the single greatest long-term threats to birds and other wildlife. RSPB Scotland therefore recognises the essential role that carefully sited renewable energy can play in reducing the effects of climate change on wildlife and people, but believes that these developments must be carefully sited and designed to avoid negative impacts on sites and species of conservation importance.

Bird Species of Conservation Concern and Designated Sites

Slavonian grebe, black-throated and red-throated divers are known to breed in or frequent all the lochs surrounding Loch Duntelchaig. These species are all listed under Annex 1 of the Birds Directive (2009/147/EC) and Schedule 1 of the Wildlife and Countryside Act 1981. It is an offence to disturb any bird listed on Schedule 1 whilst it is building a nest or whilst it is in, on or near a nest containing eggs or young, and to disturb any dependent young. Without robust mitigation, the construction of this scheme would be likely to lead to disturbance of nearby breeding pairs and foraging adults, potentially affecting their breeding success. It is therefore essential that robust mitigation measures are implemented to prevent such disturbance if the scheme is consented and goes ahead.

We're pleased to see that the sensitive moulting period for Slavonian grebe (15 August – 31 October), a qualifying feature of the Loch Ashie Special Protection Area, has been taken into account and that blasting works at the headpond will take place outwith this period. We welcome the stated intention to put a diver raft on Loch nan Geadas however red-throated divers are known to be site faithful and it is not certain that divers will use the raft if displaced from Loch na Curra therefore the raft would not be sufficient mitigation on its own for displacement of these species due to construction activities.

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a partnership of conservation organisations
working to give nature a home around the world.

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Section 8.5.44 of the EIA Report Chapter 8: Ornithology refers to previous similar scale blasting work projects eliciting no response from incubating red-throated divers, however those birds were located 1.8km from the operational area whereas the divers on Loch na Curra are approximately 540m from the headpond location. Therefore we do not accept that the proposed development is comparable to the referenced previous projects and as such we do not accept that there will necessarily be negligible magnitude effect on red-throated divers on Loch na Curra from construction of the headpond as claimed in the EIA Report. As the disturbance effect on red-throated diver from blasting within 1.8km is unknown we recommend a species protection plan is submitted and agreed which details sufficient measures to ensure that construction (including blasting) will not cause disturbance to nearby breeding divers.

Section 8.7.9 states that trial blasting will be undertaken in the headpond to identify maximum charge sizes which will generate a maximum sound level of 75dB (waterfowl are known to exhibit flight response once levels exceed 84dB). We welcome these trials but recommend that sound levels of trial blasts are additionally measured at Loch na Curra and Lochan an Eoin Ruadha to inform maximum charge sizes that can be used without causing disturbance to breeding divers on these waterbodies. Trial blasts should be conducted at the closest points of the headpond site to Loch Ashie SPA, Loch na Curra and Lochan an Eoin Ruadha. This would accurately replicate the highest possible sound levels that could be experienced at each of these sites during construction.

We recommend breeding divers are given a minimum 750m buffer where construction, blasting & felling operations are prohibited during their breeding season (between 1st April – 31st July) to prevent disturbance. We also recommend a 300m such buffer for breeding Slavonian grebe. We agree to the use of the C1064 in accordance with the proposed mitigation stated in section 8.7.15.

Black grouse

Black grouse, a species in the Birds of Conservation Concern (BoCC) Red list, was identified as occurring within the development area. **We recommend an operational buffer of at least 750m between construction activity and lek sites. Operations within 750m of any known lek site should be timed to avoid activity 1 hour before, to 2 hours after, local sunrise from 15th March to 15th May.**

Additionally as black grouse habitat is likely to be lost due to the development we recommend positive management for black grouse within 1.5km of lek sites, to achieve this we suggest the following:

- A minimum of 200m radius should be left unplanted around the lek site, this should be managed to ensure that the site retains an open aspect; this can be done either through mowing or light grazing. This should be undertaken between November and January when lek activity is at its lowest.
- Deer fences should not be erected near to lek sites. We recommend all deer fences to be a minimum of 200m away from leks. We recommend all fences within 2km of leks are marked to the highest specification in accordance with the Forestry Commission Scotland's Technical Note 19.
- Widen rides and create open ground within plantations, use open ground and planting to connect black grouse habitats and leks.

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- Restructure plantations to create age-class diversity, black grouse will use blocks up to 10-15 years old.
- Restructure or thin edges of forests on the moorland edge or plant these areas at a lower density to give areas of scattered trees rather than a hard edge. This also benefits wading birds.
- Black grouse forage for a variety of seasonal food sources and so we recommend integrating native trees within 1.5km of the lek such as rowan, birch, hawthorn, larch and scots pine.
- Black grouse require a mosaic of scrub habitats from open to dense vegetation so we recommend retaining some areas of low level scrub and planting at lower densities within 1.5km of lek to allow for a well developed forest understory (blaeberry).
- The blocking of drains/furrows within 1.5km of the lek will be highly beneficial as this will rehydrate areas, increasing invertebrate numbers; these are favoured chick rearing habitats.

Cold searching & Scottish crossbill

We recommend that cold searching is carried out before felling to ensure that any nest sites of protected species are avoided, this will also include ground nesting species such as waders, hen harrier and merlin at forest/upland boundaries. We encourage all felling operations to be planned outside of the main bird breeding season where possible (1st March - 15th August).

Crossbill was recorded within the proposed development site. There is a possibility that some of the birds recorded were Scottish crossbill, this species is listed under Annex 1 of the Birds Directive and Schedule 1 of the Wildlife and Countryside Act (1981). These birds breed mainly between 1st February – 15th May (however they can potentially breed all year round), therefore forestry operations during this period should take this species into consideration and give nest sites a safe working buffer of 150m.

In summary, we recommend that if consent is granted, it should be subject to conditions requiring the submission, approval and implementation of a species protection plan (addressing our recommendations above in relation to red-throated diver, Slavonian grebe; black grouse and cold searching) and a habitat management plan (addressing our recommendations in relation to positive management for black grouse). These plans should be the subjects of consultation with SNH and RSPB Scotland.

I hope you find my comments useful. Please do not hesitate to contact me if RSPB can be of any further assistance.

Yours faithfully
REDACTED

Phil Dowling

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