

Loch Kemp Storage - EIA Report (Additional Information)

Confidential AI Appendix 11.4: Sensitive Bird Records (Redacted)

September 2024

ash



**Loch Kemp
Storage**
A STATERA COMPANY



ash design + assessment
Suite 2/3, Queens House
19 St Vincent Place
Glasgow, G1 2DT

Tel: 0141 227 3388
Fax: 0141 227 3399

Email: info@ashglasgow.com
Web: www.ashdesignassessment.com

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[Redacted text block]

Osprey

No evidence of breeding osprey was recorded during field surveys. Osprey activity was recorded on several occasions, with an adult bird seen fishing on Loch Kemp and Loch Ness.

[Redacted text block]

White-tailed eagle

Two flights of single white-tailed eagle were recorded in May and June 2021. [Redacted text]

[Redacted text block]

3. Assessment of Construction Impacts

In this section, impacts arising from the construction phase of the Proposed Development are assessed for each VOR.

Golden eagle

Golden eagle is an Annex I and Schedule 1 species of high conservation concern in the UK. It is a Scottish Biodiversity List (SBL) priority species.

[Redacted text block]

The risk of unmitigated disturbance during the construction phase is therefore likely to be of **moderate magnitude** and **significant** for this species.

Red kite

Red kite is an Annex I and Schedule 1 species of high conservation concern in the UK. It is a Scottish Biodiversity List (SBL) priority species.

No nest sites for red kite were identified during the survey period, however historic records of breeding within the study area indicate there is potential for breeding attempts to occur in future years within the neighbouring woodland blocks. [REDACTED]

[REDACTED] Red kite is considered to have moderate-high behavioural sensitivity, making them susceptible to construction / operational disturbance activities when nesting, with expert opinion on the average safe distance for avoiding disturbance to breeding pairs ranging between 150 m and 300 m. Without any mitigation, the Proposed Development has very low potential to disturb red kite during the construction of the project. The risk of unmitigated disturbance during the construction phase is likely to be of **negligible magnitude** and **not significant** for this species.

Osprey

Osprey is an Annex I and Schedule 1 species, it is also a SBL priority species, and is included on the UK BoCC Amber List due to its small breeding population within the UK and the historical decline it suffered in the 19th century.

No nest sites for osprey were identified during the survey period, however historic records of breeding within the study area indicate there is potential for breeding attempts to occur in the wooded habitat future years. [REDACTED]

[REDACTED] Osprey is considered to have moderate-high behavioural sensitivity, making them susceptible to construction / operational disturbance activities when nesting, with expert opinion on the average safe distance for avoiding disturbance to breeding pairs ranging between 350 m and 750 m.

Osprey fish in a variety of inland lochs and along the coast, preferring waterbodies that contain lower levels of peat and are less prone to choppy surfaces. Osprey was seen hunting in Loch Kemp during the surveys, and the temporary habitat loss of this foraging resource is likely to impact the species, although each individual will fish in a number of locations, and will scout for new locations as they commute between their nest site and their foraging locations.

Without any mitigation, the Proposed Development has very low potential to disturb a nesting osprey during the construction of the project, but losing the foraging resource of Loch Kemp for several seasons may displace the birds and force them to fish in other waterbodies for the duration of the construction period. Therefore, the risk of unmitigated disturbance during the construction phase is likely to be of **low magnitude** and **not significant** for this species.

White-tailed eagle

White-tailed eagle is an Annex I and Schedule 1 species, it is also an SBL priority species and is included on the UK BoCC Amber List due to its small breeding population within the UK and the

historical decline it suffered in the 19th century. The Scottish breeding population is increasing and is currently estimated to be approximately 170 pairs.

No nest sites for white-tailed eagle were identified during the survey period, however historic records of breeding within the study area indicate there is potential for breeding attempts to occur in future years within the wooded habitat [REDACTED]

[REDACTED] White-tailed eagle is considered to have high behavioural sensitivity, making them susceptible to construction / operational disturbance activities when nesting, with expert opinion on the average safe distance for avoiding disturbance to breeding pairs ranging between 250 m and 500 m. Without any mitigation, the Proposed Development has very low potential to disturb white-tailed eagle during the construction of the project. The risk of unmitigated disturbance during the construction phase is likely to be of **negligible magnitude** and **not significant** for this species.

4. Assessment of Operational Impacts

In this section, impacts arising from the operational phase of the Proposed Development are assessed for each VOR.

Golden eagle

With vehicular and human activity on the constructed scheme returning to levels similar to the baseline levels, disturbance events from the Proposed Development are likely to be reduced. [REDACTED]

[REDACTED] The risk of unmitigated disturbance for golden eagle during the operational phase is therefore considered to be **low**, but **not significant**.

Red kite

With vehicular and human activity on the constructed scheme returning to levels similar to the baseline levels, disturbance events from the Proposed Development are likely to be reduced. If a pair returns to create a nest site on the Estate, it is likely that some infrastructure would be visible from the nest, although it is unlikely that the birds would be adversely affected should the nest be within the woodland. Therefore, the risk of unmitigated disturbance for red kite during the operational phase is considered to be **negligible** and **not significant**.

Osprey

With vehicular and human activity on the constructed scheme returning to levels similar to the baseline levels, disturbance events from the Proposed Development are likely to be reduced. If a pair nests on the Estate, it is likely that some infrastructure would be visible from the nest, although it is unlikely that the birds would be adversely affected should the nest be within the woodland. The restoration of Loch Kemp as a potential fishing loch for the birds would be a positive impact, depending on the fish stocks present, although the fluctuating water levels are unlikely to improve the condition of the foraging compared to the baseline levels. Therefore, the risk of unmitigated

disturbance for osprey during the operational phase is considered to be **negligible** and **not significant**.

White-tailed eagle

With vehicular and human activity on the constructed scheme returning to levels similar to the baseline levels, disturbance events from the Proposed Development are likely to be reduced. If a pair creates a nest site on the Estate, it is likely that some infrastructure would be visible from the nest, although it is unlikely that the birds would be adversely affected should the nest be within the woodland. Therefore, the risk of unmitigated disturbance for white-tailed eagle during the operational phase is considered to be **negligible** and **not significant**.

5. Assessment of Cumulative Impacts

The cumulative effects of the Proposed Development concern all construction activity, and all infrastructure and activity once operational.

Due to the type of development, the distance from other schemes, the location of the activity of the sensitive species in relation to the Proposed Development, and the impacts and effects of the Proposed Development being considered negligible and not significant to the osprey, red kite and white-tailed eagle, and low and not significant to golden eagle, no cumulative effects have been considered.

Cumulative effects with other developments in the planning system relating to the general bird species in the area can be found within **Volume 1, Chapter 11: Ornithology**.

6. Mitigation

Good practice management measures are proposed in order to limit and further minimise potential impacts on ornithological features across the Site and ensure legal compliance during the construction phase.

Mitigation by Design

In line with good practice, the approach to EIA has been to prioritise and implement mitigation in a hierarchical way. This approach focuses on developing a design through the consideration of alternative infrastructure layouts to avoid likely significant adverse effects as far as possible, as discussed in **Volume 1, Chapter 2: Design Evolution and Alternatives** of the EIA Report.

General mitigation measures as set out in **Section 11.8 of Volume 1, Chapter 11: Ornithology** would be adopted to reduce impacts on vulnerable VORs. In addition, measures specific to each species described above are detailed below.

Construction mitigation measures for VOR

Where possible, construction (including enabling works and felling) should not be commenced during the breeding season (approximately late-March to early-August) to minimise disturbance to

breeding birds. With golden eagle, the breeding season can extend from mid-January to early-August.

Prior to construction commencing, surveys would be carried out by a suitably qualified ornithologist to check for the presence of breeding or roosting birds within 2 km of any works associated with the Proposed Development.

If a nest is identified within 2 km of the Proposed Development, an exclusion zone would be implemented around the nest site, with training (in the form of toolbox talks) and monitoring being undertaken by the Ecological Clerk of Works (ECoW) to ensure any buffer zones are understood by all site personnel and adhered to. The exclusion zone distance would be determined depending on the species involved, the geographical location of the nest, the potential of disturbance from construction activity, the type of construction activity in the area, etc.

A species protection plan (SPP) may be required for any VOR that is nesting within 1 km of construction activity. This document would detail pre-construction surveys specifically for this species, along with detailed mitigation measures. The SPP would set out the frequency of monitoring to be carried out throughout the duration of the construction phase.

Golden eagle mitigation measures

In the event that a golden eagle pair returns to nest within 1 km of the Proposed Development, with both noise and visual disturbance to the Golden Eagle pair possible during the construction phase, mitigation measures will be required to minimise disturbance. The following mitigation measures are recommended:

Monitoring & Reporting

The undertaking of pre-construction surveys to confirm the presence of eagles (and then understand the behaviour of the eagle pair from the outset), followed by the employment of a qualified and experienced ornithologist to monitor the eagle activity (if eagles are present) and log any disturbance events to better understand the eagle behaviour with regards the construction activity. This role would continue throughout the construction period to monitor the behaviour of the birds. This will be particularly important during the early stages of construction when the birds (if present) will not be used to any un-natural noise or visual stimuli, during periods of intensive construction activity, and critical times of the eagles' breeding cycle. The role would have the power to postpone works deemed to be detrimental to the eagles.

The ornithologist role would be in addition to a standard ECoW role, which would oversee the general construction activity across the site. All monitoring work will be undertaken with the approval of, and subsequently reported to NatureScot and the HRSG through the local Golden Eagle Co-ordinator.

Buffer Zone & Traffic Management

With much of the construction activity focussed at greater distances, [REDACTED] a standard 1 km buffer within the direct line of sight should be [REDACTED]

adopted for the nest site. Where access tracks or construction activity occurs within 1 km of the nest, it is recommended that vehicles are subject to traffic management measures, including:

- A no-stopping policy which must be strictly obeyed by all vehicles, where practicable, and in discussion with the ECoW or site ornithologist;
- A 15mph speed limit on the site, which must be strictly adhered to by all vehicles; and
- The erection of short areas of screening along the new proposed southernmost access track would break up the direct line of sight from the nest, minimising any additional risk of disturbance to any incubating birds.

Timing of Works

The golden eagle breeding season begins early in the year when the birds begin to display across their territory and make any repairs to / build their nest. Eggs will be laid through March and April, and incubation will extend through to July when the late chicks will hatch. Most young will have fledged by mid-August, although late pairs may have young in the nest through to September in some years. The juvenile birds then disperse from the territory over the following months (Hardey et al., (2009)).

Due to the timings of this breeding cycle, construction works should commence once the young have fledged to avoid any immediate impact on the breeding pair. All major construction works and enabling works within direct sight of the nest to a distance of 1 km should be completed before returning birds are active at the nest site (i.e. between August and January), and continued work within direct line of sight of the nest will be monitored by the ornithologist and / or ECoW throughout the breeding season.

Although timing of works through the day is less important than for other species (e.g. black grouse (*Lyrurus tetrix*) which display at dawn and dusk, or crepuscular species such as owls), round-the-clock noise and pre-dawn starts should be reduced to periods when the eagles are not in the vicinity of the nest (predominantly August to January). This has further implications to the use of artificial lighting on site, which should be limited within direct sight of the nest to a distance of 1 km at all times, and, ideally, only used during the winter months when eagles are not present at the nest.

Operational mitigation measures for VOR

No specific measures are anticipated to be required during the operational phase for VOR.

Operational mitigation measures relating to the general bird species in the area can be found within **Volume 1, Chapter 11: Ornithology**.

7. Residual Effects

A summary of the potential impacts and effects on value ornithological receptors (VORs) is provided in **Table 11.4.1**. An assessment of the residual effects, those remaining following the implementation of the proposed mitigation measures as detailed in **Section 6** above has been undertaken.

The implementation of mitigation measures to protect golden eagle from disturbance during the construction of the Proposed Development would reduce the potential effects on these VORs to **negligible** and **not significant**.

Table 11.4.1: Summary of Impacts and Effects on VORs

VOR	Potential Impact	Magnitude of Impact / Significance of Effect	Duration of Impact	Mitigation	Post-mitigation Magnitude of Impact / Significance of Effect	Residual Effect
Construction Phase						
Golden eagle	Disturbance (Visual and Noise)	Moderate / Significant	Permanent	Yes	Negligible	Not significant
Red kite	Disturbance (Visual and Noise)	Negligible / Not Significant	Permanent	Yes	Negligible	Not significant
Osprey	Habitat loss / Disturbance (Visual and Noise)	Low / Not Significant	Permanent	Yes	Negligible	Not significant
White-tailed eagle	Disturbance (Visual and Noise)	Negligible / Not Significant	Permanent	Yes	Negligible	Not significant
Operational Phase						
Golden eagle	Disturbance (Visual and Noise)	Low / Not Significant	Permanent	Yes	Negligible	Not significant
Red kite	Disturbance (Visual and Noise)	Negligible / Not Significant	Permanent	Yes	Negligible	Not significant
Osprey	Habitat loss / Disturbance (Visual and Noise)	Negligible / Not Significant	Permanent	Yes	Negligible	Not significant
White-tailed eagle	Disturbance (Visual and Noise)	Negligible / Not Significant	Permanent	Yes	Negligible	Not significant