

Baillie Hill Windfarm

Ornithological Comment

1 My name is Stan Laybourne. I live at Old Schoolhouse, Harpsdale, Halkirk. I am a birdwatcher. I am appearing at this Inquiry for the following reasons:

- to explain the relationship between the area and certain vulnerable species;
- to explain the shortcomings of the SNH's position in this regard.

I will give evidence about the species involved, protection levels, numbers and weather related movements. I bring to the discussion evidence over a long period and not just three winters as used in the ES.

I have a BA degree and 39 years of experience of the ornithology of the area, with about 30 years of organising the local fieldwork for long running national surveys of wetland birds. I have been involved in fieldwork and have contributed data to three ornithological atlases, and a fourth one currently, as well as numerous other national projects. I have studied the local Greenland White-fronted Geese for 30+ years and have produced several reports for SNH, particularly on Greenland White-fronted Geese. I have also surveyed for windfarm sites in Caithness.

2 My evidence will be organised as follows:

- Outline of species involved
- Comments on SNH's position
- Recent new evidence to 2009
- Conclusion

3 Species involved:

3.1 Greylag Geese

When the Icelandic migrants pass through in October and November numbers in the immediate area can exceed 2000 birds. Over the midwinter period numbers are about 500-600 in the area then increase again during spring movement north again.

3.2 Greenland White-fronted Geese

Greenland White-fronted Geese breed in west Greenland and migrate via Iceland to winter in north and west Scotland and Ireland. The population has shown a decline this century, due in part to low breeding success, and with a world population currently assessed at 27000, this is of international concern. (see: Report of the 2007/2008 National Census of Greenland White-fronted Geese in Britain; Greenland White-fronted Goose Study).

Caithness supports two discrete wintering flocks which amount to in excess of 1%, the criterion for designation of an area as of international importance for a species, of the world population. Marking has shown them to be extremely site-faithful.

They arrive in early October and leave in mid April. The proposed wind farm lies within the feeding area of the westerly flock, c200 in number this winter, which includes the ridges which, as well as feeding areas, are used as refuge areas when agricultural activities disturb them from lower fields. The proposed wind farm is also positioned between the roosts to the south and feeding areas to the north and north east and so flying through the wind farm envelope occurs regularly. They make frequent flights between feeding fields during the day which can also take them close to, or through, the windfarm.

Greenland White-fronted Geese have complete protection under Annex 1 of the EC Birds Directive 79/409/EEC and the Caithness Lochs SPA and Ramsar Site was created with this species and Whooper Swan as its qualifying interest. Clearly this covers their survival requirements and also gives full protection from hunting. It has also been given priority status in the UKBAP, Local BAP and SNH has recently included it as a priority species in its Species Action Framework.

3.3 Whooper Swans

Whooper Swans arrive from the NW across the north coast from late September to November when flocks of 300, though more often half of that, have been recorded feeding on arable land, including fields in the vicinity of the proposed windfarm. Numbers drop to over-wintering levels of 100-150 as birds move south, and up to 70-100 have spent long periods in Broubster Leans. Numbers rise again in spring as birds stage on their migration back to Iceland. It is self evident, though not easy to observe, that they will leave in a north-westerly direction in March, April and May.

Along with the Greenland White-fronted Geese, Whooper Swans are in Annex 1 of the EC Birds Directive and form a qualifying interest of the Caithness Lochs SPA and Ramsar Site.

Also, what is poorly known, and of course not mentioned, is the amount of nocturnal migration across the north coast by small migrants heading between the arctic and Africa, or into Scotland from Scandinavia such as the winter thrushes. These are broad front migrants in huge numbers in September and October and arrivals in foggy conditions would be extremely vulnerable.

4 Shortcomings of the SNH decision:

4.1 SNH issue many fine words of intent, eg prioritising Greenland White-fronted Geese in their Species Action Framework, but when it comes to the Action, they lift all objections because the windfarm is two kilometres from the SPA. Of course the windfarm will not affect the SPA by the criteria they use: a marsh with a boundary round it. But surely, if the qualifying species are compromised, the SPA is compromised.

SNH are also inconsistent, not to say cavalier: they insisted at Largie, that only zero mortality of Greenland White-fronts was acceptable while here they are accepting a mortality of 7.5 Greenland White-fronts from collisions during the lifetime of the

windfarm. Largie was a similar situation with the windfarm interposed between roost and feeding areas.

This 7.5 geese mortality is calculated using the developer's data, obtained in fair weather, in daylight, in a model, a parameter of which is that the geese will take avoiding action 99% of the time. I have, over the years, witnessed the flock heading from Forss/Brims to roost at Broubster Leans in lashing rain and gale, in near darkness. It would take one such event, flying the ten or so kilometres, for the flock to be drifted right through the windfarm. 7.5 geese could be lost in one night! It is not unrealistic to expect such conditions to occur several times during the lifetime of the windfarm so that 20% mortality might be a minimum. How do you factor that into a collision model? Incredibly, SNH have succinctly stated the above in the fourth paragraph on page 19 of Doc 4 (submitted by RSPB) in relation to Largie.

I was a delegate at the recent International Workshop for Greenland White-fronts in Islay where SNH's ornithologist made some wild assumptions which were challenged by a real scientist. It would seem that SNH's science is not necessarily good science. Certainly, they have simply used the data from the ES on which to base their decision, despite having unbiased reports of mine, and others, on the ecological requirements of the flock. It has been known for years by SNH that the turbine envelope lies within the ecological envelope of the Greenland White-front flock, and, put simply that is in contravention of the Birds Directive, and SNH's Species Action Framework is only words if they maintain their current stance.

I am incredulous that SNH lifted its objection regarding GWFs yet remained to be convinced about the threats to Greylags. No one seems to have made the obvious connection that the GWFs, because they have a tighter set of habitat requirements, are tied to this area, while Greylags are found all over the county in winter. Greylags displaced would simply disperse within the county and still use the roost. The GWFs, however, HAVE NOWHERE ELSE TO GO, and I would be gravely concerned that the loss of habitat, coupled with some mortality might move the flock, to sub-optimal habitat or away altogether, and irreparably affect the integrity of the SPA. We already have compelling evidence that the Loch of Wester GWF wintering flock was lost because of the increased human activity associated with the pipeline construction. These flocks remaining are vital in maintaining the spread of the wintering area for the whole world population.

5 Recent evidence.

5.1 In October last, my first sighting was of 41 GWFs on stubble with c300 Greylags at Forss Smallholdings. Leaving the Greylags, the GWFs flew in dusk at 1710h on a bearing over Stemster Farm and west of Bardnaheigh, ie through the windfarm site, to roost west of Broubster Leans. Then, for two weeks or more the flock fed on stubble at Kennachy. To reach the roosts at Broubster or farther west, they would have had to fly directly through the site. Also, daytime movements have been witnessed towards the site though the birds landed between 200 and 500m from the site.

5.2 The proposed windfarm at Baillie Hill has already been moved as a direct result of its being within the feeding area of the Greenland White-fronts. In its new siting it is on the western edge of the main wintering area but still encroaching on it. The threat of another proposal for a windfarm on the eastern ridge of the Forss valley, is also within the wintering range of this species which Britain has an international obligation to support. The last named site has already been surveyed and rejected some years ago as a result of the presence of the Greenland White-fronts although such a proposal could occur again. If, however, these two sites were allowed, the main survival requirement of the Greenland White-fronts would be severely compromised and the geese placed in an intolerable position.

The proposal at South Shebster also places this flock at risk and goose flightlines associated with it give clear evidence of the traffic affecting Baillie also, much more than is shown in the ES.

Scottish and Southern Energy are to be congratulated on the responsible stance they took of abandoning their proposed site in Broubster plantation, after two years of fieldwork, because of Greenland White-front movements. The Baillie Hill proposal threatens the same population equally seriously and SSE's flightlines clearly show considerable movements over Baillie Hill. See RSPBs Appendix 2

6 Conclusion

The UK has statutory, international obligations to conserve its wildlife resource through The Birds Directive, 79/409/EEC, the SPA network and the Ramsar, Bonn and Berne Conventions, (see appendix 1).

Also, we are seeing government-led Biodiversity Action Plans being published/prepared all over the country, including Caithness, with the aims of recording, protecting and enhancing biodiversity.

SNH have placed Greenland White-fronted Goose as a priority species in their Species Action Framework.

SNH hosted an International Workshop for Greenland White-fronted Goose on Islay on 24-26th February 2009 with the aim of reversing its negative conservation status.

This application flies in the face of all these conservation obligations/initiatives and I urge the Reporter to reject this appeal and refuse planning permission.

PRECOGNITION TO PLANNING APPEAL

For

BAILLIE HILL WINDFARM

STAN LAYBOURNE

APPENDIX 1

A summary of relevant international obligations and legislation accepted by the UK Government.

- a. **Directive 79/409/EEC on the Conservation of Wild Birds** which requires the UK, as an EC Member State, to take requisite measures to maintain the populations of all naturally occurring bird species within its territory. This includes preserving, maintaining and re-establishing a sufficient diversity and area of habitats for all these species. Also for listed vulnerable species and all regularly occurring migratory species, so as to ensure their survival and reproduction within their area of distribution, the UK is required to take appropriate steps to avoid pollution or deterioration of habitats or disturbances affecting these species, both inside and outside Special Protection Areas classified under Article 4 of the Directive.
- b. **‘Ramsar’ Convention on Wetlands of International Importance especially as Waterfowl Habitat** aims to stem the progressive encroachment on, and loss of, wetlands now and in the future (N.B. peatlands are included within the definition of wetlands). It requires the UK, as a contracting party, to formulate and implement its planning so as to promote the conservation of designated Wetlands of International Importance (Ramsar Sites) and, as far as possible, the wise use of all wetlands within its territory.
- c. **‘Berne’ Convention on the Conservation of European Wildlife and Natural Habitats** carries an obligation to conserve the habitat of wild plants and animals, especially migratory species and those listed in the Convention which are endangered or vulnerable.
- d. **‘Bonn’ Convention on the Conservation of Migratory Species of Wild Animal** provides for the conservation of migratory species by giving strict protection to a number of listed endangered animals, whilst also providing the framework for a series of ‘Agreements’ between Range States for the conservation and management of certain species such as Western Palearctic waterfowl.