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The Scottish Government
Energy Consents Unit

Scoping Opinion on behalf of Scottish Ministers under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Herd Hill Wind Farm
Energiekontor UK Ltd

31 July 2025

CONTENTS

1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Energiekontor UK Ltd a company incorporated under the Companies Acts with company number 03830819 and having its registered office at 114 St Martin's Lane, Covent Garden, London, United Kingdom, WC2N 4BE (“the Company”) in response to a request dated 16 May 2025 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Herd Hill Wind Farm (“the proposed Development”). The request was accompanied by a scoping report.

1.2 The proposed Development would be located immediately north of Loch Finlas and approximately 1.5km west of Loch Doon.

1.3 The-proposed Development would comprise of up to 12 wind turbines with a blade to tip height of 200m, including battery energy storage system (BESS) and all associated ancillary infrastructure. The total generating capacity is anticipated to be greater than 50 megawatts (MW).

1.4 In addition to there will be ancillary infrastructure including:

- Turbine foundations
- Crane hardstandings
- Site access
- Site tracks
- Temporary construction compound / storage area
- High voltage and control cables
- Substation / switchgear housing building
- Temporary off-site highway works

1.5 The Company indicates the proposed Development would be decommissioned after 35 years and the site restored in accordance with the decommissioning and restoration plan.

1.6 The proposed Development is within the planning authorities of South Ayrshire and East Ayrshire Councils.

1.7 There are a number of wind farms, either operational, consented/under construction or at application stage, within the surrounding area. These include the operational Dersalloch Wind Farm, approximately 4.5km north-west of the Site and South Kyle Wind Farm approximately 8km north-east of the Site; and the under construction Benbrack Wind Farm, approximately 7km east of the Site. Carrick Wind Farm and Knockcronal Wind Farm, both currently at application stage, are located approximately 5km west of the Site.

1.8 The proposed Development is situated within a similar site boundary as a previous wind farm application Glenmount Wind Farm (ECU Reference EC00002097). An application was received on 20 Dec 2013 comprising of 19 turbines with an anticipated height at tip of 130m. The application was subsequently withdrawn on 01 February 2016. The proposed Development has no connection to the Glenmount Wind Farm proposal.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Energiekontor UK Ltd and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 2 June 2025. The consultation closed on 23 June 2025. Extensions to this deadline were granted to South Ayrshire Council, Historic Environment Scotland, Defence Infrastructure Organisation, Crosshill, Straiton and Kirkmichael Community Council, and ScotWays. The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Directorate – Science Evidence Data and Digital (MD-SEDD) has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 36 of the Electricity Act 1989. All consultation responses received, and the standing advice from MD-SEDD, are attached in ***ANNEX A Consultation responses*** and ***ANNEX B MD-SEDD Standing Advice.***

2.2 The purpose of the consultation was to obtain scoping advice from each consultee on environmental matters within their remit. Responses from consultees and advisors, including the standing advice from MD-SEDD, should be read in full for detailed requirements and for comprehensive guidance, advice and, where appropriate, templates for preparation of the Environmental Impact Assessment (EIA) report.

2.3 Unless stated to the contrary in this scoping opinion, Scottish Ministers expect the EIA report to include all matters raised in responses from the consultees and advisors.

2.4 The following organisations were consulted but did not provide a response:

- British Horse Society
- British Telecommunications plc
- Civil Aviation Authority - Airspace
- Community Councils and site specific consultees
- Crosshill, Straiton and Kirkmichael Community Council
- Crown Estate Scotland
- Dalmellington Community Council
- Doon District Salmon Fisheries Board
- Glasgow Airport
- John Muir Trust
- Scottish Fire and Rescue Service
- Scottish Power Energy Networks (SPEN)
- Scottish Wildlife Trust
- Scottish Wild Land Group
- Visit Scotland
- West of Scotland Archaeology Service

2.5 With regard to those consultees who did not respond, it is assumed that they have no comment to make on the scoping report, however each would be consulted again in the event that an application for section 36 consent is submitted subsequent to this EIA scoping opinion.

2.6 The Scottish Ministers are satisfied that the requirements for consultation set out in Regulation 12(4) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 have been met.

3. The Scoping Opinion

3.1 This scoping opinion has been adopted following consultation with South Ayrshire Council and East Ayrshire Council, within whose area the proposed Development would be situated, NatureScot (previously "SNH"), Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed Development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 16 May 2025 in respect of the specific characteristics of the proposed Development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed Development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to South Ayrshire Council and East Ayrshire Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

3.4 Scottish Ministers expect the EIA report which will accompany the application for the proposed Development to consider in full all consultation responses attached in **Annex A and Annex B**.

3.5 Scottish Ministers are satisfied with the scope of the EIA set out at Section 6 of the scoping report.

3.6 In addition to the consultation responses, Ministers wish to provide comments with regards to the scope of the EIA report. The Company should note and address each matter.

3.7 The proposed Development set out in the scoping report refers to wind turbines and battery storage. Any application submitted under the Electricity Act 1989 requires to clearly set out the generation station(s) that consent is being sought for. For each generating station details of the proposal require to include but not limited to:

- the scale of the development (dimensions of the wind turbines, battery storage)
- components required for each generating station
- minimum and maximum export capacity of megawatts and megawatt hours of electricity for battery storage

3.8 Scottish Water provided information on whether there are any drinking water protected areas or Scottish Water assets on which the development could have any significant effect. Scottish Ministers request that the company contacts Scottish Water (via EIA@scottishwater.co.uk) and makes further enquires to confirm whether there any Scottish Water assets which may be affected by the development, and includes details in the EIA report of any relevant mitigation measures to be provided.

3.9 Scottish Ministers request that the Company investigates the presence of any private water supplies which may be impacted by the development. The EIA report should include details of any supplies identified by this investigation, and if any supplies are identified, the Company should provide an assessment of the potential impacts, risks, and any mitigation which would be provided.

3.10 Marine Directorate – Science Evidence Data and Digital (MD-SEDD) provide generic scoping guidelines for onshore wind farm and overhead line development https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm or overhead line development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

3.11 In addition to identifying the main watercourses and waterbodies within and downstream of the proposed Development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.

3.12 **MD-SEDD also provide standing advice for onshore wind farm or overhead line development (which has been appended at Annex B) which outlines what information, relating to freshwater and diadromous fish and fisheries, is expected in the EIA report. Use of the checklist, provided in Annex 1 of the standing advice, should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process. Developers are required to submit the completed checklist in advance of their application submission.**

3.13 Scottish Ministers consider that where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), the assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at http://www.gov.scot/Publications/2017/04/8868, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures. Where a PLHRA is not required clear justification for not carrying out such a risk assessment is required.

3.14 The scoping report identified viewpoints at Table 6.1 to be assessed within the landscape and visual impact assessment. Additional viewpoints have been requested from South Ayrshire, Mountaineering Scotland, HES, ScotWays.

3.15 The noise assessment should be carried out in line with relevant legislation and standards as detailed in section 6.23 of the scoping report. The noise assessment report should be formatted as per Table 6.1 of the IOA "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise.

3.16 The Scottish Ministers are aware that the proposed development falls within the statutory safeguarded area around Eskdalemuir Seismological Recording Station. Scientific research has established that wind turbines of current design generate noise emissions that cause seismic vibrations which can interfere with the effective operation of the array. In order to ensure the United Kingdom can continue to implement its obligations in maintaining the Comprehensive Nuclear Test Ban Treaty, a noise budget has been allocated to regulate the development of wind turbines within a 50km radius of the array.

3.17 As advised by the Defence Infrastructure Organisation ("the DIO"), the budget has been set at 0.336nm rms and at present the reserved noise budget has been reached. Consequently, the DIO has stated there would be concerns if this proposal progresses to application based upon current information.

3.18 The Scottish Ministers request that the company keep up to date with the information provided by the Eskdalemuir Working Group (EWG) and contact the Defence infrastructure Organisation at the earliest opportunity to discuss any possible mitigation measures. Enquiries regarding the work being undertaken by EWG can be directed to onshorewindpolicy@gov.scot

3.19 As the maximum blade tip height of turbines exceeds 150m the LVIA as detailed in section 6 of the scoping report must include a robust Night Time Assessment with agreed viewpoints to consider the effects of aviation lighting and how the chosen lighting mitigates the effects.

3.20 It is recommended by the Scottish Ministers that decisions on bird surveys – species, methodology, vantage points, viewsheds & duration - site specific & cumulative – should be made following discussion between the Company and NatureScot.

3.21 NatureScot state that the proposed Development may have a potential impact on Ailsa Craig Special Protection Area ("SPA") and therefore the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, Scottish Ministers will be required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal).

3.22 The Scottish Ministers request that the company assess the impact of the proposed Development on existing and/or planned infrastructure. In particular, the company should carry out the necessary assessments to confirm if any part of the proposed Development is within the consultation zone of any of the following:-

- a licenced explosives site;
- gas (or any other) pipeline;
- existing overhead electric lines;

- underground cables;
- water pipes;
- telecommunications links.

3.23 Scottish Ministers request the company to assess if any flammable, toxic or explosive chemicals detailed in The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 would be stored on site in quantities such that a Hazardous Substances Consent would be required under section 2 of the Planning (Hazardous Substances) (Scotland) Act 1997.

3.24 Ministers are aware that further engagement is required between parties regarding the refinement of the design of the proposed Development regarding, among other things, surveys, management plans, peat, radio links, finalisation of viewpoints, cultural heritage, cumulative assessments and request that they are kept informed of relevant discussions.

4. Mitigation Measures

4.1 The Scottish Ministers are required to make a reasoned conclusion on the significant effects of the proposed Development on the environment as identified in the environmental impact assessment. The mitigation measures suggested for any significant environmental impacts identified should be presented as a conclusion to each chapter. Applicants are also asked to provide a consolidated schedule of all mitigation measures proposed in the environmental assessment, provided in tabular form, where that mitigation is relied upon in relation to reported conclusions of likelihood or significance of impacts.

5. Conclusion

5.1 This scoping opinion is based on information contained in the applicant's written request for a scoping opinion and information available at the date of this scoping opinion. The adoption of this scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the applicant information in connection with an EIA report submitted in connection with any application for section 36 consent for the proposed Development.

5.2 This scoping opinion will not prevent the Scottish Ministers from seeking additional information at application stage, for example to include cumulative impacts of additional developments which enter the planning process after the date of this opinion.

5.3 Without prejudice to that generality, it is recommended that advice regarding the requirement for an additional scoping opinion be sought from Scottish Ministers in the event that no application has been submitted within 12 months of the date of this opinion.

5.4 It is acknowledged that the environmental impact assessment process is iterative and should inform the final layout and design of proposed Developments. Scottish Ministers note that further engagement between relevant parties in relation to the refinement of the design of this proposed Development will be required, and would request that they are kept informed of on-going discussions in relation to this.

5.5 Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit at the pre-application stage and before proposals reach design freeze.

5.6 When finalising the EIA report, applicants are asked to provide a summary in tabular form of where within the EIA report each of the specific matters raised in this scoping opinion has been addressed.

5.7 It should be noted that to facilitate uploading to the Energy Consents portal, the EIA report and its associated documentation should be divided into appropriately named separate files of sizes no more than 10 megabytes (MB).

Ross McCleary

Energy Consents Unit
31 July 2025

ANNEX A

Consultation

List of consultees who provided a response.

• **East Ayrshire Council**	**A1-A14**
• **South Ayrshire Council**	**A15-A27**
• **Historic Environment Scotland**	**A28-A31**
• **NatureScot (previously "SNH)**	**A32-A36**
• **Scottish Environmental Protection Agency**	**A37-A52**
• **Scottish Forestry**	**A53**
• **Transport Scotland**	**A54-A56**
• **Ayrshire Rivers Trust**	**A57-A58**
• **Defence Infrastructure Organisation**	**A59-A61**
• **Edinburgh Airport**	**A62**
• **Fisheries Management Scotland**	**A63**
• **Galloway and Southern Ayrshire Biosphere**	**A64**
• **Glasgow Prestwick Airport**	**A66-A72**
• **Health and Safety Executive**	**A73**
• **Joint Radio Company**	**A74-A75**
• **Mountaineering Scotland**	**A76-A77**
• **NATS Safeguarding**	**A78**
• **Office for Nuclear Regulation**	**A79**
• **RSPB Scotland**	**A80-A81**
• **Scottish & Southern Electricity Networks (SSE)**	**A82**
• **Scottish Water**	**A83-A86**
• **ScotWays**	**A87-A97**

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland, Scottish Forestry and Marine Directorate (in the form of standing advice from Marine Directorate – Science Evidence Data and Digital (MD-SEDD or bespoke advice from Marine Directorate – Science Evidence Data and Digital (MD-SEDD)

See Section 2.4 above for a list of organisations that were consulted but did not provide a response.

A1

General Letter

Governance

Chief Planning Officer: Pamela Clifford

East A...
Comhair...

Our Ref: 25/0004/S36SCP

Date: 17th June 2025

Contact: Graham Mitchell

Ross McCleary
Scottish Government

Dear Sir/Madam

THE ELECTRICITY ACT 1989 SECTION 36
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

Site Address: Herd Hill Wind Farm

I refer to your email dated 2 June 2025 requesting this Council's comments regarding the scoping report submitted by Energiekontor UK Ltd.

The purpose of this response is to provide advice and guidance based on the Planning Authority's knowledge of the site and the surrounding area. This enables the Applicant to consider the issues that are identified and address these in the EIA process and EIA Report associated with the Section 36 application.

The Planning Authority has not undertaken any limited consultation with internal departments or agencies with local knowledge in respect of this scoping request. You should be aware that the onus, in this case, is on the Energy Consents Unit to undertake statutory and non-statutory consultations. A list of further consultees that would be useful to engage with as part of this process is included as Appendix 1. Please be aware that any lack of inclusion on this list of a particular party or organisation in no way indicates that the Planning Authority considers that consultation would not be beneficial.

The sections below highlight the comments of the Planning Authority on a number of matters.

THE OPERA HOUSE
8 JOHN FINNIE STREET
KILMARNOCK, KA1 1DD
TEL: 01563 576790
www.east-ayrshire.gov.uk

Non-technical summary

This should be written in simple non-technical terms and should include a summary of the main issues of each chapter of the EIA Report, including the significant effects of the development and any mitigation measures to address these potential adverse impacts. A plan sufficient to identify the application site within the wider locality and a proposed site plan should be incorporated as a minimum.

Summary of Environmental Information

A summary of the environmental information assessed throughout the EIA Report shall be provided.

List of qualifications and evidence of competency

A list detailing the qualifications and evidence of relevant expertise / competency of each individual who has been involved in the production of the EIA Report, including those involved in the assessments which have been used to inform the various chapters of the EIA Report, shall be included.

Format of the EIA Report

Two full paper copies including appendices shall be provided to the Planning Authority for internal use, although additional paper copies will also be required to be placed in appropriate locations for inspection by the public.
One electronic copy that is split into manageable sized files shall be uploaded by the Applicant to the online viewing system of the Planning Authority through the e-planning portal (contact should be made with the Council prior to upload to confirm the appropriate case file reference). These files shall be clearly named thus enabling easier public/consultee interpretation, consideration and navigation. An example would be splitting the EIA Report by chapter / topic. Any confidential annex should be clearly marked and kept separate from the remainder of the EIA Report but should not contain any non-confidential information or, if it does, this should be replicated within the EIA Report.

Consideration of alternatives

Schedule 4, paragraph 2 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 requires that information on the reasonable alternatives (including design, technology, location, size and scale) considered and the main reasons for selecting the chosen option, including a comparison of the environmental effects be included within the EIA Report. Such consideration of alternatives should therefore be included within the EIA Report.

Baseline Information

The Council has published a State of the Environment Report on its website: https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/State-of-the-Environment-Report.aspx
This report collates up to date information on the environment within East Ayrshire and how it is changing. The information can be used to help inform applications. This may be of use when preparing the EIA Report.

EIA Assessment Methodology

There should be a degree of flexibility adopted within the EIA Report when reporting the significance of the impacts as moderate effects can be considered as significant in terms of the EIA Regulations and would be based on the assessor's judgement.

Planning Policy Context

NPF4 policies also of relevance not listed in the scoping report would be Policy 1: Tackling the climate and nature crises; Policy 6: Forestry, woodland and trees, and possibly Policy 33: Minerals (though this depends on whether or not borrow pits will form a component of the development going forward).

In addition to the EALDP2 policies listed in the scoping report, also of relevant would be: Policy SS2: Overarching Policy; Policy SS10: Skills & Employment; Policy NE5: Protection of Areas of Nature Conservation Interest; Policy NE8: Trees, Woodland, Forestry and Hedgerows; Policy NE11: Soils; Policy TOUR4: The Dark Sky Park; Policy T1: Transport requirements in new development; Policy T4: Development and protection of core paths and other routes; possibly Policy MIN7: Borrow pits; Policy WM2: Development & the Circular Economy; Policy FIN1: Financial Guarantees, and Policy CR1: Flood Risk Management.

Additionally, of relevance will be non-statutory planning guidance Skills and Employment Plans, Local Landscape Area, East Ayrshire Landscape Wind Capacity Study 2018, and Supplementary Guidance on Financial Guarantees.

Society and Economy

There is no evidence or assessment undertaken with regards to tourism and recreational assets throughout the area which may be impacted by the proposed development and therefore the Council does not agree that tourism can be scoped out of the EIA Report. If impacts on tourism and recreational receptors are dealt with in other chapters of the EIA Report this would be an acceptable alternative, but it will need to be clear that all relevant impacts on tourism and recreational assets have been adequately assessed.

There are a number of Core Paths located immediately adjacent to the site access, and to the north of the application site. These should be assessed along with any other tourism receptors throughout the area, especially where views of the development infrastructure, the turbines in particular, are likely to be experienced.

The EIA Report should consider any strategies for long-term public access to the site for recreational uses during its operational lifetime, including any options for connections to be made with surrounding land and uses, to maximise the public access benefits. Management of public access to the site during the construction period should also be detailed. It will be important to ensure that any recreational or tourist receptors which may face significant impacts as a result of landscape and visual impacts are considered. Whether this is fully addressed within an LVIA chapter or within the society and economy chapter is not important, as long consideration of such impacts has been taken into account and reported

With regards to economic benefits, EALDP2 requires under Policy SS10 a Skills and Employment Plan which is the local equivalent to the national planning policy in NPF4 under Policy 11(c) which is clear that development proposals **will only be supported** where they maximise net economic benefits. Therefore this chapter of the EIA Report will require to address these matters and provide clear evidence of exactly what measures will be undertaken to ensure the maximisation of net economic benefits. This will need to be separate to any derived benefits from the community benefit fund, as the Scottish Government has been clear and consistent that this is not a material consideration in the assessment of applications. So any evidence to demonstrate compliance with Policy 11(c) cannot take such matters into account.

Transportation

The traffic assessment shall be based on a worst-case scenario which, for the avoidance of doubt, the Planning Authority would expect assumes 100% of construction materials such as stone requiring to be imported to site. Vehicle movement figures should also be based on all vehicle movements, including HGV, LGV and abnormal loads. It is not mentioned in the scoping report, so it is not clear if any are proposed, though any expected reduction in stone importation due to the use of borrow pits (if proposed) can be reported within the EIA Report, along with the consequent effect this would have on traffic volumes. A worst-case scenario should, nevertheless, be presented in case any proposed borrow pits fail to provide the anticipated volume of stone to ensure a robust assessment of impacts.

The EIA Report should identify potential sources of materials (e.g. stone quarries) if these are off-site and consider the impacts of those routes to site, including communities along those routes. Such assessment should also include cumulative impacts with other developments. Appropriate environmental and/or supporting information should be submitted to justify the need for borrow pits.

The Planning Authority expects the inclusion of a cumulative traffic assessment which should consider any consented / under construction or in planning developments likely to generate large volumes of traffic on the delivery route. This should not necessarily be limited to other wind farms as any traffic generating development using the same road network as the proposed wind farm has the potential to contribute to cumulative traffic impacts regardless of the nature of the development. The Applicant is advised to keep tabs on the cumulative situation and development applications in and around the area / using the same road network to inform the cumulative traffic assessment nearer the time, prior to submission of the application to ensure the cumulative assessment is up to date as this is a constantly evolving situation, particularly in the southern part of the district. This would include reviewing the Scottish Government Energy Consents Unit website to include any Section 36/37 applications potentially using/impacting on the proposed road network route.

The scoping report suggests a transport assessment would not be undertaken. The Planning Authority understands that it is percentage thresholds above baseline traffic flows, including a specific HGV threshold, which dictates whether transport assessments are required, and given the considerable volume of traffic likely to be generated, along with standard practice within EIA Reports, it would be expected that where such thresholds are exceeded, even for construction traffic, that this results in the submission of a transport assessment.

Any new or upgraded accesses on the road network will need to include any required visibility splays within the application site boundary so that any works necessary to form and maintain these can be included as part of the development. There is no firm commitment to where the site access is to be located however it is noted that the red line connects to the Loch Doon Road. The Council would, even at this early stage, question the suitability of that road for any significant degree of construction traffic and abnormal loads and if the applicant does intend to utilise that road, the EIA will require to set out a full assessment of the Loch Doon road leading from the A713 and what upgrades would be required to facilitate access. Should that road be considered for AIL access to the site, the Council disagrees that the environmental effects of any physical works to facilitate turbine component delivery could be scoped out.

The EIA Report should detail the port of entry and the delivery route for turbines and components to site. Transport Scotland may provide advice in respect of the trunk road network, whilst the Applicant is also encouraged to discuss traffic matters with the Council’s Ayrshire Roads Alliance (ARA). Early contact with ARA is advised. The Planning Authority would agree that the decommissioning phase of the development can be scoped out of the traffic assessment as such impacts are likely to be similar to those during construction, as can the operational period be scoped out.

Noise and Vibration

In terms of any cumulative noise assessment, the Applicant will require to keep this situation under review as it is a constantly evolving situation and will require a consideration of not only other wind farms, but other noise generating developments where these are likely to be experienced at any assessed noise sensitive receptors. The proposed filtering of more than 1dB to consider cumulative impacts will need to be discussed with the Council's independent noise consultant and Environmental Health Service before this matter can be agreed or otherwise.

It is noted the noise assessment will include construction noise and construction traffic noise. Whilst vibration is proposed to be scoped out, the Planning Authority would expect blasting from borrow pits to be included in the assessment of impacts if these are ultimately a feature of the development going forward.

Noise associated with the proposed BESS element will require to be detailed and assessed as well as a consideration of cumulative impacts which this would contribute to.

Whilst consultation with the Council's Environmental Health Service will be useful and could assist with agreeing the noise methodology, the Council currently uses the services of an independent noise consultant to deal with wind farm noise matters. The Planning Authority would recommend that discussion is undertaken with the Council's noise consultant to agree the methodology for noise assessment to inform the EIA Report. This could be done with input from the Council's Environmental Health Service as required. The Planning Authority would encourage the use of the lower end of the ETSU limits.

Radio-communication and Television

The Planning Authority welcomes the proposed publication of the details of the consultation and mitigation measures within the EIA Report. It is expected that this be accompanied by plans showing any relevant infrastructure or buffer areas to confirm that all proposed infrastructure is beyond the area of influence of such features. It remains the case that appropriate conditions are likely to be needed to ensure that if there are any impacts attributable to the proposed development, that these are mitigated.

Aviation

The Planning Authority welcomes an assessment of impacts on aviation interests. Risks associated with radar impacts and the flight path and turbines potentially causing physical obstructions, notably on the approach to Glasgow Prestwick Airport, will need to be fully discussed with the airport to ensure a site layout is designed which will not cause unacceptable impacts on the airport. Early engagement with all relevant aviation bodies is advised. Risks associated with radar impacts and the flight path and turbines potentially causing physical obstructions, notably on the approach to Glasgow Prestwick Airport, will need to be fully discussed with the airport to ensure a site layout is designed which will not cause unacceptable impacts on the airport.

Shadow Flicker

With regards to shadow flicker, there is no level of shadow flicker which is deemed to be acceptable set out in guidance within the country, and all shadow flicker, if a possible impact, will require to be mitigated. As such a significant effect would be any shadow flicker. The Planning Authority would note that the 10 rotor diameters' distance is a guide and does not guarantee that shadow flicker effects will not be experienced beyond this distance, and the Planning Authority has experience of shadow flicker impacting on a property despite it being more than ten rotor diameters' distance from the turbine in question. As such, if there are properties which are beyond such a distance but not too distant, consideration should be given as to the potential of shadow flicker on such properties. Currently the Planning Authority would consider the only reasonable mitigation for shadow flicker would be the switching off of turbines responsible during the dates/times when it is likely to occur.

Flora and Fauna

The Planning Authority welcomes the submission of a Habitat Management Plan and separate Biodiversity Enhancement Plan, given Policy 3 of NPF4 notes that biodiversity enhancements require to go beyond mitigation of the impacts of a development. The Planning Authority would note that any biodiversity enhancements will require to include nature networks and will need to evidence, commensurate with the scale and nature of the development, sufficiently ambitious biodiversity enhancements to represent significant enhancements resulting in a demonstrably better condition on site than without the proposed interventions.

Local Nature Conservation Sites (LNCS) will require to be assessed alongside other ecological designations such as S.S.S.I.s. The entirety of the application site within the East Ayrshire Council boundaries falls within the Auchenroy / Glenmount Uplands LNCS, and is in relatively close proximity to a number of other LNCS in the area. The site is adjacent to the Loch Doon S.S.S.I. and also slightly further afield the Bogton Loch S.S.S.I. and Merrick / Kells S.S.S.I. and Merrick Kells Special Protection Area (SPA). Impacts on these sites, particularly their qualifying interests, will need to be assessed within the EIA Report.

There is little information as to what will be scoped into the assessment within the EIA Report or whether certain species will / will not be assessed. The Planning Authority would simply note the mobile nature of species which means species could move into an area and it would be advisable to ensure appropriate surveys are carried out for all species to inform the EIA Report assessment.

Consultation should be undertaken with the River Doon District Salmon Fisheries Board and the Ayrshire Rivers Trust, in addition to Marine Scotland Science to agree on the appropriate methodologies and scope of assessment in terms of fish and other aquatic species. The Planning Authority would suggest the Applicant ensure any requirements and advice from NatureScot, SEPA, RSPB and the Scottish Wildlife Trust be taken into account to inform the scope of the assessment, including any cumulative impact assessment, of such matters for reporting within the EIA Report.

Soil, Geology and Water

In terms of flood risk, any potential for the release of water from peat excavation should be considered as a potential cause of flooding. There are mapped areas of flood risk based on SEPA flood mapping throughout the application site. The nature of this is potentially capable of being avoided through appropriate siting and design, however on the basis there are flood risks on site then flooding should be scoped into the EIA Report.

In terms of Private Water Supplies (PWS) if it is found that any such PWS are located within the site or likely to be drawing from the same catchment as proposed infrastructure is located, then these PWS will require to be risk assessed. It is expected that the PWS Risk Assessment be undertaken and not only the PWS source should be identified, but also the pathway from source to receptor / PWS user should be mapped as this is the only way of ensuring that a full understanding of any potential impacts of proposed infrastructure / construction activity can be ascertained. Details of any mitigation and/or contingency measures that may be required should be detailed within the EIA Report. The Council’s Environmental Health Service should be contacted to assist in the identification of any PWS in and around the site, though site investigations will also be required to address any risk where a PWS exists which is not up to date on the Council’s record.

There is no mention of borrow pits in the scoping report, though if these are taken forward as part of the proposed development, the EIA Report should include information on the location, size and nature of these borrow pits, including details of the depth of the borrow pit floor and an indicative borrow pit final reinstated profile. The impact of such features (including dust, blasting and impacts on hydrology and GWDTEs) should be appraised as part of the overall impact of the proposal. Information on the proposed depth of excavations compared to the actual topography, the proposed restoration profile, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement should be included within the EIA Report. The Council’s EALDP2 includes a policy on borrow pits and information to address the requirements set out within that policy should form part of the EIA Report.

The relevant fisheries boards should be consulted to discuss their expectations and requirements regarding the extent of hydrological surveys required to inform the assessment of hydrological impacts, including water quality impacts / monitoring, which also links to the flora and fauna chapter and any potential ecological impacts on aquatic life.

Air and Climate

For the avoidance of doubt the full report generated from the Scottish Government's Carbon calculation, accounting for carbon emissions and losses through construction and savings over the lifetime of the development, should be submitted as part of the EIA Report.

The Planning Authority would expect the effects of the proposed development both on climate change or by climate change to be addressed within the EIA Report though this might not require a specific chapter and may be able to be incorporated into separate, related chapters.

Landscape and Visual Amenity

The Planning Authority agrees that a 35km study area is appropriate in this case given the results of the ZTV. A detailed study area of 20km should be progressed for individual and cumulative LVIA and this would appear to be appropriate in this case.

In terms of identifying Landscape Character Types (LCTs) the Planning Authority welcomes and agrees with the proposed use of the East Ayrshire Landscape Wind Capacity Study 2018 as forming the basis of the landscape character types for the assessment as this represents the most accurate record of LCTs locally within East Ayrshire.

The application site falls within the Council's identified Local Landscape Area (LLA) and the Council welcomes the proposed assessment of impacts on this designation. The Planning Authority would note in respect of Craigengillan inventory garden and designed landscape (GDL) this is located at the closest, approximately 500m from the application site red line boundary, and 1.2km generally, closer than the 3km stated within the scoping report.

With regards to the proposed visual receptors in Table 6.1, the Planning Authority will require to have further opportunity to agree to a finalised set out viewpoints later in the process once the finalised layout of the proposed development has been established to ensure the list of viewpoints at that stage would be suitable in light of any changes that might result to the ZTV once the design is better established. The Planning Authority will also require to consider at that stage the most appropriate night-time visualisation viewpoints as the two currently proposed are very limited and it is likely that some limited additional viewpoints will be required. All viewpoints will require to be agreed by the Planning Authority at a later stage upon finalisation of the layout and with the submission of updated ZTVs at that time for our consideration.

The Planning Authority require that all ancillary infrastructure, including the proposed BESS, be shown on any photomontages produced for all viewpoints out to 5km.

For the avoidance of doubt the nighttime lighting impact assessment will require to assess impacts on the landscape character as well as on visual amenity.

Regarding the nighttime photomontages, these should be produced to show a worst-case scenario without the effects of any proposed mitigation. If visualisations are to be produced to show some form of mitigation then this will need to be clearly detailed as to exactly what is being shown in the visualisations / the intensity based on extent of mitigation being shown. Full details of any proposed mitigation will need to be detailed within the EIA Report alongside what effects this will have on the lighting impacts. Should the layout allow for any reduction in the number of turbines requiring hub and tower lighting, whilst still achieving the requirements of the CAA, this should also be clearly detailed within the EIA Report assessment of nighttime landscape and visual impacts. Cumulative nighttime visualisations and wirelines will also be required where other schemes include visible aviation lighting.

It should be noted the application site lies within both the buffer zone and transitional area of the Dark Sky Park and is approximately 3km from the core area of the Dark Sky Park. Lighting impacts on this park and the general area will require careful consideration given the close proximity of this designated site and the associated zones within which the application site falls.

The Applicant is advised to keep the cumulative situation under review during the preparation of the EIA Report as this is an evolving situation, particularly in this part of the district where there is considerable wind energy development pressure. In this respect, it is suggested that they make contact with any local authorities within the study area to obtain up to date information relating to wind energy development in their respective authority areas. Section 36 wind farm applications will also need to be kept under review to ensure these are accurately reflected in any assessment.

In addition to the cumulative effects with other wind farms, the Applicant should give consideration to potential effects with other tall structures such as electricity pylons or other developments which could contribute to cumulative landscape and visual impacts. The Planning Authority agrees with the commentary on what limitations to apply to the cumulative schemes for consideration as detailed in paragraph 6.179 of the scoping report.

The Planning Authority welcomes the addition of a Residential Visual Amenity Assessment and note that it will assess properties extending in distance out to 2km from any turbine. The Planning Authority would request that cumulative schemes are shown on separate wirelines to the project-alone wirelines. Additionally, photomontages should be considered from properties facing significant effects to assist the consideration and assessment of impacts from them where the turbines are more prominent. RVAA properties will also require nighttime wirelines and photomontages (including cumulative ones where relevant) to enable full consideration of nighttime impacts from aviation lighting on residential receptors.

Cultural Heritage

There should be some flexibility when considering viewpoints as some heritage assets may benefit from visualisations to aid the assessment of impacts on their setting. The Council does not have in-house expertise on cultural heritage matters and would advise the Applicant engage with Historic Environment Scotland (HES) and West of Scotland Archaeology Service (WoSAS) who will be better placed to advise on matters which should be scoped into the EIA Report, particularly given the location of a scheduled monument within the application site, and other surrounding assets, including listed buildings, gardens and designed landscapes and undesignated sites of potential national importance.

Other Matters

Forestry: There is no mention of forestry or trees within the scoping report. Possibly given the nature of the site these will be limited, however if the proposed development would result in any loss of woodland or forestry this will require to be detailed, alongside any compensatory planting proposed. Some details of species composition and design of any compensatory planting areas would be beneficial. It may be worth considering native broadleaf species if appropriate. Scottish Forestry would be able to advise in more detail as to the expectations of a forestry chapter or any relevant guidance.

Any potential impacts on Ancient Woodland will also require to be considered, with an area of ancient woodland extending just to the north of the site access and at potential risk if large vehicles are using the narrow road to access the site. It will be expected that compensatory planting takes place within the site as a first preference, though where this is not possible, it will be expected that justification is detailed as to why off-site planting is required and this will be expected to take place within the East Ayrshire local authority area.

Human Health and Safety: This will require to be addressed in the EIA Report, though provided any relevant chapters make it clear that public health has been addressed where appropriate, then a specific chapter on human health and safety would not be necessary. Where this is not clearly addressed, then a specific chapter on population and human health would be required.

Risk of Major Accidents and/or Disasters: The Planning Authority consider it would be required to include a summary or table just to highlight each of the potential risks and provide a brief explanation as to whether or not these are deemed to be relevant or necessary of further detailed consideration within the EIA Report. For any risks which are deemed worthy of fuller assessment, this should be detailed in the relevant chapter of the EIA Report.

Waste: The Planning Authority consider that discussion should be made within the EIA Report of the potential sources of waste and how waste will be suitably dealt with, although these matters might be able to be addressed in each relevant chapter instead of a specific section.

Decommissioning and Restoration

Although not a specific topic, an assessment of the likely impacts of decommissioning of the proposed development on all of the environmental topics shall form part of the EIA Report unless it has already been noted that these will be scoped out. This will ensure a reasonable idea as to what those impacts may be and what possible mitigation would be required.

The application shall be accompanied by a decommissioning report which sets out a costed breakdown of the decommissioning, restoration and aftercare works likely on site, based on the observations made within the EIA Report regarding decommissioning.

The decommissioning report will require to be reviewed by the Council's independent consultants to inform the expected financial guarantee quantum which the Council would seek to secure via a Section 75 legal agreement. The Applicant should advise what mechanism they intend to secure this, such as a bond. These matters would inform the Council's assessment of the application.
The complete removal of the development, including access tracks and ancillary infrastructure, as part of the decommissioning and restoration process is the preferred approach of this Council unless a better alternative (taking account of all relevant environmental, social and economic issues) can otherwise be demonstrated by the Applicant.

Planning Monitoring Officer

The Council promotes the use of a Planning Monitoring Officer (PMO) on all major infrastructure developments. The PMO is appointed by the Council to assist in the assessment of detailed environmental planning conditions and to monitor and report on the construction works. The Council asks that developers fund the cost of the PMO and that this is secured by a Section 75 legal agreement. The benefits of the PMO use include more robust discharge of planning conditions, communities having greater certainty that proper monitoring is taking place and the developer is doing what they said they would do, and ultimately it provides an independent overview that can be relied upon during the construction phase and afterwards by the Council and the developer.

The use of the PMO need not necessarily be an integral part of the EIA Report, however, the Council's approach should be given consideration as part of the wider suite of monitoring and environmental best practice considered by the EIA Report.

Closing Comments

The scoping report is generally quite light on detail and does not discuss study areas, save for the LVIA, so it is difficult to know the extent of impact assessments for the various topic areas. Nor is there much detail in terms of guidance documentation to be followed or detailed methodologies for undertaking the assessment of the various impacts. As such there is a limited ability to take a particularly informed view of the full extent of methodologies to be employed or full scope of the EIA Report. Extensive consultation with the various consultees will be necessary going forward to ensure the full scope can be agreed.

The Applicant will also require to take careful consideration of the history on the site, given the previous withdrawal of the Glenmount Section 36 wind farm which would have gone to Public Local Inquiry due to objections from the local authorities and the concerns raised in respect of the impacts associated with that scheme. Such matters may be of relevance to the proposed development too.

The Applicant is advised to ensure that all requirements of the up to date regulations and guidance is complied with in undertaking the EIA and subsequent compilation of the EIA Report. The Applicant is advised to contact the relevant consultees to seek their views/input into the various chapters to ensure all matters raised are adequately dealt with and based on as up to date a position as possible.

Yours faithfully

Graham Mitchell
Senior Planning Officer

Appendix 1 – suggested additional consultees

East Ayrshire Council Outdoor Access Officer;

East Ayrshire Council Environmental Health Service;

Ayrshire Roads Alliance (ARA) and ARA Flooding;

Scottish Power Energy Networks;

Scotland Gas Networks;

River Doon Salmon Fisheries Board;

Ayrshire Rivers Trust;

Scottish Wildlife Trust;

Scottish Fire and Rescue Service;

Glasgow Prestwick Airport;

NATS;

MOD;

Transport Scotland;

West of Scotland Archaeology Service;

Historic Environment Scotland;

NatureScot;

RSPB;

SEPA, and

Local community councils (Dalmellington and 9CC).

Planning and Building Standards

Service Lead – Planning and Building Standards: Craig Iles

Planning Service, County Buildings, Wellington Square, Ayr, KA7 1DR
Tel: 01292 616 683
Email: alan.edgar@south-ayrshire.gov.uk
Our Ref: 25/00361/EIASCO
Date: 03 July 2025

south AYRSHIRE COUNCIL
Comhairle Siorrachd Àir a Deas
Making a Difference Every Day

Energy Consents Unit
Ross McCleary
The Scottish Government

Dear Sir/Madam,

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 – SCOPING OPINION RESPONSE

SUBMISSION REF:	**25/00361/EIASCO**
PROPOSAL:	**Scoping opinion for proposed Section 36 application**
SITE ADDRESS:	**Proposed Wind Turbine U42 From C1 Junction At Tairlaw Bridge East To Knockdon Steading Straiton South Ayrshire**

With reference to your request for an Environmental Impact Assessment: Scoping Opinion which was received on 3 June 2025, I enclose a copy of the response prepared by South Ayrshire Council (Planning Service). The supporting documents, where relevant, can be accessed from the Council's website www.south-ayrshire.gov.uk/planning/ by using the submission reference number detailed above.

This response sets out an assessment of the submission and an explanation for the conclusion(s) reached.

If you require further information in respect of your permission, please contact Alan Edgar by telephoning 01292 616 683 or by emailing alan.edgar@south-ayrshire.gov.uk

Yours faithfully,

REDACT

Craig Iles
Service Lead – Planning and Building Standards

Encs.

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Scoping Opinion of South Ayrshire Council (Planning Service) for:

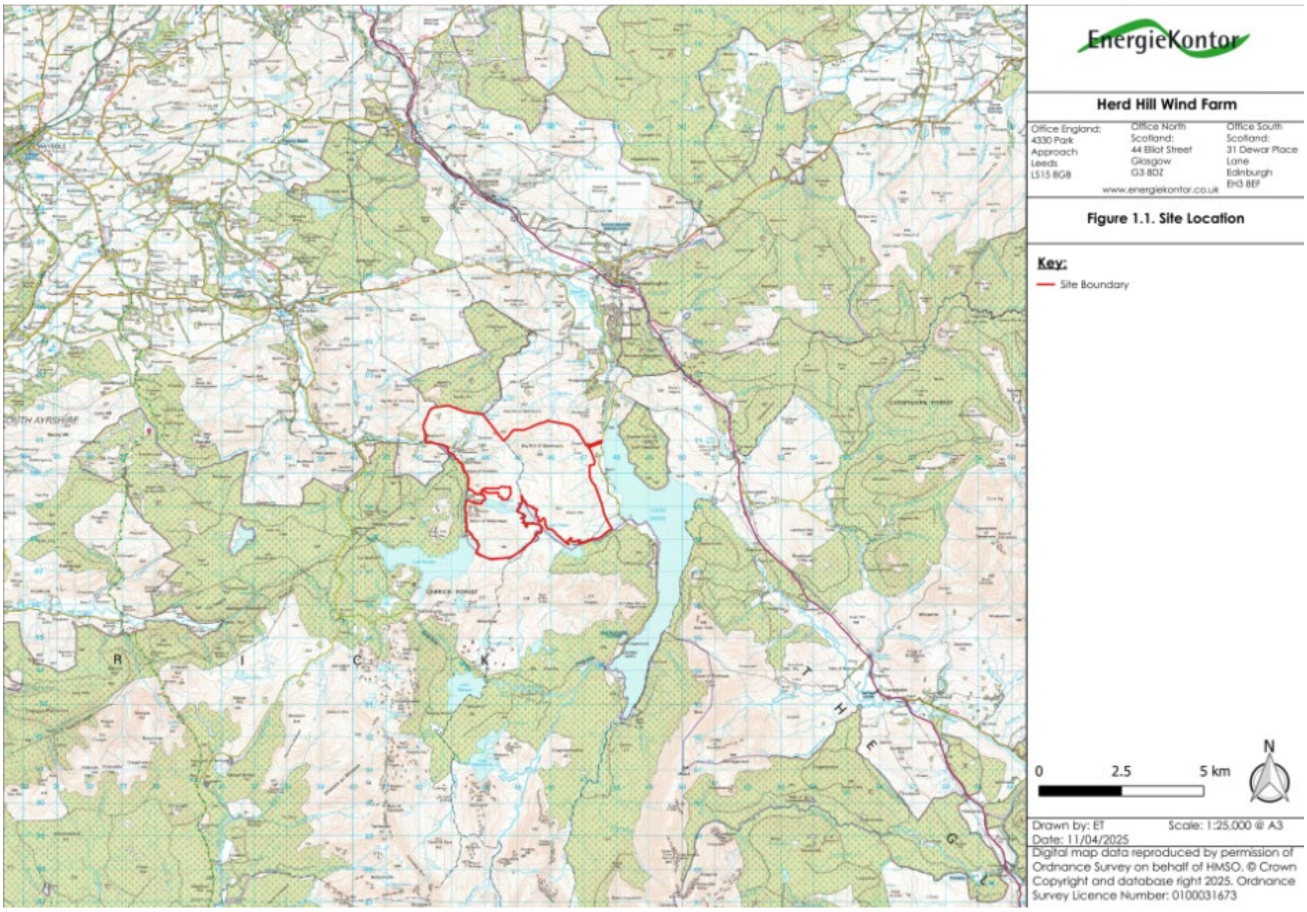
Scoping opinion for proposed Section 36 application

at:

Proposed Wind Turbine U42 From C1 Junction At Tairlaw Bridge East To Knockdon Steading Straiton South Ayrshire

Location Plan

APPLICATION SITE



1. Introduction

South Ayrshire Council received a request under Regulation 17 of The Town and Country Planning (Environmental Impacts Assessment) (Scotland) Regulations 2017 (‘The Regulations’) for a scoping opinion on 3 June 2025. The purpose of this scoping opinion is to provide the applicant with details of what the Council considers to be the main issues and therefore the issues upon which the EIA Report should focus.

2. Description of the Development

This Scoping Opinion relates to a proposal for construction of a wind farm consisting of up to 12 wind turbines with a blade tip height of up to 200 metres, energy storage facility, substation/switchgear housing and associated access tracks, crane pads and temporary construction compounds. The wind farm would have a generating capacity of up to 79.2 MW. The information supplied does not indicate what the electrical storage capacity and therefore the physical size of the energy storage facility will be. The details submitted also do not indicate the means and route by which the wind farm will connect with the National Grid.

3. Description of the Location

The site of the wind farm is located either side of the boundary between the administrative areas of this Council and East Ayrshire Council, within a range of lower lying hills approximately 8km to the southeast of the village of Straiton. Only 3 of the possible 12 wind turbines are situated within South Ayrshire. These would be located on the eastern flank of the hill known as Fence of Knockdon. The summit of Fence of Knockdon lies at 331m Above Ordnance Datum (AOD). Turbine number 7 would lie at approximately 280m AOD, Turbine 8 would lie at approximately 280m AOD and Turbine 9 would lie at approximately 260m AOD. The land is used for rough grazing and comprises of moorland. The nearest surrounding land uses include residential at Knockdon Farm and Waterhead and the Loch Bradan water treatment works.

4. Planning Policy Context

In developing the proposal and preparing the environmental statement, particular regard should be afforded to the relevant provisions of National Planning Framework 4 and the South Ayrshire Local Development Plan 2. The Council guidance documents “Supplementary Guidance Wind Energy”, “Supplementary Guidance Dark Sky Lighting” and “South Ayrshire Wind Capacity Study Update 2018” provide informal guidance on the Council’s interpretation of the LDP policies relating to wind energy.

The following policies are relevant in the assessment of any future application:-

<u>NPF4</u>
Policy 1 (climate and nature crises), Policy 2 (climate adaptation and mitigation), Policy 3 (biodiversity), Policy 4 (natural places), Policy 5 (soils), Policy 7 (historic assets & places), Policy 11 (energy), Policy 18 (infrastructure first) and Policy 22 (flood risk and water management).

<u>South Ayrshire Local Development Plan 2</u>
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Management
LDP Policy: delivering infrastructure
LDP Policy: Galloway & Southern Ayrshire Biosphere
LDP Policy: landscape quality
LDP Policy: woodland and forestry
LDP Policy: green networks
LDP Policy: water environment
LDP Policy: flood and development
LDP Policy: air, noise and light pollution
LDP Policy: renewable energy
LDP Policy: wind energy – substantially superseded by NPF4
LDP Policy: historic environment
LDP Policy: natural heritage
LDP Policy: land use and transport
LDP Policy: outdoor public access and core paths

The provisions of NPF4 and the Adopted South Ayrshire Local Plan must be read and applied as a whole, and as such, no single policy should be read in isolation.

Other Policy Documents

In addition to the statutory development plan, the following related policy documents are considered relevant:-

South Ayrshire Council Wind Energy Guidance 2015
South Ayrshire Landscape Wind Capacity Study Update 2018
Scottish Government Onshore Wind Policy Statement 2022
Scottish Government Biodiversity Draft Planning Guidance November 2023
Nature Scotland Guidance on Advising On Peatland, Carbon Rich Soils and Priority Peatland Habitats in Development Management November 2023

5. Consideration of Alternatives

Schedule 4, paragraph 2 of the Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2017 requires that all environmental statements should include information on the main alternatives studied and an indication of the main reasons for choosing the selected option, with reference to the environmental effects. The applicant should include details of the iterations of the development considered together with a comparison of the net environmental impacts between each iteration and an explanation of the reasons for the rejection of earlier designs and for selection of the proposed design.

6. Statutory Consultee Responses

This response is provided on the assumption that Energy Consents Unit have undertaken all statutory consultations. The responses of the statutory consultees should be fully considered in the finalisation of the development design and the EIA Report.

The responses from South Ayrshire Council's internal consultees are referenced in the relevant sections of this responses and are also appended at the end.

7. Proposed Scope

1. Society and Economy

It is not considered that the issues identified (job creation, use of local services and income spent) are relevant to the consideration of environmental impact of the development and these should be scoped out. The applicant should provide a separate Planning Supporting Statement with their Section 36 application which provides information on such issues and an assessment of the balance between environmental and other material considerations.

2. Transportation

The access route from the public transport network is not clearly identified in the Scoping Report but is assumed to be from the Loch Doon road leading from the A713. The advice of the Council's transport service, Ayrshire Roads Alliance (ARA), should be sought on the requirement for a formal transport impact assessment. Without prejudice to any advice provided by ARA, the assessment of transport effects shall include the effects on residential properties that will be impacted by construction traffic, including effects on air quality if relevant. The port of entry and main construction traffic route(s), including routes to be used for delivery Abnormal Indivisible Loads, should be presented in the EIAR and the advice of Transport Scotland sought in relation to use of trunk roads and requirements for off-site accommodation works. The calculation of traffic flows should be undertaken on a "worse case scenario" whereby all aggregate required to construct the development is assumed to be delivered from outwith the site, notwithstanding any proposals for opening of borrow pits within the site. The Planning Authority expects the inclusion of a cumulative traffic assessment which should consider any consented / under construction or in planning developments likely to generate large volumes of traffic on the delivery route. The Planning Authority agree that the decommissioning phase of the development can be scoped out of the traffic assessment as such impacts are likely to be similar to those during construction. It is also agreed that the operational phase can be scoped out as this is likely to consist of very limited number of traffic movements.

3. Noise and Vibration

In relation to operational noise, the Council will expect the operational noise assessment to follow ETSU-R-97 and “A Good Practice Guidance to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise” published by IOA. The assessment should also take account of “Wind Turbine Development: Submission Guidance Note” issued by South Ayrshire Council Environmental Health. There are a number of existing operational and proposed wind farms within the vicinity of the development including Slenteuch (application stage), (Dersalloch (operational), Knockcronal (appeal stage) and Carrick (appeal stage). It will therefore be necessary for the noise assessment to take account of cumulative operational noise in line with the various guidance documents referred to above. It is expected that noise measurement surveys will be necessary to obtain background noise levels for the wind turbine noise assessment. The applicant’s acoustic consultants should consult with this Council on the proposed noise monitoring locations, prior to any monitoring being undertaken.

The assessment of operational noise should address noise arising from the proposed energy storage units or other significant plant, where necessary considering the guidance in BS 4142: 2014+A1:2019, ‘Methods for rating and assessing industrial and commercial sound’.

Noise from construction of the proposed development should be considered in the environmental statement utilising the guidance in BS 5228-1:2009+A1:2014, ‘Code of practice for noise and vibration control on construction and open sites, Noise’. Should the proposals include blasting for borrow pits, the potential effects of vibration and air over-pressure would need to be addressed. Potential impacts from construction traffic should be considered using the guidance on noise in the Design Manual for Roads and Bridges (DMRB).

4. Radio-communications and Television

It is not agreed that effects on radio-communications and TV reception are environmental effects. These can be scoped out of the EIA and included in a separate Planning Supporting Statement. Notwithstanding, the scope of the assessment of interference with telecommunications transmissions is noted and the advice of the relevant public consultation bodies should be sought. The approach to mitigation of interference with TV reception by way of a planning condition is agreed.

5. Aviation Impacts

It is not agreed that the effects on the development on aviation safety are environmental impacts in themselves. However, the lighting required for air navigation will impact on the night-time landscape and visual impact and should be scoped in. The effects of the development on air safety should be included in a separate Planning Supporting Statement. The comments of the relevant consultees should be sought, including the operator of Glasgow Prestwick Airport. In addition to considering aviation safety, the effects on the operational capacity of Glasgow Prestwick Airport should be assessed and reported through the Planning Statement.

6. Shadow Flicker

It is not agreed that only residential properties within 10 rotor diameters of the individual turbines should be examined for potential shadow flicker effects. All properties that are within a reasonable distance and would have direct line of sight of any of the proposed turbines should be assessed. Without prejudice to the outcome of any assessment, it should be noted that the Planning Authority are likely to recommend a condition which requires submission of a protocol for resolving any unanticipated complaints received regarding shadow flicker after the wind farm is operational.

7. Ecology and Ornithology

The application site is situated within a Class 1 Priority Peatland Area as identified on the NatureScot Carbon and Peatland 2016 Map. This classification is not referenced within the EIA Scoping Report and this is a significant omission. Advice should be sought from NatureScot on the scope of the assessment of impact on peatland. The Planning Authority would expect the assessment to follow NatureScot’s advice set out in their publication "*Advising on peatland, carbon rich soils and priority peatland habitat in development management 2023*" and it is crucial that the EIA contains sufficient survey results and analysis to allow a full assessment against NPF4 Policy 5(d).

The list of nationally designated statutory nature conservation sites is noted and agreed. The scope of survey work is noted and the advice of NatureScot should be sought to confirm that this is sufficient to identify the full range of potential impacts on natural heritage. Additionally, advice should be sought from Royal Society for Protection of Birds and Ayrshire Rivers Trust. The developer should also note that the site lies within the Straiton Hills Provisional Wildlife Site which is designated through the South Ayrshire LDP. The effects of the development on this designated area should also be assessed.

The incorporation within the EIAR of a draft Habitat Management Plan is encouraged. This should clearly set out the principles for mitigating the effects of the development on the natural environment together with minimum targets for the physical extent of habitat restoration and creation. NatureScot's advice on the amount of peatland restoration necessary to offset peatland losses should be considered early in the design of the wind farm. It will be necessary for the developer to satisfy the Planning Authority that they have sufficient land in their control with potential for peatland restoration to adequately offset any peatland losses. This must include long-term control over grazing by agricultural livestock and wild deer. In accordance with NPF4 Policy 3, the developer is also required to provide biodiversity enhancement which is in addition to any mitigation required to offset any adverse effects of the development on natural heritage. The EIAR should draw a clear distinction between measures required to mitigate the negative effects of the development and those designed to enhance the biodiversity value of the site, post development. The extent to which the development will enhance the biodiversity value of the site compared to the baseline conditions should be quantified using a recognised metric.

8. Hydrology, Hydrogeology, Geology and Soils;

The potential impacts on the groundwater and surface water environments should be assessed as set out in the Scoping Report. The advice of Marine Scotland Science, SEPA and Ayrshire Rivers Trust should be obtained prior to survey work being undertaken to ensure their requirements are covered in full in the EIA. In relation to private Water Supplies (PWS), our Environmental Health service have identified 3 PWS that have potential to be affected. Environmental Health recommend that an accompanied site walk-over survey is undertaken to fully assess the potential risk to these supplies. The consultation responses from our Environmental Health service is appended to this letter, including details of the PWS. The effects of the development on peatland and peaty soils should be fully considered. There are a number of small watercourses within the site with potential to cause surface water flooding. The potential for the development to be at risk from flooding or to exacerbate flooding elsewhere should be fully assessed through a flood risk assessment.

9. Air and Climate

The EIA should include accounting for carbon emissions and losses through the construction and savings over the lifetime of the development. The assessment should be undertaken in accordance with the Scottish Government's Carbon Calculator and the EIA Report should include the full details of the calculation. As noted in Section 7, the application site is situated within a Class 1 Priority Peatland Area as identified on the NatureScot Carbon and Peatland 2016 Map. The assessment of carbon dioxide emissions as a result of direct and indirect effects of the development on peatland is, therefore, pertinent to the assessment of the proposals. In accordance with NPF4 Policy 5(d), a peat slide risk assessment is also required. The implications for release of CO_2 from a major peat slide should be considered in the assessment, where a high risk is identified.

It is agreed that the potential for migration of dust during the construction phase is not likely to be significant and can be scoped out of the EIA. Standard measures to avoid impacts during the construction and decommissioning phases should be included in the consolidated list of mitigation measures and ultimately incorporated into any future CEMP.

10. Landscape and Visual Impact

The scope of the landscape and visual impact assessment is noted and agreed. It is essential that the LVIA considers all aspects of the development including the ancillary infrastructure proposed such as the BESS and substation. The radius of the study area (35 km) is agreed as is a detailed study area of 20km for individual and cumulative LVIA. South Ayrshire Council would welcome the opportunity to comment further on the selection of viewpoints once the layout of the turbines, etc is further developed. At this stage, however, I welcome the inclusion of the Merrick Wildland Area as a significant receptor. I would also highlight the Cornish Hill (situated circa 1km due west of viewpoint 3), which is a popular public walking route & viewpoint and the public footpath between Knockdon and Dalcairney, which passes circa 1km to the north of the turbines located within South Ayrshire and ask that these be considered as potential visual receptors. In relation to the assessment of night-time landscape effects the EIA should clearly state whether the proposals include reduced intensity aviation lighting during clear weather conditions, cardinal lighting and attenuation of the angles at which the lighting will be visible. In relation to the latter measure, it would be helpful to include an example of where this has been deployed in an operational wind farm. I would request that a summary of the LVIA is presented in tabular format within the EIAR which clearly describes the effects and states whether any impacts identified are considered to be significant in terms of the EIA.

11. Cultural Heritage;

The proposed scope and methodology for the assessment of impacts on cultural heritage are noted. I have sought comments from West of Scotland Archaeological Service but have not received these at the time of writing. WoSAS's comments will be forwarded once I have received them. Alternatively the developer may wish to contact WoSAS directly.

12. Land Use;

The EIAR should state what the current use(s) of the land is and evaluate what the impact of the development will be on this land use over the operational life of the wind farm.

13. Risks from Major Accidents & Disasters;

The EIA should consider the possibility of major accidents occurring and the implications for human health and the environment. The risk of a peat slide should be assessed in this context.

14. Public Access & Recreation

The Knockdon to Dalcairney public right of way/Core Path is located within the northern part of the site. The EIA report should consider any strategies for long-term public access to the site for recreational uses during its operational lifetime, including connections to be made with surrounding land and uses to maximise public access benefits. The Management of public access during the construction phase should be detailed. It will be important to ensure that any recreational or tourist receptors which may face significant impacts as a result of landscape and visual impacts are considered.

15. Cumulative Effects;

The EIA Report should include an assessment of the cumulative effects of the proposed development. Potential cumulative effects of the proposed wind farm resulting from its proximity with the adjacent operational and consented wind farms (listed in Section 3 above) include landscape and visual impact, noise and biodiversity issues.

8. Conclusions

The Scoping Report is generally lacking in detail, save for the LVIA section. There is limited detail in terms of guidance documentation to be followed or detailed methodologies for undertaking the assessments for the various topic areas. As such there is limited ability to provide comments. Extensive consultation with the various consultees will be necessary going forward to ensure the full scope can be agreed and the applicant is advised to seek their views/input into the various chapters to ensure that all matters are adequately assessed.

9. Other Supporting Information Required

The EIAR should be concise and focussed on environmental issues. I have highlighted those topics which I consider should be excluded and suggest that these be covered in a separate Planning Supporting Statement. I would add that the applicant's assessment of the proposal against Development Plan Policy and the balance with other material planning considerations should also be provided within the separate Supporting Statement.

Appendix 1:

Environmental Health Consultation Response

Email dated 20 June 2025
Hello Alan,

Have had a quick squint over the application as I am on A/L next week back on the 30th.

I can see three properties with PWS which will need site walk over to risk impact assess.

There is absolutely no mention of PWS in the Scoping report which is very poor, considering the amount of contact I have previously had with Energiekontor over Hadayrd Hill Extn, and other applications.

During the Hadyard Hill Ext discussion and site visit process it was found that the GPS co-ordinates for the Dobbingstone PWS abstraction were totally incorrect, as were GPS co-ordinates for the wind turbine base proposed site above the wrong abstraction point co-ordinates.

So I will need to meet with the company representatives to discuss proposed layout points missing from the maps and report.

PWS abstraction points and catchments being the first.
Internal roads all new, Borrow Pits
Compounds
Substations
Entry and access roads up to the site
SPEN connection lines
Battery storage etc.

The PWS properties are -
SAY242 Waterhead Cottage, Straiton KA19 7NR GPS 243290 600323 Ground Spring abstraction GPS 243439 600119

SAY183 Knockdon Farm, Straiton KA19 7NR
Ground Spring/surface abstraction collection tank GPS 243439 600119

SAY166 Glenauchie Far, Straiton KA19
Surface/Ground Spring abstraction approx GPS 242187, 601124

If you can let me know how you wish to proceed?

I will be out of office this afternoon, then on A/L but if you need to get me and need more info before the 30th, my mobile number is 07975 796 504.

Thank you,

Kind regards,

Connie Lobban,
Enforcement Officer | Environmental Health |Chief Executive's Office | Tel.   01292 616191 | Off. 01292 618222 | e-mail - constance.lobban@south-ayrshire.gov.uk |South Ayrshire Council |5-7 River Terrace |Ayr | KA8 0BJ| www.south-ayrshire.gov.uk

Email dated 4 July 2025

Morning Alan,

Thank you for waiting.

There is one PWS that I can see which in my opinion should be scoped in for risk impact assessment during the scoping of the wind farm.

I would like to meet with the applicant &/or hydrologist for a joint meeting at Waterhead Cottage with the owners present if possible. This would allow us to ground truth the PWS and catchment area, and agree together any mitigation deemed necessary for the forward application should it be put forward.

I have contacted Emma in EAC to see if she would accompany me as well, and she can, if we can arrange a date.

The Planning Guidance note will also have to be applied, along with any other condition or mitigation agreed on the day.

Could you advise who to contact or can you contact Energie Contor and ask if they would contact me to arrange a visit please?

Thank you,

Kind regards,
REDACT

Enforcement Officer | Environmental Health |Chief Executive's Office | Tel. 01292 616191 | Off. 01292 618222 | e-mail - constance.lobban@south-ayrshire.gov.uk |South Ayrshire Council |5-7 River Terrace |Ayr | KA8 0BJ| www.south-ayrshire.gov.uk

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HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131 668 8716
HMConsultations@hes.scot

By email to: Econsents_Admin@gov.scot

Ross McCleary
Case Officer
Energy Consents Unit

Our case ID: 300071372
Your ref: ECU00006175
07 July 2025

Dear Ross McCleary

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Request for Scoping Opinion Herd Hill Wind Farm

Thank you for consulting us on this Environmental Impact Assessment (EIA) scoping report, which we received on 02 June 2025. We have reviewed the details in terms of our historic environment interests. This covers World Heritage Sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and Historic Marine Protected Areas.

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include topics covered by our advice-giving role, and also other topics such as unscheduled archaeology, category B and C listed buildings, and conservation areas.

Proposed development

We understand that the proposed development comprises up to 12 turbines with a maximum height to blade tip of 200m, plus associated infrastructure including access tracks, a battery energy storage facility, substation and associated cables. The development would be located to the west of Loch Doon, straddling the boundary between South Ayrshire and East Ayrshire local authority areas.

Scope of assessment

We have identified potential for significant effects on our historic environment interests. Our advice on the nature of these impacts, and any potential mitigation measures, are included in an annex to this covering letter. This also includes our requirements for information to be included in the EIA Report.

Further information

Decisions that affect the historic environment should take the Historic Environment Policy for Scotland (HEPS) into account as a material consideration. HEPS is supported by our

Managing Change guidance series. In this case we recommend that you consider the advice in the Setting guidance note.

We recommend that the applicant refers to the EIA Handbook for best practice advice on assessing cultural heritage impacts.

We hope this is helpful. If you would like to submit more information about this or any other proposed development to us for comment, please send it to our consultations mailbox, hmconsultations@hes.scot. If you have questions about this response, please contact Deirdre Cameron at Deirdre.Cameron@hes.scot.

Yours sincerely

Historic Environment Scotland

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

ANNEX: Our Detailed Comments

Background

We understand the application comprises up to 12 turbines with a maximum height to blade tip of 200m, plus associated infrastructure including access tracks, a battery energy storage facility, substation and associated cables.

Scoping Report

The scoping report provides sufficient information to understand the location and general nature of the development and assessment process. Section 2.11 to 2.19 outlines an acceptable basic framework for assessment and identifying significant impacts and effects, but the cultural heritage section of the report lacks detail for how this will be applied to cultural heritage interests. We recommend that the Environmental Impact Assessment Handbook should be used to inform the assessment process.

We note that setting is referred to as an indirect effect in sections 6.193, 6.194 and 6.195; this is incorrect. The Environmental Impact Assessment handbook (Appendix 1, 44.c) makes it clear that setting impacts are generally direct impacts and we therefore expect them to be treated as such in the EIA process.

Paragraph 6.195 also states that setting impacts will be assessed "in association with the Landscape and Visual Impact Assessment". It is not clear what this would involve. It would not be appropriate for setting impacts on cultural heritage assets to be assessed as part of the LVIA process. Although the two disciplines share common elements, assessment of landscape impacts and assessment of setting impacts on cultural heritage assets require very different background knowledge and skill sets. Such action would risk contravening the requirements of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

The scoping report states that a study areas of 1km "around the proposed wind turbine locations" for physical impacts and 10km for setting impacts will be used. Given the potential for the design of the turbine array to alter over the duration of the design process, and the requirement for supporting infrastructure such as roads, tracks and meteorology masts, a 1km study area beyond the mast locations may not be adequate. We expect the study area for direct physical impacts to include the scheduled monument known as Knockdon, enclosure 700m NE of (SM7491) to ensure that the EIA Report includes suitable mitigation provisions to ensure this monument is not physically affected by the proposed works. For setting impacts, we recommend the study area is based on the Zone of Theoretical Visibility (ZTV) mapping rather than an arbitrary distance-based zone. The local topography already limits visibility of the development to only a few areas beyond the proposed 10km limit, so assessing these additional areas should be a comparatively simple task.

We are concerned to note that there is no mention of cumulative impacts in the cultural heritage section of the scoping report. Given the number of proposed developments in the surrounding area it is essential that this matter is considered and illustrated as appropriate in the EIA Report. Again failure to do so would risk contravening the requirements of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Our interest

We note and welcome the identification of a number of designated assets for assessment in sections 6.188 to 6.191. In addition to the assets listed in the report, we would wish to see Baltersan Castle (LB7588) included in the assessment.

We have the following specific comments for our interests –

Knockdon, enclosure 700m NE of (SM7491)
The monument comprises a prehistoric enclosure which is situated in rough grazing 700m northeast of Knockdon Farm. The monument lies within the northwestern part of the development boundary making it potentially vulnerable to direct impacts. Design of the layout and siting of turbines and associated infrastructure should take account of the monument's location. Figure 1.2, Indicative Turbine Layout, suggests that turbines may be located about 1km from the monument. The development also appears likely to result in impacts on the setting of Knockdon enclosure.

Visualisations
We note that two Landscape and Visual Impact Assessment visualisations are proposed which would illustrate views towards the proposal from close proximity to Craigengillan and its Inventory garden & designed landscape (LVIA VPs 1 & 9). These will be helpful in assessing the impacts on the setting of Craigengillan. However, we note that Craigengillan House is located within the ZTV, so we would expect the cultural heritage assessment to consider impacts on views both from the house itself and views on approach to the house through its Inventory site and be illustrated by visualisations.

While wireline visualisations are useful in the initial assessment of significance of impact, we would require photomontage visualisations for any impacts assessed as potentially significant. We would be happy to offer further advice on visualisations as the assessment process progresses.

Our position

The proposed development has the potential to result in significant adverse effects on a scheduled monument. We consider these potential effects should be assessed and if identified as significant, they should be mitigated or avoided through careful design and working methods.

Historic Environment Scotland
07 July 2025

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NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

By email to ross.mccleary@gov.scot

Ross McCleary
Case Officer - Energy Consents Unit
Onshore Electricity, Strategy and Consents
Directorate for Energy and Climate Change
Scottish Government - 5 Atlantic Quay,
150 Broomielaw, Glasgow G2 8LU

12 June 2025
Our ref: CDM180489

Dear Mr McCleary,

Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Request for Scoping Opinion for Proposed Section 36 Application for Herd Hill Wind Farm. (ECU00006175).

Thank you for consulting us on the scope of the Environmental Impact Assessment (EIA) for the proposed Herd Hill Wind Farm.

The proposed Development Site is approx. 6km south of Dalmellington and straddles the administrative boundaries of East Ayrshire and South Ayrshire Councils. Our advice is based on the Hare Hill Repower Scoping Report prepared by Energiekontor UK Ltd dated May 2025.

The proposed development would comprise 12 wind turbines of 200m to blade tip, plus associated infrastructure and a battery energy storage scheme.

Summary
Key natural heritage considerations requiring consideration within the EIA are:

- Landscape and visual impacts, including cumulative impacts.
- Potential impacts on the Ailsa Craig Special Protection Areas (SPA) and the Loch Doon, Merrick Kells and Bogton Loch Sites of Special Scientific Interest (SSSI's).
- Potential impacts on carbon-rich soil and priority peatland habitats.
-

Scoping Advice
In addition to the detailed advice given in Annex 1 of this letter, the applicant should refer to the November 2024 'NatureScot pre-application guidance for onshore wind farms'[1].
This provides guidance on the issues that developers and their consultants should consider for wind farm developments and includes information on recommended survey methods, sources of

[1] https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms

further information and guidance and data presentation. Attention should be given to the full range of advice included in the guidance note, which sets out our expectations of what should be included in the Environmental Impact Assessment Report (EIAR). The updates to the guidance encompass, for example, advice on our peatland restoration expectations, on biodiversity enhancement, and on aviation lighting. Where relevant we have discussed our pre-app guidance advice below.

Concluding Remarks

Please note that while we support the principle of renewable energy, our advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if it is submitted as a formal application. This advice is provided by NatureScot, the operating name of Scottish Natural Heritage. I hope that you will find these comments helpful and please contact me should you wish to discuss this proposal further.

Yours sincerely,

By email

Ian Cornforth

NatureScot Operations Officer – West Central Scotland

Ian.Cornforth@nature.scot

Enc Annex 1- Key natural heritage interests requiring consideration within the EIA.

Annex 1 – Herd Hill Wind Farm S36 Scoping Application
Key natural heritage interests requiring consideration within the EIA

1. Protected areas

1.1 Details of protected areas, including their conservation objectives / site management statements, can be found below. The applicant should assess the direct and indirect impacts of the proposed development on protected areas and their notified features in the context of their site management statements. The assessment should be for the proposal on its own and cumulatively with other plans or projects also affecting the protected areas.

Ailsa Craig Special Protection Area (SPA)

1.2 The proposal could affect the Ailsa Craig Special Protection Area (SPA), classified for its migratory gannet and lesser black-backed gull and seabird assemblage. Information on the SPA can be found on the SiteLink pages of our website[2] The proposal site is located approx. 42km from the SPA which is within the mean maximum foraging distance of lesser black backed gull and herring gull.

1.3 A recent BTO research report provides up to date information relevant to foraging ranges and potential connection to the SPA[3].

1.4 The status of the SPA means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 apply. Consequently, Scottish Ministers will be required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). Advice on this process is available on our website[4].

1.5 The scoping report does not mention whether lesser black-backed gull or herring gull (a component of the SPA's seabird assemblage) have been recorded during flight activity surveys.

1.6 Our advice is that at present it is not possible to determine if the proposal is therefore likely to have a significant effect on lesser black-backed gull and herring gull qualifying interests of site. Consequently, Scottish Ministers, as competent authority, will be required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we propose to carry out an appraisal to inform your appropriate assessment. To enable us to carry out this appraisal, the following information is required as part of the EIA Report:

- An assessment of potential collision risk for lesser black-backed and herring gulls and how this may affect the viability of the relevant species' SPA population. We advise that this information should include showing flight lines from Vantage Point watches.

Ailsa Craig Site of Special Scientific Interest (SSSI)

1.7 The proposed application site is within foraging distance of the herring gull and lesser black-backed gull of Ailsa Craig SSSI.

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[2] https://sitelink.nature.scot/site/8463

[3] BTO Desk-based revision of seabird foraging ranges used for HRA screening, Woodward et al 2019.

[4] https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra

The relevant protected natural feature of the SSSI is the breeding bird assemblage which includes herring gull and lesser black-backed gull. Information on the SSSI can be found on the SiteLink pages of our website[5]. The assessment undertaken for the SPA can be used to assess impacts on the SSSI.

Loch Doon SSSI

1.8 The key natural heritage feature of national importance which may be affected by the proposal is the Loch Doon SSSI. The eastern edge of the site lies within 500m to the SSSI and is hydrologically linked to the SSSI. This site is notified for Arctic charr whose condition, as last assessed in 2017, is Unfavourable Declining. The Loch Doon population are genetically distinct from other naturally occurring populations which increases there importance More information on the SSSI can be accessed via our sitelink pages[6].

Bogton Loch SSSI

1.9 Bogton Loch, approx. 3km north of the development, comprises a freshwater loch with an extensive range of associated wetland communities and an associated breeding bord assemblage. Information on this site can be found on the SiteLink pages of our website[7].

Merrick Kells SSSI

1.10 Merrick Kells is within 5km of the proposal site and is notified for a range of upland habitats that will not be affected by this proposal due to the lack of hydrological connectivity. However, the breeding bird assemblage may be affected, and we advise that it is scoped into further assessment. The assemblage includes a diversity of breeding birds, including raptors and other upland species. Information on the SSSI can be found on the SiteLink pages of our website[8]

Landscape and Visual Impacts

2.1 We recognise that significant landscape and visual impacts are likely to arise as a result of this proposal. However, our approach to advising on wind farm applications is to focus upon impacts on Scotland's landscapes that potentially raise issues of national interest (i.e. as identified in our National Interest guidance). In this case, it is unlikely that we will consider that the landscape and visual effects of the proposal will raise natural heritage issues of national interest, and we are therefore unlikely to provide any specific landscape advice at application stage.

2.2 NatureScot guidance on landscape and visual impacts of wind farms can be found on our website[9]. Our updated pre-application guidance includes advice on turbine lighting assessment (including potential mitigation options).

Protected Species and habitat survey

3.1 We welcome the proposed protected species and habitat surveys outlined in the scoping report as being appropriate for this site. If any likely impacts are identified, then mitigation measures should be outlined within a species protection plan. There is a range of standing

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[5] https://sitelink.nature.scot/site/22

[6] https://sitelink.nature.scot/site/976

[7] https://sitelink.nature.scot/site/240

[8] https://sitelink.nature.scot/site/1148

[9] https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/renewable-energy/onshore-wind-energy/wind-farm-impacts-landscape

advice for protected species on the NatureScot webpage[10] which the applicant may find helpful.

3.2 In order to inform species protection plans we advise that pre-construction surveys are proposed as part of the embedded mitigation for the project and that our current guidance is followed[1]. The timing of pre-construction surveys depends on whether it is possible to survey a species at any time of year (e.g. otter and badger) or if there is restricted window within which a survey can be undertaken (e.g. breeding birds, bats and water vole). For species that can be surveyed at any time of year, pre-construction surveys should be undertaken as close to the construction period as possible, and no more than 3 months before the start of works. For species that have a restricted survey window the pre-construction surveys should be undertaken as close to the start of works as possible, and always within the most recent survey window.

3.3 We welcome that the EIA will include a minimum of two complete years of bird survey data to allow for variation in bird use to be evaluated.

4. **Peatland**

4.1 Our detailed peatland advice for applicants is contained in our revised guidance on Advising on peatland, carbon-rich soils and priority peatland habitats in development management[11] (November 2023). Our onshore wind pre-application guidance (November 2024) also highlights key messages in relation to peatland assessment, recommendations on peatland restoration, and the level of information to be submitted with the application.

4.2 Our online mapping indicates that the site is underlain with a mixture of priority peatland habitats and deep peat and as such phase 1 and phase 2 peatland surveys will be required in line with our guidance.

5.Enhancing biodiversity

5.1 We refer the applicant to updated advice on enhancing biodiversity that is contained in the latest (November 2024) version of our wind farm pre-app guidance.

5.2 We welcome the production of a draft Habitat management plan to support this proposal and note that it should clearly identify both compensation and enhancement proposals proportionate to the impacts and opportunities relevant to the proposal.

5.3 We advise that consideration should be given to how the proposal could look to improve the management and monitoring of the Loch Doon SSSI in relation to Arctic Charr.

Ends

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[10] https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species

[11] https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Ross McCleary
Case Officer
Energy Consents Unit

Our Ref: PCS-20005739

Your Ref: ECU00006175

By email only to: Econsents_Admin@gov.scot

SEPA Email Contact:
planning.south@sepa.org.uk

25 June 2025

Dear Ross McCleary

Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
ECU00006175
Scoping Opinion: A wind farm proposal comprising 12 turbines with 200m blade to tip height and associated infrastructure
Herd Hill Wind Farm, West of Loch Doon

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development. We welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter and would especially welcome further pre-application engagement once initial peat probing, peat condition assessment and habitat survey work has been completed and the layout developed further as a result.

Our position and advice, given below, is based on the Scottish Ministers ultimately determining that the proposal is classed as development that could be supported for the purposes of assessment under Policies 5 Soils and 22 Flood risk and water management,

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as defined in National Planning Framework 4 (NPF4). If this is not the case, please advise so we can re-consider our position and advice. We consider that this also covers the requirements in NPF4 Policies 2 Climate mitigation and adaption, 3 Biodiversity and 11 Energy.

Advice for the determining authority

To **avoid delay and potential objection** the EIA submission must contain a series of scale drawings of sensitivities, for example peat depth, peat condition, Groundwater Dependent Terrestrial Ecosystems (GWDTE), proximity to waterbodies, overlain with proposed permanent and temporary development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, then reduce and then mitigate significant impacts on the environment. We request that the issues covered in Appendix 1 below, which provides details of our standard information requirements for EIA development and the form in which they must be submitted, and Appendix 2, which provides additional development type specific advice, be addressed to our satisfaction in the EIA process.

If you have queries relating to this letter, please contact us at planning.south@sepa.org.uk including our reference number in the email subject.

Your sincerely,

Stephanie Balman
Planning Officer
Planning Service

Ecopy to: george.oldroyd@energiekontor.com; Ross.Mccleary@gov.scot

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a

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further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found at sepa.org.uk/environment/land/planning/.

Appendix 1: SEPA Energy generation and transmission EIA scoping requirements

Please note that some of our planning guidance referenced in this response has been reviewed and updated to reflect the National Planning Framework 4 (NPF4) policies. For example, our Flood Risk Standing Advice, Guidance on Assessing the Impacts of Developments on Groundwater Dependent Terrestrial Ecosystems and the Guidance on Assessing the Impacts of Developments on Groundwater Abstractions.

This appendix sets out our minimum information requirements and we would welcome discussion around these prior to formal submission to avoid delays. There may be opportunities to scope out some of the issues below and in Appendix 2 depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site. If there is a significant length of time between scoping and application submission, the developer should check whether our advice has changed.

1. Site layout

1.1 Each of the drawings requested below must detail all proposed upgraded, temporary and permanent infrastructure. This includes all tracks, excavations, landraising and other groundworks, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other construction and built elements. All drawings must be based on an adequate scale with which to assess the information.

1.2 The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable, cabling must be laid in ground already disturbed such as verges, and existing built infrastructure must be re-used or upgraded where possible.

1.3 A comparison of the environmental effects of alternative locations of infrastructure elements may be required. We seek absolute avoidance of development on the sensitive habitats detailed below. Where elements of a development haven't avoided for example near-natural peatland, adequate justification should be provided for the proposed layout. The justification should include how any impacts are considered in relation to example the mitigation hierarchy as demonstrated through the Peat Management Plan (PMP) submission. This should be supported by maps with overlays of the peat maps and any other constraints, such as visual impact, to clearly demonstrate how these constraints have influenced any necessary need for development on peatland and other sensitive habitats within our remit.

2. Peatland and other carbon rich soils (CRS)

2.1 Peatland in near natural condition generally experiences low greenhouse gas emissions, is accumulating and may be sequestering carbon, has high value for supporting biodiversity, helps to protect water quality and contributes to natural flood management, irrespective of whether that peatland is designated for nature conservation purposes or not. Where proposals are on peatland or other CRS, the following should be submitted to address our requirements in relation to NPF4 Policy 5 to protect CRS and the ecosystem services they provide (including water and carbon storage).

2.2 It should be clearly demonstrated that the assessment has informed careful project design and ensured, in accordance with relevant guidance and the mitigation hierarchy in NPF4, that adverse impacts are first avoided and then minimised through best practice.

2.3 The submission should include a series of layout drawings, at a usable scale, showing all permanent and temporary infrastructure, along with the ancillary construction work areas, with the extent of excavation required. These plans should be overlaid on the following:

a) Peat depth survey showing peat probe locations, colour coded using distinct colours for each depth category. This must include adequate peat probing information to inform the site layout in accordance with the mitigation hierarchy in NPF4, which may be more than that outlined in the Peatland Survey – Guidance on Developments on Peatland (2017).

b) Peat depth survey showing interpolated peat depths.

c) Peatland condition mapping – the Peatland Condition Assessment photographic guide lists the criteria for each condition category and illustrates how to identify each condition category.

2.4 The detailed series of layout drawings above should clearly demonstrate that peat excavation has been avoided where possible. Where complete avoidance of peat and other CRS is not possible, justification should be provided to adequately demonstrate why this is the case, and it should be clearly demonstrated on the drawings that:

a) Development proposals avoid any near natural peatland and the deepest areas of peat.

b) All proposed excavation is on peat less than 1m deep, where feasible.

c) The volumes of peat excavated have been reduced as much as possible, first through layout and then by design, making use of techniques such as floating tracks.

2.5 The Outline Peat Management Plan (PMP) must include:

a) A table setting out the volumes of acrotelmic, catotelmic and amorphous peat to be excavated. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes.

b) A table clearly setting out the volumes of acrotelmic, catotelmic and amorphous excavated peat: (1) used in making good site specific areas disturbed by development, including borrow pits (quantities used in making good areas disturbed by development must be the minimum required to achieve the intended environmental benefit and materials must be suitable for the proposed use), (2) used in on and off site peatland restoration, and (3) disposed of, and the proposed means of disposal (if deemed unavoidable after all other uses of excavated peat have been explored and reviewed).

c) Details of proposals for temporary storage and handling of peat – Good Practice during Wind Farm Construction outlines the approach to good practice when addressing issues of peat management on site and minimising carbon loss.

d) Suitable evidence that the use of peat in making good areas disturbed by development, including borrow pits, is genuine and not a waste disposal operation, including evidence on the suitability of the peat and evidence that the quantity used matches and does not exceed the requirement of the proposed use.

e) If peat is to be used in the reinstatement of borrow pits on site, cross sections and plans should be provided showing the proposed maximum peat depth profiles for each category of peat, phasing and final restoration profiles in relation to surrounding land with a clear hydrological justification for the use of catotelmic peat also being given. The target restoration habitat for each borrow pit should be specified, along with how this will be maintained and managed in perpetuity.

f) Use of excavated peat in areas not disturbed by the development itself is no longer a matter we provide planning advice on. Please refer to Advising on peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot 2023, and the Peatland ACTION – Technical Compendium, which provides more detailed advice on peatland restoration techniques. Unless the excavated peat is certain to be used for construction purposes in its natural state on the site from where it is excavated, it will be subject to regulatory control. The use of excavated peat off-site, including for peatland restoration, will require the appropriate level of environmental authorisation. Excavated peat will be waste if it is discarded, or the holder intends to or is required to discard it. These proposals should be clearly outlined so that we can identify any regulatory implications of the proposed activities. This will allow the developer and their contractors to tailor their planning and designs to accommodate any regulatory requirements. Further guidance on this can be found in the document Is it waste - Understanding the definition of waste.

3. Water environment

3.1 Policy 11 of NPF4 requires that the project design and mitigation demonstrate how impacts on hydrology, the water environment and flood risk are addressed. The proposals should demonstrate how impacts on local hydrology have been minimised and the site layout designed to minimise watercourse crossings and avoid other direct impacts on water features. Measures should be put in place to protect any downstream sensitive receptors.

3.2 The submission must include a set of drawings showing:

a) The footprint of all proposed temporary and permanent infrastructure (including all the ancillary construction work areas, for example excavations, landraising and other groundworks, storage, laydown and working areas) overlain with all waterbodies.

b) The minimum buffer around each waterbody, as detailed in Table 1 of Recommended Riparian Corridor Layer for use in Land Use Planning, from all construction activities including working and storage areas, or 50m where subsurface activities are more than 1m in depth. If these minimum buffers cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the waterbody, drawings of what is proposed in terms of any engineering works, and details of why the minimum buffer cannot be achieved and mitigation measures to protect the feature.

c) A map showing the location, size, depths and dimensions of all borrow pits overlain with all waterbodies within 250m and showing a site-specific buffer around each waterbody proportionate to the depth of excavations. The information provided needs to demonstrate that a site-specific proportionate buffer can be achieved.

3.3 Further advice and our best practice guidance are available on our sepa.org.uk/regulations/water/engineering/ webpage. Guidance on the design of water crossings can be found in the Construction of River Crossings Good Practice Guide.

4. Groundwater Dependent Terrestrial Ecosystems and existing groundwater abstractions

4.1 The construction and operation of developments can disrupt groundwater flow and impact on Groundwater Dependent Terrestrial Ecosystems (GWDTE), which are protected under the Water Framework Directive, and existing groundwater abstractions. The layout and design of the development must avoid adverse impacts on such areas, ensuring the water environment, including GWDTE and existing groundwater abstractions, are protected.

4.2 As detailed in our Guidance on Assessing the Impacts of Developments on Groundwater Dependent Terrestrial Ecosystems and the Guidance on Assessing the Impacts of Developments on Groundwater Abstractions, a phased approach to the assessment of risks to GWDTE and groundwater abstractions is recommended, with greater detail being required for higher risk sites or activities.

4.3 Where monitoring is required, please note that baseline monitoring is expected to commence at least 12 months ahead of the development works starting on site and this should be factored into the timescales for submitting the Environmental Impact Assessment Report (EIAR) and commencement of development.

<u>Groundwater Dependent Terrestrial Ecosystems (GWDTE)</u>

4.4 A Phase 1 habitat survey should be provided unless the developer is already aware that GWDTE are likely to be present. Where initial assessment results indicate relevant habitats may be present, a National Vegetation Classification (NVC) survey should be submitted, along with the following information:

a) A set of drawings demonstrating all GWDTE are outwith a 10m radius of all activities, 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers cannot be achieved, a conceptual site model (CSM) should be provided that includes interpretation of the hydrogeological setting, including the groundwater flow regime, and the ecological features present. This may be supported, as appropriate, by intrusive ground investigation, groundwater monitoring, or groundwater modelling in addition to topography, properties of the emergent water and the soil, and underlying geology. Please refer to Guidance on Assessing the Impacts of Developments on Groundwater Dependent Terrestrial Ecosystems for further advice on undertaking detailed site specific qualitative and/or quantitative risk assessments and the minimum information we require to be submitted.

c) Please note that while we will accept The UK Habitat Classification System (UKHab) as an alternative to a Phase 1 habitat survey, due to discrepancies in habitat definition and ambiguity in correspondence with NVC types, we do not accept the use of the UKHab as an alternative to NVC.

Existing groundwater abstractions

4.5 The source (rather than the property it supplies) of both public and private water supply groundwater abstractions, both within and outwith the site boundary, should be identified. Scottish Water holds information regarding public water supplies and the Local Authority holds records of private water supplies. Note that the information held by the Local Authority will sometimes relate to the property served by the private water supply, rather than the location of the source itself (e.g. the house rather than the borehole or spring). Therefore, the details of each private water supply source require confirmation, including a site walkover survey.

4.6 The following information should be submitted where the assessment results indicate groundwater supplies may be present:

a) A set of drawings demonstrating all groundwater abstractions are outwith a 10m radius of all activities, 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers cannot be achieved a conceptual site model should be provided that includes interpretation of the hydrogeological setting, including the groundwater flow regime. This may be supported, as appropriate, by intrusive ground investigation, groundwater monitoring, or groundwater modelling. Please refer to Guidance on Assessing the Impacts of Developments on Groundwater Abstractions for further advice on undertaking detailed site specific qualitative and/or quantitative risk assessments and the minimum information we require to be submitted.

5. Flood risk

5.1 We reiterate that, as detailed above, our position and advice is based on the determining authority determining that the proposal is supported under Policy 22, as defined in NPF4, unless we are advised otherwise.

5.2 Advice on flood risk is available at Flood Risk Standing Advice and reference should also be made to Controlled Activities Regulations (CAR) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities.

5.3 Crossings must be designed to accommodate the 0.5% annual exceedance probability flows with an appropriate allowance for climate change, or information provided to justify smaller structures. Our Climate change allowances for flood risk assessment in land use planning guidance sets out required allowances for climate change.

5.4 In order to establish that the five bullet points within NPF4 Policy 22a have been satisfied and where it is considered the development could result in an increased risk of flooding to a nearby receptor, then a flood risk assessment (FRA) must be submitted. Our Technical Flood Risk Guidance for Stakeholders provides generic requirements for undertaking Flood Risk Assessments as well as our Climate change allowances for flood risk assessment in land use planning guidance.

5.5 The FRA should specifically address the following issues:

a) All existing watercourses and drains on the site are fully identified and flow pathways understood in relation to the 1 in 200 year plus climate change flood levels for the catchment.

b) The modelling should extend far enough upstream to capture any flow pathways which may impact the development site.

c) Demonstration there is no increased flood risk to existing properties in the vicinity of the proposed development and, if possible, demonstrate an improvement.

d) Any intended realignment or alteration of channels should also be outlined and accounted for within the FRA, with analysis showing pre and post development flood risk.

e) Where applicable, flows should be shown to be accommodated within any altered channel to avoid flooding of existing structures, access roads or increased risk for others.

5.6 Generally, we are unable to support landraising within a flood risk area unless it is required for development outlined under the exceptions in Policy 22a of NPF4. Which, as indicated above, we understand this proposal is unless notified otherwise, and as such we may be able to accept. However, where landraising is proposed within the flood risk area identified within the FRA, it should be linked to compensatory storage and demonstrated that there is no reduction in floodplain capacity, or increased risk for others. Notwithstanding this, any landraising must be shown to be minimised as far as possible.

5.7 Culverting for land gain would not be supported by us. If any works to alter watercourse channels are proposed, we would expect betterment to the channel and utilisation of this opportunity to help reduce flood risk to the wider site and any other nearby receptors.

6. Environmental enhancements

6.1 Policy 3 of NPF4 requires all EIA development to demonstrate that the proposal will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention. EIA development should fully mitigate potential negative effects prior to identifying biodiversity enhancements, with the enhancements provided in addition to mitigation. We have published a data set which identifies where riparian planting would be most beneficial. This is available via the data publication page at sepa.org.uk/environment/environmental-data/. We highlight there may be opportunities for riparian planting along watercourses within landownership boundaries and would welcome the exploration of such planting as part of any biodiversity net gain proposals.

7. Forest removal and forest waste

7.1 If forestry is present on the site, the site layout should be designed to avoid large scale felling, as this can result in substantial amounts of waste material and a peak in release of nutrients which can affect local water quality.

7.2 The submission must include drawings with the boundaries of where felling will take place and a description of what is proposed for this timber in accordance with Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS and our guidance Management of Forestry Waste.

8. Pollution prevention and environmental management

8.1 The submission must include a schedule of mitigation, which includes reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils and peat at any one time) and regulatory requirements. Please refer to the Guidance for Pollution Prevention (GPPs), along with our sepa.org.uk/regulations/water/construction/ and sepa.org.uk/regulations/water/pollution-control/water-run-off-from-construction-sites/ webpages, for more information and advice.

8.2 A commitment must also be included in the schedule of mitigation that micrositing will not encroach into sensitive areas, to avoid adversely affecting mitigation measures identified in the EIAR that seek to avoid and/or minimise adverse effects on sensitive receptors (eg peat, watercourse and GWDTE buffers).

9. Life extension, repowering and decommissioning

9.1 The discarding of materials as waste should be avoided and the waste hierarchy applied to waste produced during construction, operation and decommissioning of the development. If there is an intention to discard materials then further guidance on this can be found in Is it waste - Understanding the definition of waste, and our sepa.org.uk/regulations/waste/ and sepa.org.uk/regulations/waste/guidance/ webpages.

10. Other planning matters

10.1 For all other planning matters, we refer you and the developer to the relevant standing advice in our Triage guidance and standing advice, which is also applicable to Electricity Act applications.

11. SEPA authorisation

11.1 We authorise several matters relating to water, waste management, radioactive substances, and pollution prevention and control. In 2018, the Scottish Government brought in the Environmental Authorisations (Scotland) Regulations 2018 (EASR 2018). The aim of these Regulations is to provide a standardised, simplified, common framework for environmental authorisations in Scotland, known as an Integrated Authorisation Framework (IAF). A copy of the draft Environmental Authorisations (Scotland) Amendment Regulations 2025 can be found at legislation.gov.uk/sdsi/2025/9780111062319/introduction.

11.2 The IAF is being developed in a phased manner during 2025, with the regulations applying initially to radioactive substances activities in early 2025. For further information on the amendment of the regulations please refer to our sepa.org.uk/regulations/how-we-regulate/environmental-authorisations-scotland-regulations-2018/ webpage.

11.3 It is an applicant's responsibility to ensure their proposals will meet all relevant regulatory requirements and they are working within regulatory guidelines. We prefer all the technical information required for any SEPA authorisations to be submitted at the same time as the planning or similar application. We consider it to be at the applicant's commercial risk if planning permission is granted for a development/process which cannot gain authorisation from us, or if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising.

11.4 Our sepa.org.uk/regulations/ webpage provides good practice advice and guidance and defines those activities which may require authorisation by SEPA, along with details of how to contact us for more help, advice and how to apply for any necessary authorisations.

Appendix 2: SEPA's additional EIA scoping requirements by type of development

The below advice should be read in conjunction with the scoping advice in Appendix 1 above.

1. Windfarm

1.1 Proposals for life extension, repowering and/or decommissioning of windfarms must demonstrate accordance with our guidance on the Life extension and decommissioning of onshore wind farms. Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and best practice, including justification for not selecting lower impact options when life extension is not proposed.

A53

From: Andrew Kitching
To: Econsents Admin
Cc: Neil Murray
Subject: RE: Request for Scoping Opinion Herd Hill Wind Farm
Date: 12 June 2025 16:50:59
Attachments: image002.png
image005.png
image003.png

Thank you for consulting Scottish Forestry on the Herd Hill Wind Farm proposal. I note from Figure 1.2 Indicative Turbine Layout, this proposal is not situated within a forest or woodland block, therefore is of limited concern from Scottish Forestry.

The site boundary does contain areas of forest and woodland, however Figure 1.2 does not include any detail in relation to new access tracks or construction compounds meaning we are not able to confirm the forest or woodland block within the site boundary will be impacted. We would be wanting to ensure these any proposed new access tracks or construction compounds do not comprise these forest or woodland blocks.

I have no other comments in relation to this project.

Kind regards

Andrew Kitching MICFor
Senior Operations Manager
Scottish Forestry
South Scotland Conservancy | 55/57 Moffat Road | Dumfries | DG1 1NP

Mobile: 07767 671540
Email: andrew.kitching@forestry.gov.scot
Please note I work a 9-day fortnight with every other FRIDAY as non-working day

Website: forestry.gov.scot
X: @scotforestry

BRAVE values are the roots that underpin Scottish Forestry, to create a workplace where our staff, and the people we work with, feel valued, supported and respected.

Be professional, **R**espect others, **A**ct with honesty and integrity, **V**alue teamwork and collaboration and **E**ncourage innovation and creativity.

-
Scottish Forestry / Coilltearachd na h-Alba

-
Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation.

A54

Development Management and Strategic Road Safety
Roads Directorate

5th Floor, 177 Bothwell Street, Glasgow, G2 7ER
Iain.clement@transport.gov.scot

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Ross McCleary
Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

econsents_admin@gov.scot

Your ref:
ECU00006175

Our ref:
GB01T19K05

Date:
10/06/2025

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR HERD HILL WIND FARM REPOWERING

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by Energiekontor UK Ltd in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultant to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

Proposed Development

The proposed development comprises a wind farm of up to 12 turbines with a maximum blade tip height of up to 200m, located approximately 6km south of Dalmellington and approximately 26km southeast of the A77(T) at Bankfield Roundabout.

Assessment of Environmental Impacts

Chapter 6ii) of the SR presents the proposed methodology for the assessment of Transportation. This states that the assessment will be carried out in accordance with the 'Guidelines for the Environmental Assessment of Road Traffic' (IEMA) (1993). Transport Scotland would note that the applicable guidance is entitled Environmental Assessment of Traffic and Movement, by the Institute of Environmental Management and Assessment (IEMA) (July 2023). These Guidelines are intended to update and replace the previous 1993 IEMA guidelines and provide enhanced and up to date advice on the assessment of traffic and movement.

We would request that the thresholds as indicated within these new Guidelines be used as a screening process for the assessment. These specify that road links should be taken forward for further assessment where the following two rules are breached:

Rule 1: Include road links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%)

Rule 2: Include road links of high sensitivity where traffic flows have increased by 10% or more.

The SR states that the study area will "*effectively be the public highway network in the vicinity of the Site which would be used during the construction and operation of the wind farm.*" Transport Scotland would request that the potential impact of generated traffic on the trunk road be included within the assessment.

We note that it is proposed that traffic count data be sourced from the local highways authority. We would state that an alternative source of traffic data is Traffic Scotland's National Traffic Data System. In addition, Transport Scotland would request that National Road Traffic Forecast (NRTF) Low Traffic Growth assumptions be used to provide a common future year baseline to coincide with the expected construction traffic peak.

It is noted that any impacts associated with the operational and decommissioning phases of the development are to be scoped out of the EIA. We would consider this to be acceptable in this instance.

Abnormal Loads Assessment

The SR states that the forthcoming assessment will include a Route Access Description, to confirm the preferred route(s) to site for the transportation of wind turbine components (abnormal loads) and other construction vehicles (heavy goods vehicles and light vehicles), together with a description of any physical works that would be required to facilitate access.

We would add that Transport Scotland will require to be satisfied that the size of turbines proposed can negotiate the selected route and that their transportation will not have any detrimental effect on structures within the trunk road route path.

A full Abnormal Loads Assessment report should, therefore, be provided with the EIAR that identifies key pinch points on the trunk road network. Swept path analysis should be undertaken and details provided with regard to any required changes to street furniture or structures along the route.

I trust that the above is satisfactory but should you wish to discuss any issues raised in greater detail, please do not hesitate to contact me or alternatively, Alan DeVenny at SYSTRA's Glasgow Office can assist on 0141 343 9636.

A56

Yours faithfully

REDACT

Iain Clement

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.

Katie Butchart

From: Carolyn Bryce <carolyn@ayrshireriverstrust.org>
Sent: 25 June 2025 10:48
To: Econsents Admin
Subject: Herd Hill Wind Farm

Good morning,

Apologies in the delay in getting this response to you in relation to the **Herd Hill Wind Farm development**.

We are content that Environmental Impact Assessment Scoping Report includes watercourses and fish habitat surveys within its assessment. However, we would like to highlight that while the site boundary is situated 500m from Loch Doon, a number of small tributaries drain the development site directly into the Loch. We know from experience that poor operational design, irregular inspections of mitigation measures and poorly installed mitigation measures can lead to pollution incidents. We would like the EIA to assess the potential impacts of the development on the SSSI Arctic charr population within Loch Doon and provide stringent mitigation measures and controls. The population of Arctic Charr is currently classed as 'Unfavourable declining' by NatureScot with water management and water quality listed as negative pressures. Arctic charr are a UK Biodiversity Action Plan priority fish species as are Atlantic salmon and trout which are also found within Loch Doon and any protections provided for Arctic charr would benefit Salmonids and the water quality.

As stated within the report "NPF4 introduces a number of national planning policies which apply to all development proposals in Scotland" including biodiversity enhancements. We would strongly advocate for native riparian planting along the Garpel burn, Knockdon burn and Water of Girvan as part of the biodiversity enhancements works.

Within the Scottish Government's Scottish 'Wild Salmon Strategy' poor water quality and thermal stress have been identified as key pressures and 'improving the conditions of rivers and giving salmon free access to cold, clean water' is a key priority theme for action. Through the Scottish River Temperature Monitoring Network (SRTMN) Ayrshire Rivers Trust have recorded river temperatures of 26.8°C in the upper catchment of the River Ayr. Juvenile salmon and trout prefer temperatures in the mid-teens and begin to struggle when temperatures exceed 20°C and experience thermal stress at temperatures of 23°C and above. Limited exposure to temperatures of 27°C and above are fatal. Riparian tree planting is a recognised means of combating increasing river temperatures as well as providing a source of nutrients and woody debris to the watercourses. Tree planting is beneficial to wildlife beyond the watercourses. Ayrshire Rivers Trust are set up to advise on riparian tree planting schemes.

Lastly, we would like to highlight that this development is situated such that it drains into two river catchments, the Water of Girvan and the River Doon. Both river catchments are managed by District Salmon Fishery Boards who are statutory consultees and should be contacted prior to any fisheries assessments taking place.

kind regards,

Carolyn Bryce (She/Her)

A58

Biologist

We have recently moved - see below for our new address!

Ayrshire Rivers Trust
working to improve Ayrshire's rivers and lochs

T: 01290 518130 W: www.ayrshireriverstrust.org E: info@ayrshireriverstrust.org
A: 2 Crosshill Cottage, Mauchline, KA5 5HJ A Scottish Registered Charity 030426
VAT: 483019785

OSCR Scottish Charity Regulator www.oscr.org.uk Registered Charity SC030426

A59

Defence Infrastructure Organisation

Teena Oulaghan
Safeguarding Manager
Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Telephone [MOD]: 07970 170934

E-mail: teena.oulaghan100@mod.gov.uk

Your Reference: ECU00006175

Our Reference: DIO10067680

Ross McCleary
Energy Consents Unit
Scottish Government
4th Floor
5 Atlantic Quay
150 Broomielaw
G2 8LU

By email only

7 July 2025

Dear Ross,

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR HERD HILL WIND FARM REPOWERING.

Thank you for consulting the Ministry of Defence (MOD) in relation to the Scoping Opinion through your communication dated 2 June 2025.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

I am writing to advise you that the MOD has concerns with the proposal.

The proposal concerns a development of 12 turbines with maximum blade tip heights of 200 metres above ground level. The proposed development has been assessed using the location data (Grid References) below provided in the developers Herd Hill Wind Farm – Environmental Impact Assessment Scoping Report dated May 2025.

Turbine no.	Easting	Northing
1	244872	600259
2	245237	599959
3	245698	599830
4	246040	599528

5	246399	599246
6	246464	598752
7	244336	600018
8	244659	599687
9	245013	599376
10	245458	599170
11	245835	598898
12	245958	598413

The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to their potential to create a physical obstruction to air traffic movements.

Physical Obstruction

The application site falls within Tactical Training Area 20 (TTA 20T), an area within which fixed wing aircraft may operate as low as 100 feet or 30.5 metres and Low Flying Area 16 (LFA 16), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

To address the impact up on low flying given the location and scale of the development, the MOD would require that conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.

The development proposed includes wind turbine generators that exceed a height of 150m agl and are therefore subject to the lighting requirements set out in the Air Navigation Order 2016. In addition to CAA requirements, the MOD will require the submission, approval, and implementation of an aviation safety lighting specification that details the installation of MOD accredited aviation safety lighting.

As a minimum the MOD would require that the perimeter turbines are fitted with MOD accredited Infra-red (IR) lighting.

Summary

The MOD has concerns that this development is likely to have a detrimental impact on the operation and capability of the Eskdalemuir Seismological Recording Station and that it would introduce a physical obstruction to air traffic movements.

The MOD must emphasise that the advice provided within this letter is in response to the information detailed in the developer's document titled 'Herd Hill Wind Farm – Environmental Impact Assessment Scoping Report' dated May 2025. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further, please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

MOD: https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding

Yours sincerely
REDACT

Teena Oulaghan
Safeguarding Manager

A62

From: Safe Guarding
To: Econsents Admin
Cc: Safe Guarding
Subject: ECU00006175 - Herd Hill Wind Farm
Date: 12 June 2025 12:06:57
Attachments: image001.png

Good afternoon,
In respect of the above, I can confirm the location of this development falls out with our Aerodrome Safeguarding zone for Edinburgh Airport therefore we have no objection/comment.
With best regards,
Claire

Claire Brown
Aerodrome Safeguarding & Compliance Officer
t: +44 (0)131 344 3845 m: 07771 842927
My working hours are Monday-Friday
www.edinburghairport.com

Edinburgh Airport Limited
Room 3/54, 2nd Floor Terminal Building
EH12 9DN, Scotland

A63

Fisheries Management Scotland (FMS) Consultation Response

From:	Brian Davidson
To:	Ross Mccleary
Cc:	Stuart Brabbs (stuart@ayrshireriverstrust.org); iclark@gilsongray.co.uk
Subject:	RE: Request for Scoping Opinion Herd Hill Wind Farm
Date:	06 June 2025 10:26:30
Attachments:	image001.png

Dear Ross,

Thank you for your correspondence concerning the proposed Herd Hill wind farm.

Fisheries Management Scotland (FMS) represents the network of 40 Scottish District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), who have a statutory responsibility to protect and improve salmon and sea trout fisheries and the 26 fishery trusts who provide a research, educational and monitoring role for all freshwater fish.

FMS act as a convenient central point for Scottish Government and developers to seek views on local developments. However, as we do not have the appropriate local knowledge, or the technical expertise to respond to specific projects, we are only able to provide a general response with regard to the potential risk of such developments to fish, their habitats and any dependent fisheries. Accordingly, our remit is confined mainly to alerting the relevant local DSFB/Trust to any proposal.

The proposed development falls within the district of the Doon District Salmon Fishery Board, and the catchment relating to the Ayrshire Rivers Trust. It is important that the proposals are conducted in full consultation with these organisations (see link to FMS member DSFBs and Trusts below). We have also copied this response to these organisations.

Due to the potential for such developments to impact on migratory fish species and the fisheries they support, FMS have developed, in conjunction with Marine Scotland Science, advice for DSFBs and Trusts in dealing with planning applications. We would strongly recommend that these guidelines are fully considered throughout the planning, construction and monitoring phases of the proposed development.

- LINK TO ADVICE ON TERRESTRIAL WINDFARMS
- LINK TO FMS MEMBER NETWORK CONTACT DETAILS

Kind regards,

Brian

Brian Davidson | Director of Operations
Fisheries Management Scotland
11 Rutland Square, Edinburgh, EH1 2AS
Tel: 0131 221 6567 | 075844 84602
www.fms.scot

Galloway and Southern Ayrshire Biosphere Partnership
Biosphere Office, 37 Queen Street,
Newton Stewart, DG8 6JR
info@gsabiosphere.org.uk
www.gsabiosphere.org.uk

Ross Mccleary

Case Officer

Energy Consents Unit

The Scottish Government

Sent by email to: Econsents_Admin@gov.scot

Dear Ross

ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 PPLICATION FOR Herd Hill Wind Farm Repowering

Thank-you for consulting with Galloway and Southern Ayrshire Biosphere for scoping opinion on the proposals for the Herd Hill Wind Farm Repower ECU00006175. We'd like to start by pointing out that this does not appear to be a repowering but is in actual fact a consultation for a new wind farm development.

Paragraph 5.46 of the scoping document notes the LDP Policy regarding the Galloway and Southern Ayrshire Biosphere and the importance of development being relevant to the different zones of the Biosphere.

Paragraph 5.47 goes on to state that the proposed development is within the Transition Area of the Biosphere.

This is incorrect. The Biosphere has three zones, a Core, Buffer and Transition. The development is well within the Buffer of the Biosphere an area in which the Biosphere has had a long standing position, that states "It is the view of Galloway and Southern Ayrshire Partnership that any wind farm developments within the Core and Buffer zone of the Biosphere would not be suitable or supported due to their adverse impact on the regions natural environment and rural economy."

GALLOWAY AND SOUTHERN AYRSHIRE BIOSPHERE

Galloway and Southern Ayrshire Biosphere Partnership
Biosphere Office, 37 Queen Street,
Newton Stewart, DG8 6JR
info@gsabiosphere.org.uk
www.gsabiosphere.org.uk

I would also like to highlight NPF4 which states, "This is a place with a rich cultural heritage and exceptional environmental assets and natural resources, such as the Galloway and Southern Ayrshire UNESCO Biosphere and Galloway Forest Dark Sky Park." It goes on to say that "The UNESCO Galloway and Southern Ayrshire Biosphere is a crucial environmental asset which can contribute to the area's future sustainability, liveability and productivity."

The view of Trustees is that the proposed development;

(a) Cannot be accommodated in a manner that respects the main features and character of the landscape.

(b) Is likely to have a significant detrimental visual impacts in views experienced from surrounding residential properties and villages, public roads and paths, significant public viewpoints and important recreational assets and tourist attractions.

(c) Will have unacceptable cumulative and visual impacts when considered in combination with other wind energy developments existing or approved on designated scenic landscapes.

(d) Will have an adverse impact on skylines and hill features, including prominent features.

(e) Does not support the aims of the UNESCO Biosphere.

(f) Will set an unacceptable precedent of wind energy development in the Buffer Zone of the UNESCO Biosphere.

(g) Will produce levels of lighting which would adversely affect the Galloway Forest Dark Skies status.

Yours Sincerely

REDACTED

Ed Forrest

Director

Galloway and Southern Ayrshire UNESCO Biosphere

By email only

The Scottish Government
Energy Consents Unit
5 Atlantic Quay
150 Broomielaw Glasgow
G2 8LU
FAO: Ross McCleary

11 June 2025

Dear Ross

Glasgow Prestwick Airport

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
SCOPING CONSULTATION FOR THE PROPOSED HERD HILL WIND FARM IN THE PLANNING AUTHORITY AREA OF SOUTH AND EAST AYRSHIRE COUNCIL.

Glasgow Prestwick Airport Ltd ("GPA", "the Airport") is supporting the Scottish and UK Governments' drive to release 20GW of renewable energy projects by 2030, working to facilitate over 4GW of potential wind power within a 45 nautical mile radius of the aerodrome. We continue to be actively engaged with numerous developers to address aviation safeguarding issues, including the resolution of infringements to published instrument flight procedures associated with The Airport.

We have reviewed the documents available on the ECU planning portal for the Herd Hill Wind Farm (**ECU00006175**) and respond to the scoping consultation on aviation matters only.

Glasgow Prestwick Airport Ltd
Aviation House, Prestwick, Ayrshire, Scotland, KA9 2PL

T: +44 (0)1292 511038 **E:** ihutchinson@glasgowprestwick.com
www.glasgowprestwick.com safeguarding@glasgowprestwick.com

The Airport's Windfarm Safeguarding Assessment Process

1. In aviation, safety in the air is paramount. That being the case, the Airport has considered the planning application in line with its Windfarm Safeguarding Assessment Process. The steps of that process are undertaken to ensure the Airport meets the requirements imposed upon it through the Civil Aviation Publications (CAPs) which are promulgated by the Airport's regulator, the Civil Aviation Authority (CAA).

The Airport's Initial Safeguarding Assessment

2. The Initial Safeguarding Assessment confirms that the proposed development lies outwith the lateral limits of Glasgow Prestwick Airport's Controlled Airspace (CAS), however it is in an area where the Airport's ATC regularly provide an air traffic control service as part of the approach to Runway 30.

3. Other issues identified in the assessment include:

    i. Direct radar line of sight between the Primary Surveillance Radar at GPA and the turbines.

    ii. Potential loss of VHF Ground to Air communications in the vicinity of the windfarm as a consequence of the large turbines and proximity to other developments in the area.

    iii. Increasing cumulative impact due to the proliferation of turbines in the area to the East South East of the Airport.

    iv. The need for aviation lighting for obstacles above 150m in height;

Primary Surveillance Radar (PSR)

1. Preliminary Radar Line of Sight ("RLoS") analysis at the maximum turbine tip heights of 200m for the proposed Herd Hill Wind Farm indicates that there is a likelihood that some of the proposed turbines may be visible to the Airport's primary radar. Further assessments will be required to confirm this analysis and the results will dictate the requirement for any mitigations required. The degradative

effect of wind turbines on PSR and on air traffic controllers' displays is well documented.

2. **Probability of Detection (PD)**

The Airport's Terma Scanter 4002 X-Band radar ("Terma") provides the potential for radar optimisation to mitigate the clutter. This is achieved through a process known as 'micro-blanking', where small 'holes' of surveillance coverage are removed during processing of the raw radar signal. The higher resolution of the Terma allows much smaller blanking areas to be implemented when compared with traditional S-Band radars.

However, too many of these small blanking areas in a geographical area regularly utilised by aircraft, for example where multiple windfarms are in close proximity to each other, will increase the probability of loss of radar detection of aircraft and therefore increase the risk of these degradative effects impacting on aviation safety – for example, loss of, late or no detection of aircraft in confliction with traffic receiving an Air Traffic Control service from Airport controllers.

Furthermore, mitigation is not an automatic process nor is it guaranteed to work. In line with the Airport's Windfarm Safeguarding Assessment Process and mindful of the work that is already in progress, it will be necessary to conduct a radar modelling assessment to assess the anticipated PD in the airspace above the turbines and the potential for aircraft track loss due to cumulative impact.

3. **Aircraft track loss**

Aircraft track loss is the phenomenon by which an aircraft's track on an air traffic controller's screen can be lost (or 'dropped') by the radar's processor and 'disappear'. This is due to the density of micro-blanks, either in an area specific to a large wind farm or, when wind farms are close together, extended areas of surveillance coverage. A dropped track will be missing from the air traffic controller's screen for an extended period of time while the radar re-acquires the track. This is a safety risk, and the likelihood of such an event must be considered in terms of its operational impact and further mitigated if necessary.

The anticipated PD must be acceptable from an aviation safety perspective. Although it is possible to estimate the PD following optimisation of Terma, the results are not guaranteed. The actual PD which is achieved after radar optimisation will have to be confirmed by a post construction flight trial.

Assuming that an acceptable, and confirmed, PD is achieved post optimisation, the mitigation will have to be kept in place by the Airport for the lifetime of the windfarm. A mitigation agreement which sets out the provisions necessary to test, implement and operate the mitigation safely for the lifetime of the development is a critical and essential part of this process.

Instrument Flight Procedures (IFPs)

4. Given the proposed maximum tip height (200m) of the turbines, an approximate height above sea level of 506m (1606ft), and the distance of the site from the Airport, the Airport is content that there will be no impact to any IFPs or associated protected surfaces.

Technical Safeguarding – VHF Communication Equipment

5. Preliminary analysis indicates it may be necessary to conduct a detailed Technical Safeguarding Assessment in respect of the protection of the Airport's VHF Radio Navigation Equipment in accordance with *CAP670 - Part B, Section 4: GEN 02: Technical Safeguarding of Aeronautical Radio Stations Situated at UK Aerodromes and Appendix A to GEN 02: Methodology for the Prediction of Wind Turbine Interference Impact on Aeronautical Radio Station Infrastructure*.

   Any adverse effects identified as a result of any assessment will require to be mitigated for the lifetime of the windfarm.

Cumulative Impact

6. The Airport also raises concerns in respect of the cumulative impact, with the proliferation of existing and proposed developments to the South East becoming an increasing concern for the Airport. There are 5 existing or proposed developments within 5 Nautical Miles of the site, and 23 existing or proposed developments within 10 Nautical Miles – with more than 300 turbines of various sizes visible to the Airport's Primary Surveillance Radar in that area should all the turbines be constructed.

Glasgow Prestwick Airport

Those risks include: (1) Terma alone not being able to provide the required level of mitigation; (2) Increased likelihood of loss of aircraft detection for an extended time period (3) Increased risk of late or non detection of unknown traffic leading to potential loss of separation of aircraft; (4) Adverse impact on VHF Communication Equipment. These cumulative issues across the whole coverage volume are eroding safety margins, and are increasingly likely to result in the need for additional non-temporary mitigations to address the impact of multiple windfarms in close proximity to each other and ensure the continued safe provision of air traffic control services.

Aviation Lighting

7. The Airport are keen to understand how the Developer intends to address the aviation warning obstruction lighting as required by UK CAA for obstacles greater than 150m in height above local ground level in accordance with Article 222 of the UK Air Navigation Order (ANO) 2016.

8. GPA note that while solely a matter for the CAA to consider, should the aviation lighting scheme consider the use of Aircraft Detection Lighting System (ADLS) dependent upon Electronic Conspicuity (EC) Equipment, GPA respectfully request that they are consulted with further, should such an ADLS lighting scheme be incorporated into the finalised design.

Herd Hill Scoping Report

9. In response to the Aviation section commencing at Section 6(v) of the Herd Hill Wind Farm Scoping Report, the Airport wishes to continue the dialogue established with the Developer to undertake the following aviation safeguarding assessments.

    i. A detailed formal Radar Line of Sight Assessment to confirm (or otherwise) the results of the preliminary safeguarding assessment. The results will dictate which, if any, of numbers ii to vi below would be required.

Glasgow Prestwick Airport

ii. A radar flight trial in the airspace above the proposed windfarm and subsequent technical reports to establish the Baseline Probability of Detection (PD) of the radar prior to the windfarm being constructed.

iii. A radar modelling assessment against the Airport's primary surveillance radar(s) to establish whether the existing Terma radar situated at the Airport has the capability to mitigate the clutter from the visible turbines, or whether additional mitigation will be required.

iv. A VHF radio communication assessment in the vicinity of the proposed windfarm against the Airport's VHF Ground to Air radio equipment infrastructure;

v. A mitigation agreement which sets out the provisions necessary to test, implement and operate the mitigation safely for the lifetime of the development, allowing the Airport to discharge its regulatory responsibilities as an Air Navigation Services Provider.

vi. Consultation on any changes to the proposed aviation lighting scheme.

Conclusions

10. This development raises aviation safety concerns, and would have a potential operational impact on the Airport as an Air Navigation Services Provider (ANSP).

11. Consequently, the Airport would lodge an initial **holding objection** to this development should it proceed to a full Section 36 application, until such time as the aviation safety issues are fully examined, defined, and resolved to both the Developer and the Airport's satisfaction.

12. We believe that the commission of a formal Radar Line of Sight Assessment will allow a better evaluation of the extent of any safeguarding concerns.

Glasgow Prestwick Airport Ltd
Aviation House, Prestwick, Ayrshire, Scotland, KA9 2PL

T: +44 (0)1292 511038 **E:** ihutchinson@glasgowprestwick.com
www.glasgowprestwick.com safeguarding@glasgowprestwick.com

Yours faithfully

REDACT

Ian Hutchinson

Aerodrome Safeguarding Manager

For and on behalf of Glasgow Prestwick Airport Limited

Glasgow Prestwick Airport Ltd
Aviation House, Prestwick, Ayrshire, Scotland, KA9 2PL

T: +44 (0)1292 511038 **E:** ihutchinson@glasgowprestwick.com
www.glasgowprestwick.com safeguarding@glasgowprestwick.com

A73

From:	LUP enquiries
To:	Ross Mccleary
Subject:	Fw: Request for Scoping Opinion Herd Hill Wind Farm
Date:	05 June 2025 16:53:13
Attachments:	image001.png Outlook-Health and.png

Dear Mr McCleary,

Thank you for your consultation of 02 June 2025 from the Scottish Ministers (sent to HSE's email address HazSubConsent.CEMHD5@hse.gov.uk), for HSE's view on the proposed Herd Hill Wind Farm for consent under section 36 of the Electricity Act 1989.

Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

- HSE's response is limited to our role in the land use planning system for the control of major industrial hazards involving hazardous substances.
- HSE is not responding in our regulatory role in the health and safety system

1. The proposed development, is not a type that would store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.
2. The development is not located within a safeguarding zone of an Explosives site licensed under the Explosives regulations 2014 or the Dangerous goods in harbour area regulations 2016.
3. The development is not located within HSE's land-use-planning consultation zones for major accident hazard pipelines and hazardous substances consented sites (licensed explosives sites are covered in the previous paragraph).

Due to the above 3 points, HSE have no views on the additional information provided.

4. If there is a major accident hazard establishment with no HSE consultation zones, in the vicinity of the proposed development, and you are concerned that the proposed development might increase the risk or consequences of a major accident at the existing establishment then please directly consult the operator of the establishment, as appropriate.
5. General health and safety at work

HSE realises that Environmental Risk Assessments are not expected to include general health and safety at work however we take this opportunity to point out that it may be beneficial for employer(s) to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.

Kind regards,
Kathryn Deakin

HSE's Land Use Planning Support Team
Health and Safety Executive | Chemicals, Explosives and Microbiological Division 5
lupenquiries@hse.gov.uk

A74

From: Joint Radio Company
To: Ross Mccleary
Cc: Econsents Admin; windspen@jrc.co.uk
Subject: Re: Herd Hill Wind Farm - ECU00006175 - Request for Scoping Opinion
Date: 04 June 2025 10:47:27

If any details of this proposal change, particularly the disposition or scale of any turbine(s), this clearance will be void and re-evaluation of the proposal will be necessary.

Dear Ross

Planning Ref: ECU00006175

Name/Location: Herd Hill Wind Farm

Turbine(s) at NGR:

Turbine	Easting	Northing
1	244872	600259
2	245237	599959
3	245698	599830
4	246040	599528
5	246399	599246
6	246464	598752
7	244336	600018
8	244659	599687
9	245013	599376
10	245458	599170
11	245835	598898
12	245958	598413

Hub Height: 122.5m
Rotor Radius: 77.5m

This proposal is **cleared - subject to 50m Micrositing -** with respect to radio link infrastructure operated by the local energy networks.

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently,

A75

developers are advised to seek re-coordination prior to considering any design changes.

Regards

Wind Farm Team

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

A76

MOUNTAINEERING SCOTLAND
WALKCLIMBSKI

The Granary | West Mill Street | Perth | PH1 5QP
T: 01738 493 942 E: info@mountaineering.scot
www.mountaineering.scot

By email to: Econsents_Admin@gov.scot

Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow G2 8LU

19th June 2025

Dear Sir/Madam,

Herd Hill Wind Farm, Environmental Impact Assessment Scoping Report
ECU reference: ECU00006175

Background and Context

1. Energiekontor UK Ltd has submitted a Scoping Report for a wind farm of 12 turbines of 200m blade-tip height, south of Darmellington.

2. Mountaineering Scotland is a membership organisation with 16,000 members and is the only recognised representative organisation for hill walkers, climbers, mountaineers and ski-tourers who live in Scotland or who enjoy Scotland's mountains. We represent, support and promote Scottish mountaineering, and provide training and information to mountain users for safety, self-reliance and the enjoyment of our mountain environment.

3. Dersalloch Wind Farm is less than 2km to the north west. Its turbines are 125m high and have a visual impact on the core wild land of the Galloway Hills.

Assessment

4. Although the development site itself is moorland of no direct mountaineering interest the proposed development could have a significant adverse visual impact on the Merrick range, the Rinns of Kells and the wild land interior between these ranges. This interior is already adversely affected by Dersalloch Wind Farm, which is at a greater distance and has smaller turbines. We are therefore pleased to note that the applicant intends to carry out a Landscape and Visual Assessment as part of the Environmental Impact Assessment process.

5. Our concern at this stage is ensuring that the proposed viewpoints will allow a comprehensive assessment of the proposed development from a mountaineering/hillwalking perspective should an application be made, specifically the visual amenity of the proposed development from the summits of Munros, Corbetts and other upland locations popular with hillwalkers and wild campers.

A77

6. We endorse the viewpoints that cover recreational receptors on hills or remote ground: 2, 3, 11, 13 and 14. However, we are concerned that there are no viewpoints representing the Rinns of Kells or the interior between the Merrick Range and Rinns of Kells. We suggest additional viewpoints on Meaul (NX500909) and Mullwharchar (NX454866) to address this omission.

Yours sincerely

Catriona Davies
Access & Environment Officer
Mountaineering Scotland

T: 07555 769325
E: access@mountaineering.scot

From: NATS Safeguarding
To: Ross Mccleary
Cc: Econsents Admin
Subject: RE: Request for Scoping Opinion Herd Hill Wind Farm [SG39511]
Date: 06 June 2025 10:31:59
Attachments: image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png

Our Ref: SG39511

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk

From: ONR Land Use Planning
To: Econsents Admin
Subject: ONR Land Use Planning - Application ECU00006175 - Herd Hill Wind Farm Repowering
Date: 06 June 2025 15:23:27
Attachments: image001.png
image001.png

Dear Sir/Madam,

With regard to planning application ECU00006175 - Herd Hill Wind Farm Repowering, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

You can find information concerning our Land Use Planning consultation process here: (http://www.onr.org.uk/land-use-planning.htm).

Kind regards,

Land Use Planning
Office for Nuclear Regulation
ONR-Land.Use-planning@onr.gov.uk

A80

RSPB SCOTLAND

Ross Mccleary
Case Officer
Energy Consents Unit
The Scottish Government
Sent by email to: Econsents_Admin@gov.scot

23 June 2025

Dear Ross,

ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR Herd Hill Wind Farm Repowering

Many thanks for consulting RSPB Scotland on the Request for Scoping Opinion for Herd Hill Wind Farm (ECU00006175). Although this is being consulted as a "Repowering", it appears to be a consultation for an entirely new wind farm. We have made the following comments in response to the questions set out in the Scoping Report.

Section 7.3 – Comments

Q1 – Are there any potential significant impacts that have not been included?

Breeding bird assemblage is a qualifying feature of the Merrick Kells SSSI, which lies c.5km south of the Proposed Development site. Although the Proposed Development is not adjacent to this SSSI, it is well within the connectivity zone for dispersing female Black Grouse (c.9km). We are aware of a number of active Black Grouse leks both within and surrounding the Proposed Development site, and the habitat within this area is highly suitable for nesting hens and chicks. Therefore, we consider the Black Grouse population in the Merrick Kells SSSI to be functionally linked to the population within and surrounding the Proposed Development site, and we recommend that impacts on this SSSI should be included within the assessment of impacts in the EIA Report.

Q2 – Is the intended method of assessment appropriate?

It is not stated what survey methods will be used for the ornithological surveys, and therefore we cannot comment on the suitability of the methods used.

Q3 – Are there additional mitigation measures that should be considered?

No specific mitigation methods are listed in the Scoping Report. At this early stage, all potential mitigation methods should be given full consideration, including deletion of turbines where necessary to avoid adverse impacts on key species and habitats.

Q5 – Are there any other wind energy developments which should be included or excluded from the cumulative assessment?

The Proposed Development falls within NHZ 19. Therefore, all developments within NHZ 19 should be included in the cumulative impact assessment, in line with NatureScot guidance[1]. Any wind farms developments at Scoping stage at the time of submission of the EIA Report should also be included to allow a full assessment of the cumulative impacts associated with the Proposed Development.

Other Comments

Black Grouse is a red-listed, UK BAP species which is undergoing significant declines in southern Scotland. With fewer than 200 lekking males recorded across the region since 2021, there are growing concerns that this species may become locally extinct. The Proposed Development is situated in a key area for Black Grouse in southern Scotland, forming a corridor of suitable open upland habitats linking populations to the east and west of the site. We are aware of multiple recently active and historical Black Grouse lek sites both within the boundaries of the Proposed Development, and within 1.5km of this boundary. Due to the suitability of the habitat at this site, it is highly likely that hens frequently use this area for both nesting and brood-rearing, and it is essential that this is taken into account in the EIA.

We strongly recommend that the Applicant undertakes a Black Grouse data search with Forestry and Land Scotland (FLS) and others for the Proposed Development site plus a 1.5km boundary, and that this data is included in the EIA assessment.

We hope that our comments are useful. If you have any questions or would like to discuss our comments further, please don't hesitate to get in touch.

Yours Sincerely,

REDACT

Sarah West
Conservation Officer
sarah.west@rspb.org.uk

[1] SNH (2018) Assessing the cumulative impacts of onshore wind farms on birds

From: Leadbeater, Jamie
To: Ross Mccleary
Subject: Re: Request for Scoping Opinion Herd Hill Wind Farm - SSEN Transmission response
Date: 02 June 2025 15:59:31
Attachments: image001.png
Outlook-ulue0cpt.png

Hi Ross,

This proposed development would not lie within our North of Scotland licenced Transmission Operator area.

Therefore, we have "no comments" to make.

Kind regards,

Jamie

Jamie Leadbeater BA (Hons) DipTP MSc MRTPI
Senior Town & Country Planner

SSEN Transmission - Land Team
Prime View (Unit 11)
Prime Four Business Park,
Kingswells,
Aberdeen,
AB15 8PU

M: +44 (0)7467 652484
www.ssen-transmission.co.uk

Scottish & Southern Electricity Networks
TRANSMISSION

Friday, 20 June 2025

Local Planner
Energy Consents Unit
5 Atlantic Quay
Glasgow
G2 8LU

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Customer,

Herd Hill Wind Farm, Straiton, KA19 7NR
Planning Ref: ECU00006175
Our Ref: DSCAS-0134351-F7Y
Proposal: A wind farm proposal comprising 12 turbines and associated infrastructure

Please quote our reference in all future correspondence

Scottish Water has no objection to this proposal. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that the proposed activity falls partly within a drinking water catchment where Scottish Water abstractions are located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Loch Finlas Reservoir (Ayrshire) supplies Bradan Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified without delay using the Customer Helpline number **0800 0778 778**.

I can confirm that some infrastructure from proposed Herdhill windfarm lies within the Loch Finglas catchment, which supplies the Bradan WRZ. The remaining turbines lie outwith any operational Scottish Water catchments.

The proposed plan for turbines includes:

Turbines 2, 3, 4, 8, 9, 10, 11, 12 are located within the catchment. The remaining turbines lie outwith the catchment boundary

It would be our preference that turbines are not erected within the operational catchment area. However, should relocation not be possible, it is important that during construction drainage is not directed out of the catchment. It is imperative that Scottish Water is informed of any pollution events resulting from this development given the close proximity to the reservoir. Further, catchment boundaries derived at this map scale can be subject to uncertainty and ground-truthing may be required to confirm whether borderline infrastructure is within or outside the catchment.

We would also like to understand if PFAS will be present on the turbine coatings or any associated infrastructure. Scottish Water are now sampling for PFAS and will conduct site visits where PFAS is detected.

Furthermore, we need to understand the temporary & permanent implications of how the proposal may affect the access roads that we use.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at **www.scottishwater.co.uk/slm**.

We welcome that reference has been made to the Scottish Water drinking water catchment.

The fact that this area is located within a drinking water catchment should be noted in future documentation. Also, anyone working on site should be made aware of this during site inductions and we would like further involvement as this development moves through the planning process.

It is also crucial we are advised at least 3 months in advance of any work commencing on site by contacting us at protectdwsources@scottishwater.co.uk

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

All developments that propose a connection to the public water or waste water infrastructure are required to submit a Pre-Development Enquiry (PDE) Form via our Customer Portal prior to any formal technical application being submitted, allowing us to fully appraise the proposals

I trust the above is acceptable however if you require any further information regarding this matter, please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison
Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:

  - Site Investigation Services (UK) Ltd
  - Tel: 0333 123 1223
  - Email: sw@sisplan.co.uk
  - www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Development Operations department at the above address.

- If a connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

Ross.Mccleary@gov.scot

Ross McCleary
Case Officer
Energy Consents Unit
Energy Infrastructure
Directorate for Energy and Climate Change
The Scottish Government
4th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Our Ref: 12361
15 July 2025

Dear Mr McCleary

ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 – REGULATION 12

ECU ref: **ECU00006175**

Proposal: **Scoping Opinion Request for S.36 Application for Herd Hill Wind Farm, comprising up to 12 wind turbines of maximum blade tip height 200m, Battery Energy Storage System (BESS) and associated infrastructure and Works.**

Site: **Approximately 6km south of Dalmellington, located within the planning authority areas of East and South Ayrshire Councils**

Thank you for your email of 2 June 2025, seeking feedback on the scoping report prepared by Energiekontor UK Ltd, in respect of the above, proposed development. We thank you for granting us an extension of the original response deadline, within which to submit our comments.

ScotWays Recorded Routes

The national Catalogue of Rights of Way (CROW) was created by ScotWays in the early 1990s with the assistance of Scottish Natural Heritage (now NatureScot) and local authorities, and is an amalgamation of rights of way information from a number of different sources. Mapped at 1:50,000 scale, CROW does not include all rights of way: many of these are known only to local people and come to ScotWays' notice only when a problem arises.

CROW is updated on an ongoing basis to take account of new information as it comes to ScotWays' attention.

The enclosed map shows that right of way SKC10, as recorded in CROW, crosses or bounds the application site (the Site) as shown on Figures 1.1 Site Location and 1.2 Indicative Turbine Layout.

The enclosed map shows that the partially coincident Scottish Hill Tracks (6th edition) SHT(6)081 crosses or bounds the Site as shown on Figures 1.1 Site Location and 1.2 Indicative Turbine Layout.

In searching our records at this scoping stage, we have focussed solely on the immediate area of the proposed application. If required by the applicant to inform its Environmental Impact Assessment Report (EIAR), maps of a wider search area are available from the Society, alongside a more detailed response.

Other Access to Land

You should be aware that other forms of public access to land may affect the proposed Site. More detail about these other types of access is set out in the enclosed Catalogue of Rights of Way Guidance Notes.

In addition to the recorded recreational access routes referred to above that cross or bound the Site, the enclosed map shows that rights of way SCD108 and SCD109, as recorded on CROW, lie 3.5-4km to the east of the Site, on the east side of Loch Doon. In addition, the enclosed maps show that Heritage Path (HP) 'Loch Doon Road' and the coincident Scottish Hill Tracks (6^{th} edition) SHT(6)078 and 079 run north-south, adjacent to, but outwith, the eastern boundary of the Site, along the west side of Loch Doon. Also, right of way SKC9/SCD11 and the coincident Scottish Hill Tracks (6th edition) SHT(6)080, part of which form South Ayrshire Core Path SA57, run west to east some 3.5km to the south of the Site, linking Loch Bradan with Loch Riecawr and Loch Doon. Furthermore, South Ayrshire Core Paths (CPs) SA49 and SA56 lie 4.8km and 2.9km south-west of the Site respectively.

Other obvious, defined, but undesignated, routes exist adjacent to and within the Site. These routes are used by recreational walkers, cyclists and equestrians, and the applicant should be aware the right of access conferred on the public by Section 1 of the Land Reform (Scotland) Act 2003 (LRSA) is exercisable over them, as well as most, if not all, of the Site (see Comments below). Whilst we welcome the fact section 6.110 of the Scoping Report (the Report) states that the Landscape and Visual Impact Assessment (LVIA) chapter of the applicant's Environmental Impact Assessment Report (EIAR) will assess "the potential effects of the Proposed Development on different visual receptors including settlements, footpath users, recognised tourist routes, long distance walking routes, cycle routes and centres for tourism", we believe the LVIA should also assess the development's impact on core paths and rights of way. Moreover, the Report does not specify which paths or routes the LVIA will assess and, therefore, is deficient in failing to describe the recreational access baseline the EIAR will take into account. Although we agree with the representative nature of the 15 proposed viewpoints listed in Table 6.1 of the Report, we consider the list is not sufficiently comprehensive and request specifically the EIAR provides representative wirelines or photomontages, illustrating the impact of the proposed development upon views from right of way SKC10 and SHT(6)081 within the Site, as well as from (1) Craigengower Monument, south-east of Straiton (grid reference NS391039), an important viewpoint, popular with local residents and visitors alike, and (2) HP 'Old Road through Straiton' and the coincident SHT(6)082 Straiton to Patna Hill Track, where they emerge from the south side of the Sclenteuch Moor Plantation, at grid reference NS388060, a location which offers panoramic views over the Water of Girvan Valley.

Proximity of Wind Turbines to Public Access Routes

ScotWays understands there is limited guidance on the siting of wind turbines relative to established paths and rights of way, so uses the following principle as the starting point when considering what would constitute a reasonable safeguarding distance between proposed turbines and existing access routes:

"a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line."

We consider the above represents a reasonable principle to follow when seeking to site turbines safely. ScotWays is likely to object to any proposed layout which does not apply the above principle, including where a micro-siting allowance could lead to turbine encroachment upon a route because it has been insufficiently buffered.

In that respect, we are pleased to note from Figure 1.2 Indicative Turbine Layout that 11 of the 12 proposed turbine locations exceed blade tip height safeguarding distance away from any of the aforementioned recorded and defined routes within the Site. However, we seek the assurance of the applicant that turbine 9 will be sited at least blade tip height away from the nearby defined route at grid reference NX450993.

Impact on Existing Public Access Routes

Whilst Figure 1.2 Indicative Turbine Layout suggests the proposed development might have no direct impact on the aforementioned recorded and obvious, defined routes within the Site, the lack of information on other elements of the proposed development, such as the BESS, sub-station, construction compound etc., means that no definite conclusion can be drawn in that regard. The applicant should employ appropriate management measures to ensure continuity of public access over the aforementioned, recorded and defined routes within the Site, during the construction, operational and decommissioning phases of the proposed wind farm. In particular, any gates or structures proposed for erection or installation to manage legitimate, non-vehicular, public access through the Site or for deer management purposes should be designed to permit access by all user categories (pedestrians, cyclists and equestrians).

Access Route/User Amenity

As well as direct impacts of development upon public access and specific routes, ScotWays is concerned about its indirect impacts on recreational amenity, including the impact of wind farm development on the character of the landscape traversed by access routes, the cultural heritage of such routes and the experience and enjoyment of access users. Consequently, we expect the applicant to take into account both access user amenity and landscape impacts in developing their proposals for the Site. To that end, as stated above, we wish the EIAR LVIA to provide representative wirelines or photomontages, illustrating the impact of the proposed development upon views from routes SKC10 and SHT(6)081, within the Site. In addition, HP 'Loch Doon Road', referred to above, should be included in the EIAR's Cultural Heritage baseline and the impact of the proposed development on its cultural heritage value assessed.

Potential for Consequential Public Access Improvements

In addition to the enhancement to public access resources provided by turbine access tracks (the extent and location of which the Report provides no detail), the EIAR should explore opportunities to link the Site into the wider public access network, such as the provision of active travel connections into SKC10/SHT(6)081 and HP 'Loch Doon Road'.

Cumulative Impact

ScotWays does not accept that the conclusion drawn in section 6.174 of the Report is a logical corollary to the statements made in sections 6.172 and 6.173. That being said, we are gratified the applicant intends assessing the cumulative effects of the proposed development with other operational, under construction, consented and "the subject of a full planning application" wind farms within a 20km radius of the Site (see sections 6.176 and 6.179 of the Report). However, we request the applicant also assesses the cumulative effects of the proposed wind farm with wind farms within a 20km radius of the site that are currently the subject of a S.36 application, if they do not fall within the category of "the subject of a full planning application". In that regard, we request the LVIA assesses the cumulative impact of the proposed development with not only Carrick and Knockcronal wind farms, but also Back Fell and Craiginmoddie wind farms, which fall within 20km radius of the Site.

Comment

Section 3 of the LRSA imposes a duty on landowners to use and manage land responsibly, in a way which respects public access rights. Under section 14 of the LRSA, access authorities have a statutory duty "to assert, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised" and a similar duty under Section 46 of the Countryside (Scotland) Act 1967, "to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area." In addition, the applicant will be aware that access rights conferred on the public are a material planning consideration.

Accordingly, we recommend the applicant prepares an Access Management Plan (AMP) for the proposed development, for submission in support of a S.36 application, should the development progress to that stage, and seeks the input of South Ayrshire Council's Outdoor Access Officer when preparing the AMP. The AMP should identify all rights of way and other obvious, used paths and tracks through the Site and take account of how the statutory right of access currently affects the Site, showing any areas currently outwith or excluded from statutory access rights under part 1 of the LRSA; and consider the range of users involved (which might include walkers, cyclists, horse-riders). It should set out the effect the proposed development will have on the access resources identified, during its construction, operational and decommissioning phases, including showing clearly (preferably in map form) any areas proposed for exclusion from statutory access rights; all paths and tracks proposed for construction, for active travel users; and any diversions of paths - temporary or permanent - proposed for the purposes of the development. An AMP will serve to clarify those areas where access rights will be exercisable and ensure continuity of public access through the site at all stages of the proposed development.

Having read the relevant sections of the Report, we are generally content with the proposed methodology of the EIAR, but find it deficient in certain details, as described above. We are content with the majority of the scope of the EIAR, subject to the following provisos:

1. In Chapter 5: Planning Policy Context, the applicant neglects to mention the provisions of National Planning Framework 4 Policy 13(b)(viii), which states, “Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they……. Adequately mitigate any impact on local public access routes.” In its EIAR, we would expect the applicant to assess the proposed development against the provisions of this policy;

2. Chapter 5: Planning Policy Context of the Report refers to various relevant policies of the adopted South Ayrshire Local Development Plan 2, but omits to refer to the Plan’s Core Principles, specifically, A2, A3 and B1, and LDP policy: Outdoor Public Access and Core Paths, which seek to protect and enhance access rights, core paths, rights of way and other significant access routes and facilitate the development of active travel routes. In its EIAR, we would expect the applicant to assess the proposed development against the provisions of the said Core Principles and policies;

3. As mentioned above, we would wish the EIAR to provide representative wirelines or photomontages, illustrating the impact of the proposed development on views from rights of way SKC10/SHT(6)081 within the Site, as well as from (1) Craigengower Monument, south-east of Straiton, an important viewpoint, popular with local residents and visitors alike and (2) HP ‘Old Road through Straiton’/SHT(6)082 Straiton to Patna Hill Track where they emerge from the south side of the Sclenteuch Moor Plantation, at grid reference NS388060, a location offering panoramic views over the Water of Girvan Valley;

4. The EIAR should commit to ensuring, so far as is reasonably practicable, that right of way SKC10/SHT(6)081 and the obvious, defined routes within the site referred to above are kept open and free from obstruction or encroachment during all phases of the development - construction, operational and decommissioning - to maintain public recreational access into and through the Site; and

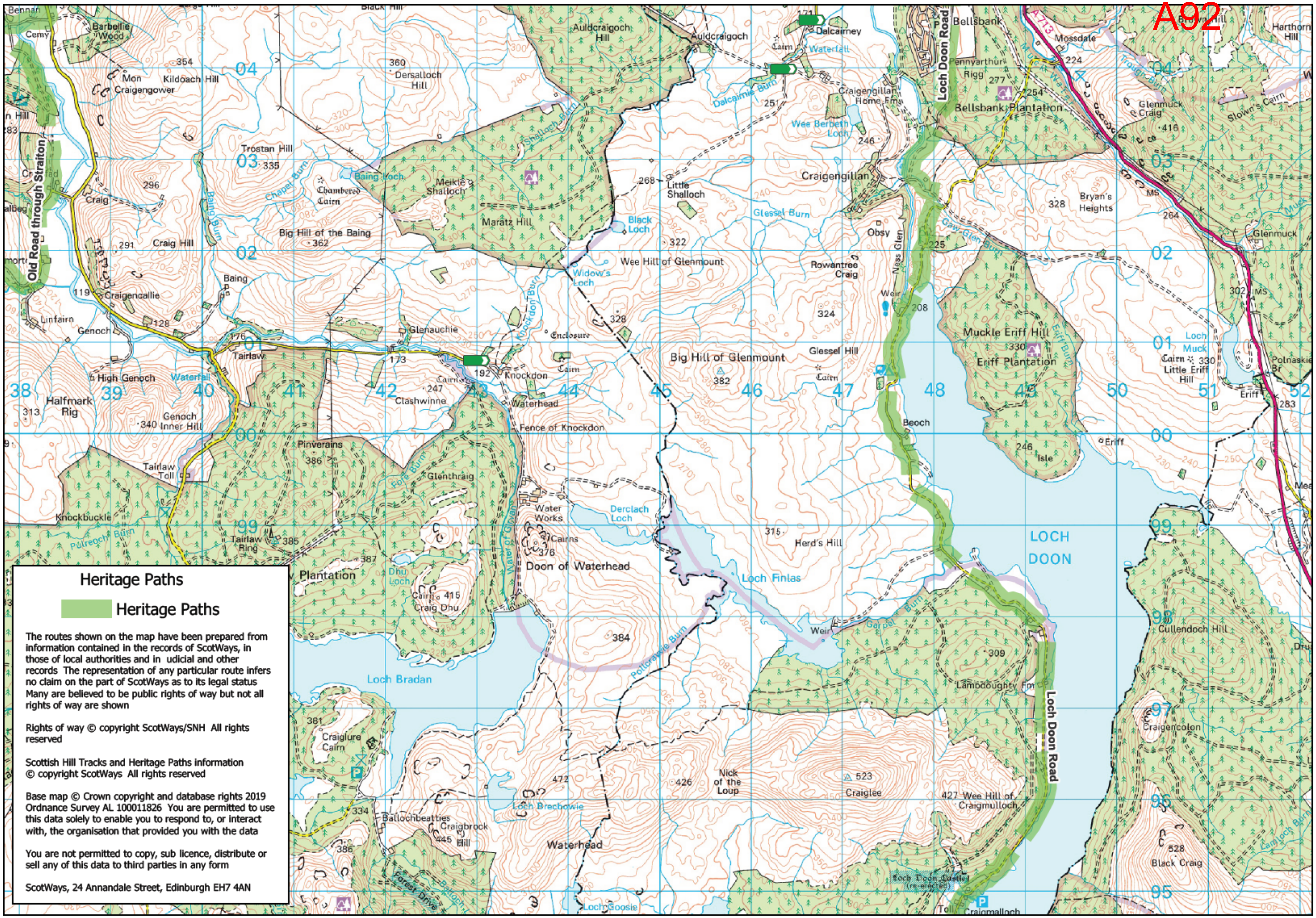
5. Figure 1.2 Indicative Turbine Layout does not show the proposed location of the BESS or associated infrastructure, such as the proposed Site access, sub-station, turbine access tracks, construction compounds, borrow pits etc. We trust the EIAR will contain that information, to enable consultees, including ScotWays, to submit a fully informed response to the S.36 application for the proposed wind farm, if and when one is submitted

I hope the information and comments provided prove useful to both the Scottish Government and the applicant. Please do not hesitate to contact us at info@scotways.com if you have any further queries.

Yours sincerely

REDACT

Neil Feggans MRTPI. MIPROW
Access Officer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Heritage Paths
Heritage Paths
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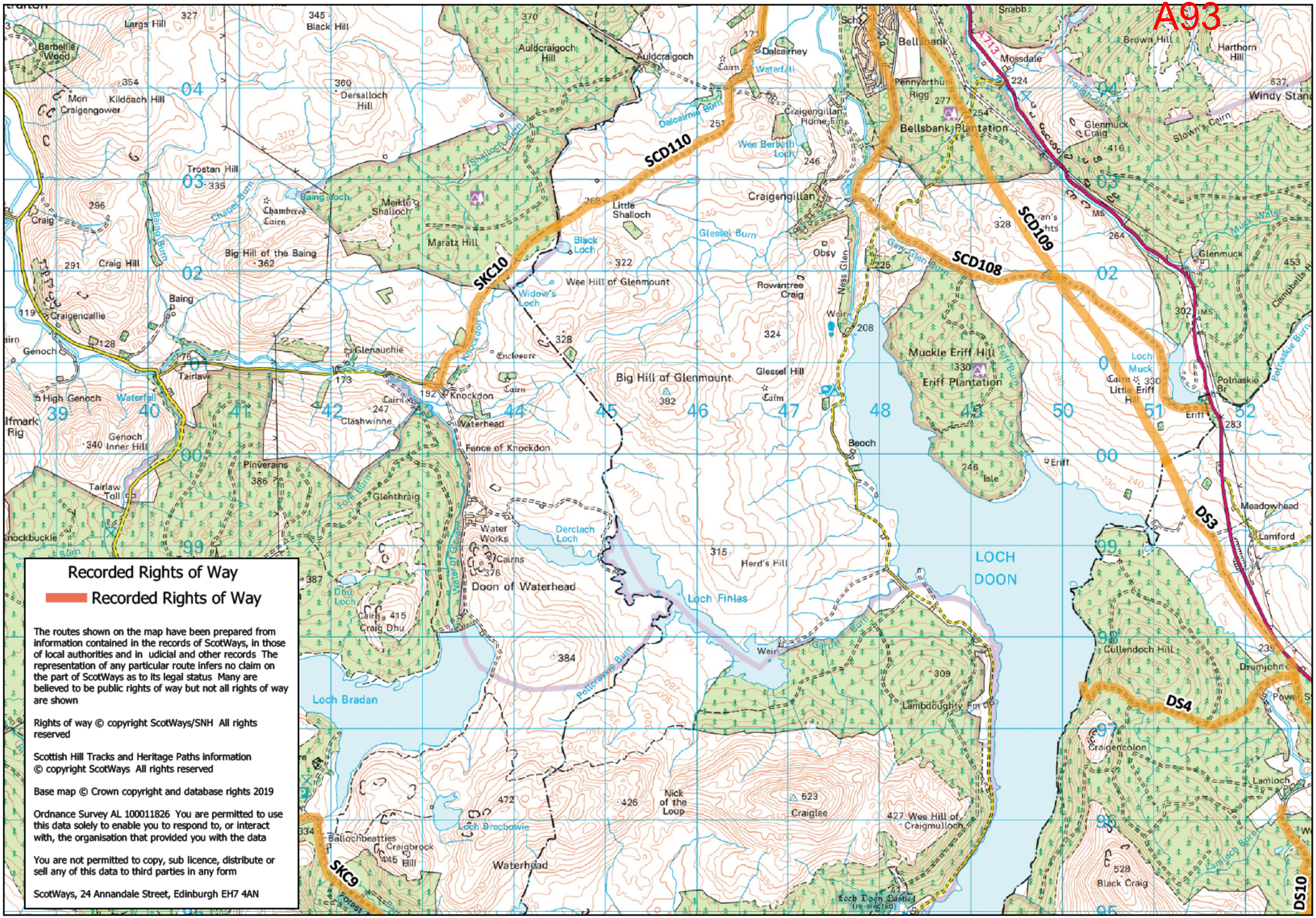
Loch Bradan
Loch Finlas
Derclach Loch
Black Loch
Baing Loch
Widow's Loch
Dhu Loch
Loch Brecbowie
Loch Goosie
Loch Muck
Wee Berbeth Loch
Bellsbank
Bellsbank Plantation
Mossdale
Auldcraigoch
Auldcraigoch Hill
Dalcairney
Waterfall
Craigengillan
Craigengillan Home Fm
Dersalloch Hill
Kildoach Hill
Mon Craigengower
Barbellie Wood
Trostan Hill
Chambered Cairn
Meikle Shalloch
Little Shalloch
Maratz Hill
Big Hill of the Baing
Craig Hill
Craig
Baing
Craigencallie
Linfairn
Genoch
Tairlaw
High Genoch
Halfmark Rig
Genoch Inner Hill
Glenauchie
Clashwinnie
Knockdon
Waterhead
Fence of Knockdon
Enclosure
Wee Hill of Glenmount
Big Hill of Glenmount
Glessel Hill
Glessel Burn
Rowantree Craig
Obsy
Beoch
Muckle Eriff Hill
Eriff Plantation
Eriff
Isle
Glenmuck Craig
Glenmuck
Bryan's Heights
Slown's Cairn
Little Eriff Hill
Polnaskie Br
Pinverains
Glenthraig
Tairlaw Toll
Tairlaw Ring
Knockbuckle
Plantation
Water Works
Cairns
Doon of Waterhead
Craig Dhu
Herd's Hill
Weir
Garpel Burn
Cullendoch Hill
Lambdoughty Fm
Craigencolon
Craiglure Cairn
Ballochbeatties
Craigbrock Hill
Waterhead
Nick of the Loup
Craiglee
Wee Hill of Craigmulloch
Black Craig
Loch Doon Castle (re-erected)
Craigmalloch
Forest Drive
Harthorn Hill
Brown Hill
Pennyarthur Rigg
A 713

A93



Recorded Rights of Way
Recorded Rights of Way
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SKC10
SCD108
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SKC9
A713
LOCH DOON
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Loch Finlas
Derclach Loch
Big Hill of Glenmount
Muckle Eriff Hill
Eriff Plantation
Bellsbank Plantation
Craigengillan
Knockdon
Waterhead
Doon of Waterhead
Wee Hill of Glenmount
Glessel Hill
Herd's Hill
Cullendoch Hill
Lambdoughty Fm
Craiglee
Nick of the Loup
Wee Hill of Craigmulloch
Black Craig
Loch Doon Castle (re-erected)
Craig Dhu
Dhu Loch
Glenthraig
Water Works
Pinvrerains
Tairlaw
Tairlaw Toll
Genoch Inner Hill
High Genoch
Clashwinne
Glenauchie
Craigencallie
Baing
Craig Hill
Big Hill of the Baing
Trostan Hill
Meikle Shalloch
Little Shalloch
Maratz Hill
Black Loch
Widow's Loch
Auldcraigoch Hill
Auldcraigoch
Dalcairney
Dersalloch Hill
Black Hill
Largs Hill
Kildoach Hill
Craigengower
Barbellie Wood
Bellsbank
Mossdale
Pennyarthur Rigg
Brown Hill
Harthorn Hill
Windy Standard
Glenmuck Craig
Glenmuck
Polnaskie Br
Loch Muck
Meadowhead
Lamford
Drumjohn
Craigencolon
Lamloch
Loch Brecbowie
Ballochbeatties
Craigbrock Hill
Rowantree Craig
Obsy
Beoch
Isle
Eriff

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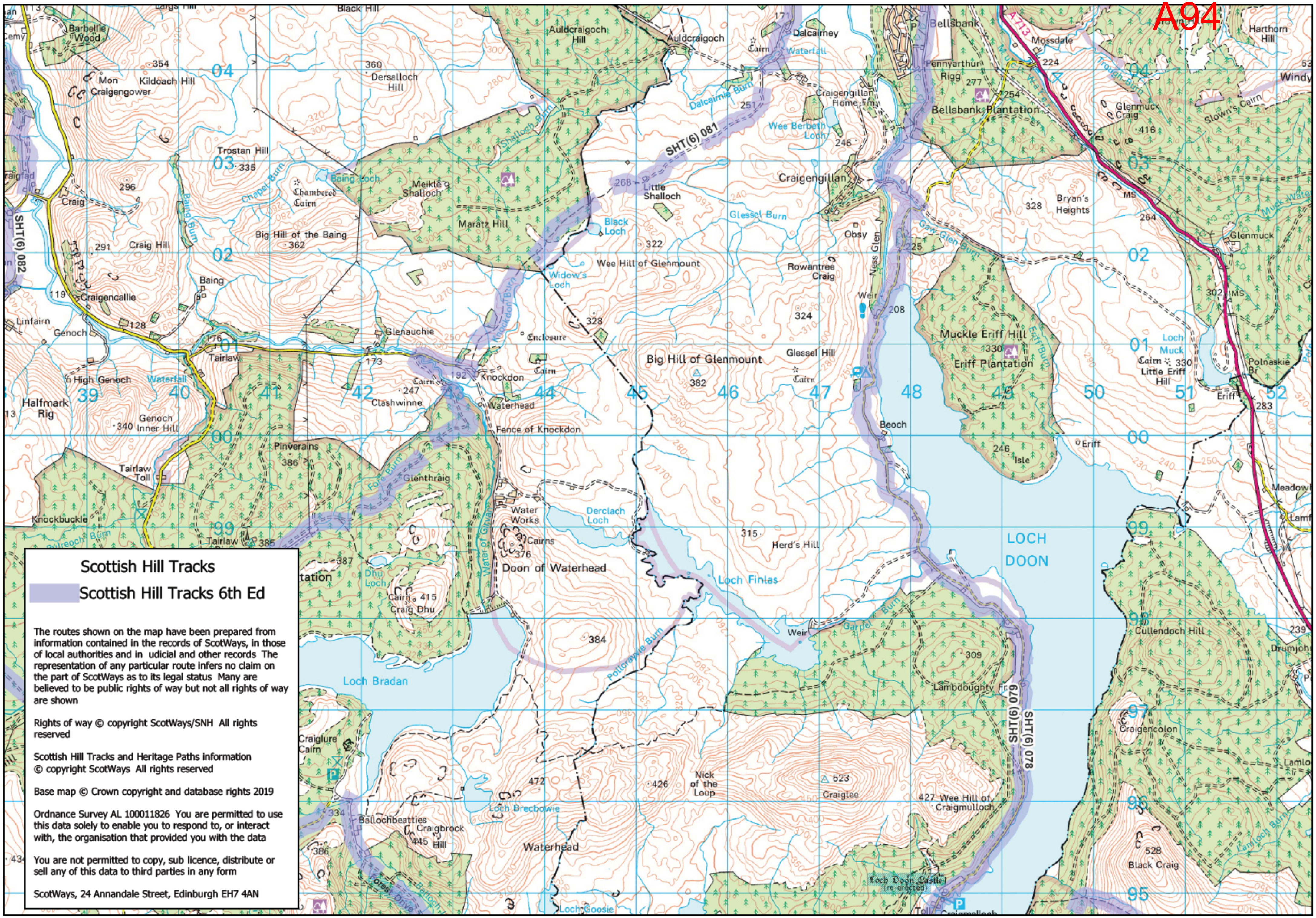
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SHT(6) 078
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Loch Finlas
Loch Brecbowie
Loch Goosie
Derclach Loch
Big Hill of Glenmount
Muckle Eriff Hill
Eriff Plantation
Bellsbank Plantation
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Linfairn
Genoch
Baing
Craig Hill
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Little Shalloch
Trostan Hill
Kildoach Hill
Craigengower
Barbellie Wood
Dersalloch Hill
Auldcraigoch Hill
Auldcraigoch
Dalcairney
Bellsbank
Pennyarthur Rigg
Mossdale
Harthorn Hill
Glenmuck Craig
Slown's Cairn
Bryan's Heights
Glenmuck
Polnaskie Br
Eriff
Little Eriff Hill
Loch Muck
Beoch
Isle
Obsy
Rowantree Craig
Glessel Hill
Wee Hill of Glenmount
Widow's Loch
Black Loch
Baing Loch
Chamberet Cairn
Craigengillan Home Fm
Wee Berbeth Loch
Craigencolon
Lambdoughty Fm
Clashwinnie
Glenauchie
Water Works
Cairns

ScotWays
Upholding public access

CROW Guidance Notes - Windfarm Developments

These notes explain what is shown on the map(s) provided with our comments and provide information about the public right of access to land in Scotland. All maps are provided on a 1:50,000 scale base.

What is the Catalogue of Rights of Way (CROW)?

CROW was created by ScotWays in the early 1990s with the help of Scottish Natural Heritage (now NatureScot) and local authorities and is an amalgamation of rights of way information from a number of different sources. Mapped at 1:50,000 scale, the catalogue does not include all rights of way – many of these are known only to local people and come to ScotWays' notice only when a problem arises.

CROW is continually updated to take account of new information as it comes to ScotWays' attention.

What is a Recorded Right of Way?

Any right of way that we record in the Catalogue of Rights of Way.

Where any Recorded Rights of Way pass through or close to the wind farm application site a map will be provided showing them.

What is an Other Route?

Any path that we record in the Catalogue of Rights of Way that does not appear to meet the criteria to be a right of way.

Where any Other Routes pass through or close to the wind farm application site a map will be provided showing them.

What is a Heritage Path?

A historic route that forms part of the transport heritage of Scotland. Such routes reflect our cultural and social development and include drove roads, military roads, Roman roads, pilgrim routes and trade routes.

These routes may or may not be rights of way, core paths or carry some other type of designation.

Find out more about the Heritage Paths project at http://www.heritagepaths.co.uk

Where any Heritage Paths pass through or close to the wind farm application site a map will be provided showing them.

What is a Scottish Hill Track?

First published in 1924, our book *Scottish Hill Tracks* is a record of the network of paths, old roads and rights of way which criss-cross Scotland's hill country, from the Borders to Caithness.

The Scottish Rights of Way and Access Society, 24 Annandale Street, Edinburgh EH7 4AN (Registered Office)
0131 558 1222 info@scotways.com www.scotways.com

These publicised routes may or may not be rights of way, core paths or carry some other type of designation.

Copies of our book *Scottish Hill Tracks* can be purchased from the ScotWays webshop: https://www.scotways.com/shop

Where any *Scottish Hill Tracks* routes pass through or close to the wind farm application site a map will be provided showing them.

Disclaimer

The routes shown on the CROW maps provided have been prepared from information contained in the records of ScotWays, local authorities, judicial and other records. The inclusion of a route in CROW is not in itself definitive of its legal status.

Other Public Access Information

You should be aware that other forms of public access to land may affect the wind farm application site.

Unrecorded Rights of Way

Our records only show the rights of way that we are aware of. Scots law does not require a right of way to be recorded in a specific document or register. Any route that meets the following criteria will be a right of way. This could include any paths, tracks or desire lines within your area of interest. A right of way:

1. Connects public places.
2. Has been used for at least 20 years.
3. Follows a more or less defined route.
4. Has been used by the public without judicial interruption or the landowner's permission.

Core Paths

The Land Reform (Scotland) Act 2003 requires all access authorities to create a system of routes within their area. These are known as core paths and are recorded in the authority's core paths plan. It is anticipated that applicants will have consulted the relevant access authority's core paths plan to check whether any core paths cross or are close to the wind farm application site, and will also have consulted the authority's access team.

The General Right of Access

Irrespective of the presence or absence of rights of way and core paths, the land in question may be subject to the access rights created by Section 1 of the Land Reform (Scotland) Act 2003. Unless the land falls into one of the excluded categories in Section 6 of this Act, the public has a right of access to the land, and land owners/managers have a duty under the Act's Section 3 to consider this in any decisions made about the use/management of the land.

Other Promoted Routes

There may be a promoted route running through or close to any wind farm application site. Such routes will usually be clearly marked with signposts or waymarking and may feature in guidebooks, leaflets, on local information boards and on websites. The two main types of nationally promoted routes are:

Scotland's Great Trails: https://www.scotlandsgreattrails.com
National Cycle Network: https://www.sustrans.org.uk/map-ncn

Public and Private Roads

The Roads (Scotland) Act 1984 created the terms 'public road' and 'private road'. Public roads are those roads which are on the List of Public Roads and which, importantly, the roads authority is required to manage and maintain. Private roads are those roads which are not on the List of Public Roads and thus there is no duty on the roads authority to manage or maintain them. There is a public right of passage over these roads and the owner(s) of a private road may not restrict or prevent the public's right of passage over the road.

If required, the local roads authority should be contacted by the applicant for more information on public and private roads that may cross or pass close to the application site.

More Information on Outdoor Access Law

If you would like to know more about outdoor access law, visit our website (https://scotways.com/outdoor-access/) or get a copy of our book "*The ScotWays Guide to the Law of Access to Land in Scotland"* by Malcolm M Combe (https://www.scotways.com/shop).

Development and Planning Applications

When proposing to develop a site, it is advisable that the applicant reviews the current amount and type of public access across it and presents this as an access management plan as part of their application. This should include rights of way, core paths, other paths and tracks, and take account of how the statutory right of access currently affects the site.

The plan should then set out the effect that the proposed works, both during construction and upon completion, would have on the patterns of public access identified. Any good practice guidance associated with the proposed type of development should be considered, e.g. for windfarms the NatureScot "*Good Practice during Wind Farm Construction, Part 8 Recreation and Access"* and *"Siting and Designing Wind Farms in the Landscape"*, and the policies contained within any local statutory plans.

Depending upon the proposals, there may be specific legal processes that must be followed to divert any paths or tracks whether temporarily or permanently. These will be in addition to getting planning consent for the proposal. We recommend that applicants contact the access team at the relevant access authority for advice in this regard.

ANNEX B

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.

July 2020 updated September 2023

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) provides internal, non-statutory, advice in relation to freshwater and diadromous fish and fisheries to the Scottish Government's Energy Consents Unit (ECU) for onshore wind farm developments in Scotland.

Atlantic salmon (*Salmo salar*), sea trout and brown trout (*Salmo trutta*) are of high economic value and conservation interest in Scotland and for which MD-SEDD has in- house expertise. Onshore wind farms are often located in upland areas where salmon and trout spawning and rearing grounds may also be found. MD-SEDD aims, through our provision of advice to ECU, to ensure that the construction and operation of these onshore developments do not have a detrimental impact on the freshwater life stages of these fish populations.

The Electricity Works (Environmental Impact Assessment) (EIA) (Scotland) Regulations (2017) state that the EIA must assess the direct and indirect significant effects of the proposed development on water and biodiversity, and in particular species (such as Atlantic salmon) and habitats protected under the EU Habitats Directive. Salmon and trout are listed as priority species of high conservation interest in the Scottish Biodiversity Index and support valuable recreational fisheries.

A good working relationship has been developed over the years between ECU and MD-SEDD, which ensures that these fish species are considered by ECU during all stages of the application process of onshore wind farm developments and are similarly considered during the construction and operation of future onshore wind farms. It is important that matters relating to freshwater and diadromous fish and fisheries, particularly salmon and trout, continue to be considered during the construction and operation of future onshore wind farms.

In the current document, MD-SEDD sets out a revised, more efficient approach to the provision of our advice, which utilises our generic scoping and monitoring programme guidelines (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren). This standing advice provides regulators (e.g. ECU, local planning authorities), developers and consultants with the information required at all stages of the application process for onshore wind farm developments, such that matters relating to freshwater and diadromous fish and fisheries are addressed in the same rigorous manner as is currently being carried out and continue to be fully in line with EIA regulations. At the request of ECU, MD-SEDD will still be able to provide further and/or bespoke advice relevant to freshwater and diadromous fish and fisheries e.g. site specific advice, at any stage of the application process for a proposed development, particularly where a development may be considered sensitive or contentious in nature.

MD-SEDD will continue undertaking research, identifying additional research requirements, and keep up to date with the latest published knowledge relating to the impacts of onshore wind farms on freshwater and diadromous fish populations. This will be used to ensure that our guidelines and standing advice are based on the best available evidence and also to continue the publication of the relevant findings and knowledge to all stakeholders including regulators, developers and consultants.

MD-SEDD provision of advice to ECU

- MD-SEDD should not be asked for advice on pre application and application consultations (including screening, scoping, gate checks and EIA applications). Instead, the MD-SEDD scoping guidelines and standing advice (outlined below) should be provided to the developer as they set out what information should be included in the EIA report;
- if new issues arise which are not dealt with in our guidance or in our previous responses relating to respective developments, MD-SEDD can be asked to provide advice in relation to proposed mitigation measures and monitoring programmes which should be outlined in the EIA Report (further details below);
- if new issues arise which are not dealt with in our guidance or in our previous responses, MD-SEDD can be asked to provide advice on suitable wording, within a planning condition, to secure proposed monitoring programmes, should the development be granted consent;
- MD-SEDD cannot provide advice to developers or consultants, our advice is to ECU and/or other regulatory bodies.
- if ECU has identified specific issues during any part of the application process that the standing advice does not address, MD-SEDD should be contacted.

MD-SEDD Standing Advice for each stage of the EIA process

Scoping

MD-SEDD issued generic scoping guidelines (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.

If a developer identifies new issues or has a technical query in respect of MD-SEDD generic scoping guidelines then ECU should be informed who will then co-ordinate a response from MD-SEDD.

Gate check

The detail within the generic scoping guidelines already provides sufficient information relating to water quality and salmon and trout populations for developers at this stage of the application.

Developers will be required to provide a gate check checklist (annex 1) in advance of their application submission which should signpost ECU to where all matters relevant to freshwater and diadromous fish and fisheries have been presented in the EIA report. Where matters have not been addressed or a different approach, to that specified in the advice, has been adopted the developer will be required to set out why.

EIA Report

MD-SEDD will focus on those developments which may be more sensitive and/or where there are known existing pressures on fish populations (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/licence/status/Pressures). The generic scoping guidelines should ensure that the developer has addressed all matters relevant to freshwater and diadromous fish and fisheries and presented them in the appropriate chapters of the EIA report. Use of the gate check checklist should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process:

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:

- any designated area, for which fish is a qualifying feature, within and/or downstream of the proposed development area;
- the presence of a large density of watercourses;
- the presence of large areas of deep peat deposits;
- known acidification problems and/or other existing pressures on fish populations in the area; and
- proposed felling operations.

Post-Consent Monitoring

MD-SEDD recommends that a water quality and fish population monitoring programme is carried out to ensure that the proposed mitigation measures are effective. A robust, strategically designed and site specific monitoring programme conducted before, during and after construction can help to identify any changes, should they occur, and assist in implementing rapid remediation before long term ecological impacts occur.

MD-SEDD has published guidance on survey/monitoring programmes associated with onshore wind farm developments (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which developers should follow when drawing up survey and/or monitoring programmes.

If a developer considers that such a monitoring programme is not required then a clear justification should be provided.

Planning Conditions

MD-SEDD advises that planning conditions are drawn up to ensure appropriate provision for mitigation measures and monitoring programmes, should the development be given consent. We recommend, where required, that a Water Quality Monitoring Programme, Fisheries Monitoring Programme and the appointment of an Ecological Clerk of Works, specifically in overseeing the above monitoring programmes, is outlined within these conditions and that MD-SEDD is consulted on these programmes.

Wording suggested by MD-SEDD in relation to water quality, fish populations and fisheries for incorporation into planning consents:

1. No development shall commence unless a Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with Marine Directorate – Science Evidence Data and Digital (MD–SEDD) and any such other advisors or organisations.

2. The WQFMP must take account of the Scottish Government's MD-SEDD guidelines and standing advice and shall include:

    a. water quality sampling should be carried out at least 12 months prior to construction commencing, during construction and for at least 12 months after construction is complete. The water quality monitoring plan should include key hydrochemical parameters, turbidity, and flow data, the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting etc.;

    b. the fish monitoring plan should include fully quantitative electrofishing surveys at sites potentially impacted and at control sites for at least 12 months before construction commences, during construction and for at least 12 months after construction is completed to detect any changes in fish populations; and

    c. appropriate site specific mitigation measures detailed in the Environmental Impact Assessment and in agreement with the Planning Authority and MD-SEDD.

3. Thereafter, the WQFMP shall be implemented within the timescales set out to the satisfaction of the Planning Authority in consultation with MD- SEDD and the results of such monitoring shall be submitted to the Planning Authority on a 6 monthly basis or on request.

Reason: To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.

Sources of further information

NatureScot (previously “SNH”) guidance on wind farm developments - https://www.nature.scot/professional-advice/planning-and-development/advice- planners-and-developers/renewable-energy-development/onshore-wind- energy/advice-wind-farm

Scottish Environment Protection Agency (SEPA) guidance on wind farm developments – https://www.sepa.org.uk/environment/energy/renewable/#wind

A joint publication by Scottish Renewables, NatureScot, SEPA, Forestry Commission Scotland, Historic Environment Scotland, Marine Scotland Science (now MD-SEDD) and Association of Environmental and Ecological Clerks of Works (2019) Good Practice during Wind Farm Construction - https://www.nature.scot/guidance- good-practice- during-wind-farm-construction.

Annex 1 (revised September 2023)

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) – EIA Checklist

The generic scoping guidelines should ensure that all matters relevant to freshwater and diadromous fish and fisheries have been addressed and presented in the appropriate chapters of the EIA report. Use of the checklist below should ensure that the EIA report contains the following information; the absence of such information ***may necessitate requesting additional information*** which could delay the process:

MD-SEDD Standard EIA Report Requirements	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to **MD-SEDD** advice, please set out reasons.
1. A map outlining the proposed development area and the proposed location of: ○ the turbines, ○ associated crane hard standing areas, ○ borrow pits, ○ permanent meteorological masts, ○ access tracks including watercourse crossings, ○ all buildings including substation, battery storage; ○ permanent and temporary construction compounds; ○ all watercourses; and ○ contour lines;			

2. A description and results of the site characterisation surveys for fish (including fully quantitative electrofishing surveys) and water quality including the location of the electrofishing and fish habitat survey sites and water quality sampling sites on the map outlining the proposed turbines and associated infrastructure. **This should be carried out where a Special Area of Conservation (SAC) is present and where salmon are a qualifying feature, and in exceptional cases when required in the scoping advice for other reasons. In other cases, developers can assume that fish populations are present**;			
3. An outline of the potential impacts on fish populations and water quality within and downstream of the proposed development area;			
4. Any potential cumulative impacts on the water quality and fish populations associated with adjacent (operational and consented) developments including wind farms, hydro schemes, aquaculture and mining;			

5. Any proposed site specific mitigation measures as outlined in **MD-SEDD** generic scoping guidelines and the joint publication "Good Practice during Wind Farm Construction" (https://www.nature.scot/guidance-good-practice-during-wind-farm-construction);			
6. Full details of proposed monitoring programmes using guidelines issued by **MD-SEDD** and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure. **At least 12 months of baseline pre-construction data should be included. The monitoring programme can be secured using suitable wording in a condition.**			
7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations. **This can be secured using suitable wording in a condition.**			

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to **MD-SEDD** advice, please set out reasons.
1. Any designated area **(e.g. SAC),** for which fish is a qualifying feature, within and/or downstream of the proposed development area;			
2. The presence of a large density of watercourses;			
3. The presence of large areas of deep peat deposits;			
4. Known acidification problems and/or other existing pressures on fish populations in the area; and			
5. Proposed felling operations.			