



ASFB Policy Paper

Terrestrial Wind Farm Developments

1. Introduction

Scotland is now facing an unprecedented number of terrestrial windfarm development applications as the Scottish Government strives to meet renewables targets. By their very nature these developments will occur in freshwater catchments and some of them will have the potential to impact sensitive parts of river catchments for migratory and non-migratory fish species. District Salmon Fishery Boards (DSFBs), in their regulatory capacity, have statutory powers and duties with respect to managing salmon and sea-trout, and fisheries trusts have wider responsibilities for the freshwater environment. Both these organisations, where working separately or in an integrated fashion, need therefore to be alert to any new developments in their catchments in order to make an assessment of the risk of the development (either during construction or over the long term) to the catchment. It is important to recognise that wind farm developments are large scale industrial developments often taking place in fragile landscapes and environments. Equally, it is important for District Salmon Fishery Boards, particularly, to recognise that their responsibilities are for the management of migratory fish species and, regardless of opinions and views about landscape and other impacts, their remit extends to the potential to damage the freshwater environment with respect to salmon (inc sea-trout) and not beyond.

2. Statutory Status

Fishery Boards, as statutory consultees, should be contacted by wind farm developers and planners (or the Scottish Government) as a matter of course. However this may not always occur and there has been ambiguity about the status of DSFBs in the past. If such ambiguity exists it is worth confirming with planning authorities that they are required to consult with Boards on any issue that falls within the competence of the Board. The Association of Salmon Fishery Boards is contacted by the Scottish Government as a matter of course on all significant wind farm developments and passes the development proposal on to the appropriate DSFB, generally making its own contribution to the screening and scoping exercise. Given the powers and duties of Boards, it is essential, with respect to those powers and duties, that Fishery Boards consider and respond to these applications, identifying any risks to the salmon fisheries interests in the catchment. Given the interventionist nature of wind farm developments, which involves large scale construction with the potential to impact hydrology, Boards are obliged to assess these risks and could be considered in breach of their responsibilities if they did not do so adequately. However, as stated above, the risks they need to assess concern only those issues for which the Boards have responsibility and Boards need to be wary about being used by other interest groups to object to other aspects of any development.

3. Conflict Of Interest

Given the nature and make up of DSFBs, it is quite likely that a member (or members) of a DSFB may themselves have an interest(s) in any wind farm development in the catchment. A strict policy of conflict of interest avoidance must be adopted by the Board in all such cases with all interests being declared by the interested party and a minuted requirement that they absent themselves from any decision making. If required, independent professional or arbitration assistance may be required to deal with this issue. It is essential that any conflicted parties play no part in the decision making process about wind farm developments and that this is clearly recorded. There have been views expressed that all those with potential wind-farming developments may be conflicted in this respect. Our advice is that this is not the case and only those are involved in the development, which the DSFB is considering, should consider themselves or be considered to have a conflict of interest.

4. Potential Impact Issues

As stated above, most wind farm developments are now large scale industrial projects often taking place in fragile upland landscapes and ecologies that require a full assessment of the risks associated with such projects. DSFBs should recognize that, with the exception of major interventions such as open cast coal mining, large scale forestry and hydro-developments, there are few other likely developments on this sort of scale that Boards are likely to have to deal with in their catchments. Not only do the turbine bases require a considerable amount of excavation but, possibly of greater concern, is the extensive road building and river crossings required to build and service wind farm developments. Risks associated with such projects include:

- Impacts on hydrology and habitat during construction due to large scale excavation in fragile habitats
- Extensive road building with accompany culverting, drainage, run off and sedimentation issues
- Possible long term impacts on the hydrology in the catchment
- Impacts on fish behaviour relating to turbine movement
- Impacts relating to transit of high voltage cabling

It is important to stress that large scale terrestrial wind farms can, are and have been built in important river catchments with little or no observable impact on either water quality, quantity or fish populations. Equally, there are have been examples of catastrophic failure of wind farm developments (Derry Bran – Republic of Ireland) and also significant water quality impacts during construction – particularly during periods of high run off. There is therefore potential for considerable long and short term damage to the freshwater environment. Equally, with a proper risk assessment, appropriate construction methods and good contractor supervision, these risks can be reduced to manageable levels that need not require sustained objection to developments.

5. DSFB Default Position On Wind Farm Developments In Significant Migratory Fish Catchments

In order to properly establish what these risks are and to provide appropriate mitigation methods, DSFBs, advised by Trusts are, as stated above, obliged to assess the risks associated with the development and ensure that there is a clear demonstration that these risks can be satisfactorily managed and mitigated. Most of these risks should emerge in the Environmental Impact Assessment (EIA) and will be considered by SEPA when considering issuing a Controlled Activities Regulations license for the development. SNH will also be consulted on the development and will comment on general bio-diversity issues as well as specifically on designated sites - SSSIs and SACs. The latter will require an appropriate assessment under the Habitats and Species Directive. It is worth, early on in the process, co-ordinating concerns and risk assessments with local SEPA and SNH area staff. Without the effective input of the DSFB, it is possible, indeed probable, that these risks will not be given a high enough priority. DSFBs therefore need, early on in the planning process - or ideally pre-planning - to be entered into dialogue with, to ensure that the developer is aware of these risks and deals with them in an appropriate fashion.

Given the nature and scale of these developments, Boards are advised to assume an opening default position of objection to wind farm developments in significant migratory systems until the developer has satisfactorily demonstrated that these risks can be managed. A presumption against a development of this scale, until satisfied that all appropriate mitigation measures have been properly assessed, is justified and logical.

Given that the process of risk assessment outlined above is complex and costly, it is essential that the DSFB negotiates with the developer to ensure that the developer covers all necessary costs to do this job properly. It is also essential that the DSFB/Trust is involved in the planning of this risk assessment. Also that it provides all necessary information that may be the property of the Board/Trust and is involved in scoping and planning how that work might be discharged. It is the responsibility of the DSFB to assess these risks but not to pay for that assessment. Negotiations with the developer will therefore be required to ensure that such costs are properly budgeted for. Most developers, if approached in a constructive and robust manner, are willing to conduct business in this way.

6. Sensitive Areas / Habitats

Clearly in any risk assessment the sensitivity of the habitat relative to the scale of the development needs to be considered carefully. Certain types of geology (upland peat areas), or parts of the catchment which may be particularly important juvenile areas for certain populations of fish (eg. early running MSW fish), will need to be afforded a higher degree of assessment of risk. Equally, certain catchments are designated as Special Areas of Conservation (SACs) for Atlantic salmon and in such areas DSFBs, as the competent authority with respect to their powers and duties, are required by law to conduct an 'appropriate assessment' of any development. If not satisfied with the information given, DSFBs in SAC areas could resort to a legal challenge of the development through recourse to the Habitats and Species Directive. Again, it is important to stress that this can only be in respect of the impacts on the qualifying species (salmon) and only in the context of the DSFB powers. Wind farms have been built in SAC catchments with few or no observable effects on salmon populations.

7. Monitoring

Over and above problems associated during the construction phase, there is the potential for long term impacts in the catchment. This requires an extensive monitoring programme (paid for by the developer) to be put in place to ensure that any impacts are measurable against baseline information. Juvenile, fish passage, water quality/quantity and habitat data therefore need to be collected:

- well in advance of the commencement of construction to establish baseline data;
- during construction to monitor impacts against that baseline
- well into the future (minimum 10 years) to ensure there are no long term effects.

Boards should therefore ensure that negotiations with the developer include such a programme paid for by the developer. It is also not inappropriate to look to the developer to consider "planning gain" projects to enhance the river habitat in the catchment as a goodwill gesture. This is accepted planning policy and DSFBs should not be shy about negotiating such ideas.

7. Cumulative Impacts

In some catchments there are now proposals for several wind-farm developments and the planning system is not well geared to assessing the cumulative risks associated with multiple developments in a catchment. With an increase in the number of developments comes an increase in risk of a problem emerging although this is an arithmetic relationship ie) the risk increases in proportion to the number of developments. There may also be a tendency by planners to cluster developments with the result that some landscapes are sacrificed to avoid damage to other landscapes. However, again it must be stressed that DSFBs have no locus on landscape issues and therefore must assess any risks of multiple developments in the context of the risk to salmon and its habitat. Regardless, it is important that DSFBs give careful consideration to the potential for other proposals in the catchment in terms of their location and relationship to sensitive parts of the catchment. It is also important to consider the long term impacts that several large scale developments might have on the overall hydrology of the catchment. Bearing in mind this is a time consuming and potentially expensive technical exercise it may be necessary for the DSFB to lobby SEPA, SNH and planners to ensure that the cumulative impact issue is properly addressed in the development proposal as it is all too easy for such decisions to be made out of context of other developments in the area.

A further issue relating to cumulative impact is that of the sort of presumptions in favour of expanding or continuing developments beyond their planning life. Most developers will reassure critics that the development is only in place for a limited time scale (normally 25 years). Such arguments should generally be disregarded as it is not an unreasonable assumption that any development on this scale, which has been through the rigour and possible controversy of a planning process, is more likely to be expanded or upgraded rather than decommissioned, especially in a future ever more likely to be reliant on alternative energy sources. Boards therefore should also consider that in future any current proposals for their catchment are a) likely to be present over any timescale of interest to the Board and b) could conceivably be subject to significant and possibly fairly imminent expansion.

8. Conclusions

- Large scale terrestrial wind farms in significant migratory or non migratory catchments have the potential to cause significant damage (short and long term)
- Boards are obliged to assess these risks properly with respect to their powers and duties which relate to migratory fish and fisheries only. Risk assessments should take into account impacts in particularly sensitive parts of catchments. DSFBs have more specific powers and responsibilities in SACs and an appropriate assessment must be conducted by the Board with respect to impacts on salmon. Fisheries Trusts have wider ecological responsibilities but do not have statutory powers. Neither organisations have any locus on landscape issues which is one of the main areas of controversy
- Boards must ensure that any conflicted parties on DSFBs are not involved in decision making and seek outside help if and when appropriate
- Boards should adopt a default position of objection to such developments until completely satisfied that all risks have been appropriately assessed and managed
- A robust long term pre/during and post construction monitoring programme – paid for by the developer – must be put in place to ensure environmental impacts can be compared against baseline data
- The potential for “planning gain” should be explored and the developer invited to contribute to restoration and management projects
- Cumulative impacts of multiple wind farm developments in a single catchment will need to be given special consideration and the impact assessments should be made in the context, not just of single developments, but of any other pending developments in the catchment. It is essential that regulating and planning authorities are made to consider this issue seriously
- The possibility that existing developments may be expanded needs to be considered
- Large scale terrestrial windfarms can and have been built without observable impacts on freshwater fish and fisheries. If designed and located properly and if proper care and attention is taken during construction they need not be incompatible with a high quality freshwater environment. However, it is appropriate and logical for Boards to adopt a presumption against a development until they have been completely reassured that this the case.

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