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Ms Carlyne Paton
Senior Case Officer
Energy Consents Unit
The Scottish Government
Energy Consents Unit planning reference: ECU00004487
Sent by email: Carolyne.Paton@gov.scot

31 July 2023

Dear Ms Paton,

Objection: Creag Riabhach Wind Farm Extension

We note our objection to the section 36 application submitted by Creag Riabhach Wind Farm Ltd seeking approval and deemed planning permission for the construction and operation of an extension to the existing Creag Riabhach Wind Farm (ECU ref. ECU00004487) (the 'Proposed Development').

We are a conservation charity that supports the Scottish Government's net zero emissions target. We also support the continued protection of Scotland's wild land as a finite national asset that contributes to the health and wellbeing of present and future generations. We objected to the original Creag Riabhach Wind Farm (ECU ref. EC00002078) (the 'Original Development') because we believed the site was inappropriate for wind farm development. Many of our reasons for objecting to the Original Development remain. We object to the Proposed Development primarily because of the significant impact to high quality peatland.

Specific points of objection

1. Peatland impacts

1.1. Disproportionate scale of excavation

1.1.1. It is estimated that 23,514m³ of peat will need to be excavated for the construction and operation of the 3 additional turbines and battery energy storage system in the Proposed Development. The peatland impact of the 3 turbines is a significant proportion of the estimated peat excavation volume (16,233m³). It is helpful to consider the scale of this impact in the context of other onshore wind farm developments sited on peat: the Quantans Hill Wind Farm (ECU ref. ECU00003399) with 21 turbines is estimated to require 38,936m³ of peat excavation¹ and Loch Liath Wind Farm (ECU ref. ECU00002182) with 13 turbines is estimated to require 38,512m³ of peat excavation². When considered against the generating capacity of other

¹ ECU ref. ECU00003399, Appendix 8.3: Peat Management Plan

² ECU ref. ECU00002182, Appendix 7.3: Outline Peat Management Plan

developments with proportionately less impact on peat, the impact of the Proposed Development is clearly unacceptable.

1.2. Design fails to avoid impacts

1.2.1. The Outline Peat Management Plan states that *'due to engineering, logistical, or to avoid other environmental constraints, the placement of Proposed Development infrastructure on peat is unavoidable'* (section 6.3). We disagree. The inappropriateness of the site for the Proposed Development is what makes the placement of infrastructure on peat unavoidable. This was a key basis for our objection to the Original Development and is particularly relevant with the increased protection for peatlands under the National Planning Framework 4 (NPF4).

1.2.2. NPF4 Policy 5(a) states that: *'[d]evelopment proposals will only be supported if they are designed and constructed: i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land'*. In our view this development has not been designed in accordance with the mitigation hierarchy as the Proposed Development is sited entirely on undeveloped peatland.

1.2.3. NPF4 Policy 5(c), which provides an exception for renewable energy development on peatland, does not apply in this case because the conditions (i-v) of the policy that would qualify the development for the exception are not met. In particular, it has not been demonstrated that there is a specific locational need and no other suitable site (NPF4 Policy 5(c)(i)) nor that the Proposed Development *'optimises the contribution of the area to greenhouse gas emissions reductions targets'* (NPF4 Policy 5(c)(ii)).

1.2.4. The Outline Peat Management Plan explains that the deepest areas of peat, considered to be >2m, only cover 3.3% of the peat surveyed (s.4.2). In the Peat and Carbon Map 2016, NatureScot considered deep peat to be $\geq 0.5\text{m}^3$. Using NatureScot's deep peat threshold, deep peat makes up almost half (44.%) of the peat depths surveyed. This is supported by Figure 9.2, which shows that the site is dominated by Class 1 and Class 2 peat soils. We therefore expect the actual impacts on peat of the Proposed Development to be greater than those which have been reported in the Outline Peat Management Plan.

1.3. A reliance on the re-use of peat as a means to mitigate impacts

1.3.1. The Non-Technical Summary (p.41) relies on the reuse of peat to mitigate the significant loss resulting from the construction of the Proposed Development. The suggestion that peat can be reused without any impact on quality is contrary to the IUCN's recent briefing on Peatlands and Development: *'the assumption that [peat] can be easily reinstated ignores the complexity of peatland structure and function.... Peat structure is an important element of how (for bogs in particular) hydrology is regulated, and any disruption permanently degrades this regulation. The result of this is that it is unlikely to maintain saturation without further consideration to its hydrology and this therefore runs the risk of carbon loss through oxidation and erosion.'*⁴ In addition, the Outline Peat Management Plan acknowledges that the presence of residual forest materials will reduce the suitability of peat for reinstatement⁵.

1.4. Non-compliance with previous Peat Management Plan

³ Scottish Natural Heritage 'Carbon-rich soils, deep peat and priority peatland habitat mapping' Consultation analysis report 2016

⁴ <https://www.iucn-uk-peatlandprogramme.org/resources/briefings>

⁵ Section 6.4 (p.7)

1.4.1. The applicant failed to demonstrate compliance with the Peat Management Plan for the Original Development when they didn't account for an enormous 104,237m³ of additional peat which had to be excavated for temporary infrastructure. The peat was excavated without any consideration as to its reuse or restoration but merely with the suggestion that it would be '*tied into infrastructure and local topography*'; SEPA rejected this as an acceptable use for the excavated peat⁶. This history of non-compliance undermines our confidence in the proposed Outline Peat Management Plan and whether the proposed measures intended to mitigate harm to peatland will be followed.

1.4.2. We welcome the commitment to restore an additional 85.76ha area of peatland habitat in the Biodiversity Enhancement and Restoration Plan. However, we are concerned that without monitoring and compliance we won't know whether this will be successfully achieved. Past non-compliance undermines our confidence that the biodiversity enhancement and restoration outlined in the plan will be followed through.

2. Impact on native woodland

- 2.1. Two turbines are proposed within Creag Riabhach Woodland which is a native woodland planting scheme, approved and financially supported through the Scottish Forestry Grant Scheme, of Upland Birch planted circa 1996-1997. It is estimated that 2.28ha of native woodland will need to be felled for the construction of the Proposed Development. We welcome the commitment to the creation of compensatory native woodland. However, given NPF4 places an emphasis on the nature crisis (NPF4, Policy 1) and includes requirements for development proposals, to not simply compensate for biodiversity loss but, to enhance biodiversity (NPF4, Policy 3) the proposal to replace the exact amount (2.28ha) of native woodland that will be lost does not go far enough. Newly planted trees take time to establish into a woodland ecology. This is why compensatory planting does not compensate for existing habitat and the loss of biodiversity. Whilst some of the existing native woodland is poor quality timber because it has grown on wet soils, it is still an established habitat. We would have expected the Biodiversity Enhancement and Restoration Plan to include detail on how the native woodland will be created and managed for the long term.
- 2.2. The Biodiversity Enhancement and Restoration Plan outlines objectives and management actions intended to improve biodiversity on the site, but it lacks detail such as timeframes, and a monitoring and evaluation plan, to understand whether the objectives have been achieved and demonstrate a commitment to native habitats becoming re-established. We do not therefore believe the Proposed Development demonstrates how biodiversity on the site will be enhanced (a requirement under NPF4, Policy 3(b)) nor how the criteria listed in NPF4, Policy 3(b)(i-v) have been satisfied.

In conclusion, on the basis that the proposed site is not appropriate for the Proposed Development, and it would result in an unacceptable impact on nationally important peatland, we object to the Proposed Development.

Yours sincerely,

The John Muir Trust

⁶ Email from SEPA dated 3 December 2021 (Highland Council planning portal ref. 14/00004/S36)