

Appendix 4.2 ECU Scoping Opinion

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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**

Cumberhead West Wind Farm

9 September 2020

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1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Cumberhead West Wind Farm Limited, a company incorporated under the Companies Acts with company number **SC535501** and having its registered office at The Mechanics Workshop, New Lanark, Lanark, Lanarkshire, United Kingdom, ML11 9DB, (“the Company”) in response to a request dated 23 June 2020 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Cumberhead West Wind Farm (“the proposed development”). The request was accompanied by a scoping report.

1.2 Cumberhead West Wind Farm is a joint venture between 3R Energy and ScottishPower Renewables (UK) Limited. The proposed development would be located 3.9km to the west of Coalburn, 5.6 km to the south-west of Lesmahagow, 7.7 km west north-west of Douglas and 6.5 km north-east of Muirkirk, in the planning authority area of South Lanarkshire Council.

1.3 The proposed development would comprise of 20 turbines with a generating capacity of approximately 120MW; with a likely blade tip height of up to 200 metres, and rotor diameters of approximately 155 metres.

1.4 In addition to the 15 turbines there will be ancillary infrastructure including:

- Turbine foundations;
- Crane hardstandings;
- On-site access tracks between turbines and from the point of access to the turbines;
- On-site substation and maintenance building with welfare facility;
- Energy storage compound;
- On site electrical cabling between the wind turbines and the substation and energy storage compound;
- Temporary construction compound(s), laydown area(s) and concrete batching plant;
- Borrow pit workings;
- Met mast(s)

1.5 The Company indicates the proposed development would be decommissioned and the site restored in accordance with the decommissioning and restoration plan.

1.6 The proposed development is solely within the planning authority of South Lanarkshire Council. East Ayrshire Council were also consulted due to the proximity of their boundary to the proposed Development.

2. Consultation

2.1 Following the scoping opinion request, a list of consultees was agreed between Cumberhead West Wind Farm Limited and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers commencing on 10 July 2020. The consultation closed on 28 July 2020. Extensions to this deadline were granted to South Lanarkshire Council, East Ayrshire Council and Defence Infrastructure Organisation. The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. A full list of consultees is set out at **Annex A**.

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 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.

No responses were received from Coalburn Community Council, Douglas Community Council, Lesmahagow Community Council, British Horse Society, Civil Aviation Authority, Clyde River Foundation, Fisheries Management Scotland, John Muir Trust, Mountaineering Scotland, Scottish Rights of Way and Access Society (ScotWays) Scottish Wildlife Trust.

2.4 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 should be consulted again in the event that an application for section 36 consent is submitted subsequent to this EIA scoping opinion.

2.5 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 Lanarkshire Council, within whose area the proposed development would be situated, Scottish Natural Heritage, 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 a request dated 23 June 2020 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 Lanarkshire 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**.

3.5 Scottish Ministers are satisfied with the scope of the EIA set out at Section 7 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 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 enquiries to confirm whether there are 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.

3.8 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.

3.9 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.

3.10 The scoping report identified viewpoints at Table 4.2 (page 22) to be assessed within the landscape and visual impact assessment. Full consideration should be given to any LVIA advice provided by South Lanarkshire Council and NatureScot and a final list of viewpoints should be agreed with them prior to the submission of the EIA.

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

3.12 The noise assessment should be carried out in line with relevant legislation and standards as detailed on page 31 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

3.13 As the maximum blade tip height of turbines exceeds 150m the LVIA as detailed in section 4 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.

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 Applicants are reminded that once an application is submitted, there will be limited opportunity to materially vary the form and content of the proposed development.

5.7 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.

5.8 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). In addition, a separate disc containing the EIA report and its associated documentation in electronic format will be required.

Magnus Hughson
Energy Consents Unit
9 September 2020

ANNEX A

Consultation

List of consultees

South Lanarkshire Council – A1
East Ayrshire Council – A2
BT – A3
Coal Authority – A4
Glasgow Airport – A5
Glasgow Prestwick Airport – A6
Historic Environment Scotland – A7
Joint Radio Company – A8
NATS Safeguarding – A9
Office of Nuclear Regulation – A10
RSPB Scotland – A11
Scottish Water – A12
SEPA – A13
NatureScot (SNH) – A14
Defence Infrastructure Organisation (extension granted until 11 September 2020)
Coalburn Community Council*
Douglas Community Council*
Lesmahagow Community Council*
British Horse Society*
Civil Aviation Authority*
Clyde River Foundation*
Fisheries Management Scotland*
John Muir Trust*
Mountaineering Scotland*
Scottish Rights of Way and Access Society (ScotWays)*
Scottish Wildlife Trust *

*No response was received.

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland and Scottish Forestry.



Community and Enterprise Resources
 Executive Director **Michael McGlynn**
Planning and Economic Development

Magnus Hughson
 By Email

Our Ref: P/20/0881
 Your Ref:
 If calling ask for: James Wright
 Date: 2 September 2020

Dear Sir/Madam

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR SECTION 36 APPLICATION FOR CUMBERHEAD
WIND FARM

I refer to your request for comments to inform a scoping opinion made under regulation 12 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Following internal consultation, South Lanarkshire Council, as Planning Authority would offer the following comments;

The structure of the scoping report is considered clear and sets out a prudent approach to the topics that may give rise to likely significant environmental effects and should be fully assessed in the EIA Report. The topics listed in the scoping report are acceptable to the Council and should be fully assessed within the EIA Report. The Council notes that a standalone chapter that contains a summary of all the proposed mitigation and enhancement measures associated with the Environmental Impact is proposed as part of any EIA Report and the Council would request that this is carried out.

Whilst content with the topics, methodology and structure of the proposed EIA Report, the Council would also request the following additional comments are considered by the Scottish Government when forming their 'scoping opinion'.

Chapter 7 of the Scoping Report: Archaeology and Cultural Heritage

It is apparent that a certain amount of work has already been undertaken to gather baseline data for use in the assessment. For example, section 7.2.1 of the Scoping document states that two features are recorded in the HER from within the area covered by the proposed wind farm, these being the site of a standing stone that was removed in the 19th century, and an enclosure visible on modern aerial photographs. I can confirm that this statement is correct, and that these are the only features recorded in the HER. Section 7.2.1 also notes that preliminary assessment of the 1st edition Ordnance Survey map of 1864 suggests that the area was primarily unenclosed moorland or rough pasture in the mid 19th century, with the only features identified being two small sheep rees and a well. Again, I would agree that this appears to be the case, though I would note that the 1st edition does show some evidence of industrial activity in the form of

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Email [REDACTED]



disused lead mines on the Pochmuir Burn, just to the south-west of the proposed access route into the development site, and on the southern bank of the River Nethan at NGR 274876, 633013, immediately adjacent to the boundary of the proposed wind farm. Although these mapped mines do lie outside the boundary of the wind farm, their presence does serve to indicate that the area as a whole was not solely moorland during in 19th century.

The Scoping Report goes on to state that a post-felling walkover survey was carried out in 2012 in relation to the proposed Nutberry Hill wind farm, and that this found no previously-unknown archaeological remains. It should be noted that, due to current working from home restrictions, the Council's archaeological adviser cannot access this report. Any EIA Report referencing this walkover and report should clearly demonstrate how the area surveyed at the time relates to the current proposals.

Section 7.2.2 identifies designated heritage features (Inventory battlefields and designed landscapes, scheduled monuments, listed buildings and world heritage sites) present within 10km of the outermost turbine of the proposed development. Again, as the Council's adviser does not currently have full access to GIS, it has not been able to verify whether the features listed in this section are correct. It should be said, however, that consideration of the effect of the proposal on heritage features outwith the boundary of the proposed wind farm should not be limited solely to designated sites. This is clearly set out in paragraph 12 of Planning Advice Note 2/2011, which states that 'when determining a planning application, the desirability of preserving a monument (whether scheduled or not) and its setting is a material consideration'. As a result, it's advised that the applicant would also need to consider the impact of the proposed turbines on non-designated features within the outer study area, particularly where these are likely to be of regional importance, or where visibility / intervisibility is likely to have been a particular factor in the selection of their position in the landscape. It is noted that this approach is suggested in section 7.4 of the Scoping document, which states that 'the assessment will consider the potential for direct (i.e. physical) effects on the cultural heritage within the Proposed Development site, arising from construction activities, and effects upon the settings of heritage assets with statutory and non-statutory designations in the wider landscape surrounding the Proposed Development'. It is felt that it is worth stressing this aspect, however, because the document also states that cultural heritage assets within 10km of the site are shown on figure 7.1, which only represents designated features of the types noted above. It is important that the applicant is aware that such sites represent only a small proportion of the historic environment, and does not undertake an assessment based on this presumption to the exclusion of all non-designated features.

The proposed approach of defining an inner study area within which direct physical impacts will be considered and comprising ground within the site boundary, and an outer study area extending 10km from this boundary where setting impacts will be assessed does not appear to assign any particular weight to features that may be present in close proximity to the development area. As was noted above, the 1st edition shows evidence of lead mining close to the boundary of the prospective application area, and it is possible that related unmapped elements of this industrial use may be present within it. Similarly, the HER records the presence of a possible shieling-hut (WoSAS Pin 40629) from NGR 273410, 634310, immediately adjacent to the northern boundary of the prospective development site. Shielings typically occur in groups, so it is possible that additional unmapped examples may be present within the development area, possibly screened by forestry plantation. In addition, the HER also includes records that the area is likely to retain some potential to produce material associated with prehistoric occupation; for example, Greenshields (Greenshields, J B., Annals of the parish of Lesmahagow, 1864) recorded that a cairn formerly existed on the farm of Birkenhead, immediately adjacent to the north-east corner of the application site, but that it had been destroyed in the early years of the

19th century. Similarly, a mound has been recorded from the area adjacent to Todlaw farm. Although the description of this feature suggests that is probably morainic in origin, it does have the superficial appearance of a motte or barrow. The assessment should take account of sites recorded from the area surrounding the proposed wind farm to gain an impression of the type of unrecorded feature that may be expected within its boundaries.

Section 7.4.4 of the Scoping document sets out the range of sources that will be consulted during the desk-based phase of the assessment process. This appears to be suitably comprehensive to provide an adequate picture of the current baseline, at least in terms of those features whose presence can be ascertained from desk-based sources alone. However, section 7.4.5 states that no field survey of the proposed development site will be carried out. This represents a potentially-significant shortcoming, in that it means that there will be no opportunity to identify previously-unrecorded but visible features whose survival may be affected by construction of the proposed turbines and their associated infrastructure. The reasons given for this omission is that the proposed development lies entirely within commercial forestry plantations, and because all of the currently-known features can be avoided through design mitigation. This approach is not regarded as being particularly satisfactory, as it appears to disregard the possibility of as-yet unrecorded features being present. While it's accepted that the presence of commercial forestry can make walkover survey difficult, current aerial photographs suggest that large areas of the prospective development area may have been felled fairly recently. Even if this is not the case, other approaches would appear possible, such as the post-felling survey carried out in relation to construction of the Nutberry wind farm and identified in section 7.2.1 of the Scoping report. Consideration could also be given to whether remote sensing techniques such as LiDAR would offer alternative ways to identify the sometimes slight 'lumps and bumps' in the ground that would serve to indicate the presence of an archaeological features, particularly in recently-felled or restocked areas. Some form of survey is likely to be needed to provide a more accurate assessment of the impact of the development on the historic environment, rather than simply assuming that the currently-recorded features represent the only indicators of previous land-use present within the boundaries of the site. It would be for the applicant to indicate how they would achieve this.

In terms of the assessment methodology set out in section 7.4.6, this assigns high sensitivity to designated features such as scheduled monuments and A-listed buildings, but also includes non-designated assets that meet the relevant criteria for designation (table 7.1). This inclusion is agreed, and would suggest that this should encompass currently undesignated features that were identified as being of potentially-schedulable quality in the old Non-Statutory Register (NSR). Although the NSR is no longer mentioned in current planning guidance relating to the historic environment, sites that were assessed as being of potentially schedulable when it was compiled are likely to still be of at least regional, and potentially national importance (unless there has been a substantial change to their condition in the intervening period). As a minimum, such sites would be valued at a regional level, and so would fall within the category of medium sensitivity as defined in table 7.1, meaning that a high or medium magnitude impact on such sites would still be considered significant in EIA terms. Again, the Council is pleased to see that this category of monument had been included among those listed for inclusion in the assessment of setting impacts set out in section 7.4.6.3, which states that Non-statutory Register sites (NSRs) identified in the HER from within 10km of the outermost turbine will be included in the assessment.

Section 7.5 of the Scoping document identifies that the development would have the potential to have significant impacts on designated features in the outer study area. Given the inclusion of NSR sites among those listed in section 7.4.6.3, it is possible that this may just be imprecise terminology, but it is reiterated that consideration of setting impacts should not be limited solely to

designated assets, and should also include NSR sites and features of potential regional significance. This section also states that there is considered to be a low potential for any significant direct effect on cultural heritage assets to arise from construction work. The Council does not agree with this assertion, as it appears to be based largely on the assumption that the features currently recorded from within the site represent the totality of those present. As was noted above, without some form of survey work to verify this, it is not possible to determine with a high level of confidence whether construction of the proposed wind farm would have a substantial direct impact on the historic environment.

The Council would agree that the potential mitigation measures set out in section 7.6.2 (fencing off/marketing out areas of constraint for avoidance during the construction phase; archaeological evaluations or set piece excavations where heritage assets cannot be avoided; and watching briefs/archaeological monitoring) appears to be acceptable. However, without some form of on-site survey work to identify the location, extent and significance of any unrecorded features that may be present, it would be difficult to specify which measure would be required at which locations – for example, it would not be possible to say that an unrecorded shieling hut should be fenced off for the duration of the construction programme without some form of survey to identify the existence of this structure.

Chapter 8 of the Scoping Report: Hydrology, Hydrogeology and Geology

No information has been provided at this time in support of this application, however I would request that the applicant be advised that the requirements set out within the Council's Developer Design Guidance will be required to be complied with and that the proposed EIA report takes into consideration flood risk and the management of surface water.

Flood Risk

In order to ensure the risk of flooding to the Application Site from any source is at an acceptable level as defined in the Scottish Planning Policy and there is no increase in the future flood risk to adjacent land as a result of the proposed development, a Flood Risk Assessment must satisfy the requirements of the Council's Developer Design Guidance document dated May 2020.

Management of Surface Water

A Sustainable Drainage System serving the Application Site, designed and independently checked in accordance with the Council's current Developer Design Guidance is to be provided. Consideration should also be given to surface water management during the construction period to reduce any risk of flooding to and from the site during all phases of the development.

Chapter 9 of the Scoping Report: Noise

It is acknowledged that the IOA document "A Good Practice Guide to the Application of Etsu-R-97 For the Assessment and Rating of Wind Turbine Noise" does apply to developments above 50kW. Cognisance should be given to any development that contributes to the cumulative noise immissions at any noise sensitive receptor.

This service would also invite the report to consider the following supplementary guidance notes within the scope of the report.

- IOA GPG SGN No 1 Final Sept 2014
- IOA GPG SGN No 2 Final Sept 2014
- IOA GPG SGN No 3 Final July 2014
- IOA GPG SGN No 4 Final July 2014

- IOA GPG SGN No 5 Final July 2014
- IOA GPG SGN No 6 Final July 2014
- AM working party -scope of work
- AM working party - terms of reference

The apportioned level should not by default be considered to be a portion of a cumulative noise level of 40dB or background +5dB measured as an LA90,10min. A conservative level based on the development permitted level of 35dB or background +5dB should be assumed where the cumulative headroom permits this. The apportioned level should be realistically based on the calculated noise projections. i.e. where a controlling receptor limits the potential noise immissions further from source (resulting in a lower noise level) this should be the apportioned limit. This would be irrespective of any surplus headroom remaining available.

Chapter 12 of the Scoping Report: Traffic and Transportation

It is noted that a portion of the access route will utilise an established route from the M74 at junction 11 Poniel.

- The study area shall be determined by the proposed route for the wind turbine component delivery in addition to considering any other route which is considered likely to be used by contractors for other construction material import/export between the trunk road and the intended site access from the public road. This should include an abnormal load route assessment with swept path analysis where required. In the first instance we would request that the applicant submitted a marked up plan showing the route and junctions covered by the study area for our written approval before progressing any survey work; this should include other potential routes referred to under item 5 below.
- Where the ALRA/swept path highlights pinch points or requirements for carriageway widening then proposals should be included within the traffic and transport assessment for these. It should be noted that a Road Safety Audit will be required for any alterations required to the public road.
- Site access arrangements off the public road including proposals for visibility splays, signage and road markings should be included.
- Details of on-site parking arrangements for staff, contractors and visitors at construction stage, operational phase and decommissioning shall be included.
- Where borrow pits are anticipated for the sourcing of suitable construction materials or disposal of unacceptable material (e.g. peat) from the construction of the windfarm then the applicant should provide details of proposed pit locations, material volumes/vehicle trips and access delivery routes as these may be different to that considered under item 1 above.
- A Traffic Management Plan should be included and contain a construction programme linked to vehicle trips broken down by type.
- Proposals to address interaction between anticipated vehicle movements and existing cycling/pedestrian movements should be addressed. The applicant should refer to the Council's Core Path plan as part of this exercise in addition to other relevant information which may be determined from site observations.

In addition to the above comments the applicant should liaise with the Council' Bridges and Structures Team to ensure that any further developed proposals take account of existing assets/constraints. The applicant should liaise with the Council's structures team to determine whether any part of the delivery/access routes pass over/under existing restricted bridges or culverts as appropriate. In the first instance contact Jamie.Gray@southlanarkshire.gov.uk (Bridges & Structures Team Leader).

Conclusion

Overall the scope of topics, set out within the Scoping Report are considered acceptable by South Lanarkshire Council subject to the incorporation of the chapter specific advice listed above.

Yours faithfully

HQ Manager

Economy and Skills

Depute Chief Executive and Chief Financial Officer
Alexander McPhee ACMA



Interim Head of Planning and Economic Development: David McDowall

[REDACTED]

Email: [REDACTED]

Development Planning and Regeneration

Office location: Opera House, 8 John Finnie Street, Kilmarnock, KA1 1DD
(if calling in person)

Direct Dial: [REDACTED]

Date: Tuesday 11 August 2020

Response to [REDACTED]

Dear Sir / Madam

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017****REQUEST FOR SCOPING OPINION FOR PROPOSED WEST CUMBERHEAD
SECTION 36 APPLICATION**

Thank you for consulting East Ayrshire Council on the request for a scoping opinion for the West Cumberhead Section 36 application.

I note the proposed development will comprise up to 20 turbines up to 200 metres in height, as well as associated infrastructure and works. The proposed site sits outwith, but adjacent to the East Ayrshire Council boundary.

East Ayrshire Council has reviewed the scoping report and is generally content with what has been put forward. I would offer the following specific comments:

- In terms of the LVIA and in particular the suggested viewpoints, EAC is content that the 3 viewpoints identified will adequately demonstrate the impact from key parts of East Ayrshire, based on what is shown in the ZTV included as part of the scoping report. I also note, that in response to further dialogue it has been agreed by the applicant that a further viewpoint at Loudoun Hill be added. Again, the Council is supportive of this to provide a more complete picture.
- In terms of the approach to the night time assessment, the Council is supportive of the inclusion of Muirkirk within this assessment, given that it is one of the closest settlements to the development.

- The Council welcomes the confirmation at 5.2.2 of the scoping report that a Habitats Regulations Assessment will be undertaken in respect of the Muirkirk and North Lowther SPA. The Council expects this to be carried out to the satisfaction of the Council and SNH.
- It is suggested that table 4.1 'Other wind farms to be considered in the Cumulative LVIA' should be reviewed to ensure it is fully up-to-date. In particular, I note that Hare Craig to the North East of Muirkirk, currently under consideration by East Ayrshire Council, is not included in the list. For ease of reference, wind energy developments in East Ayrshire are included on the online visual register which is regularly updated. (<https://www.east-ayrshire.gov.uk/Resources/PDF/O/OnshoreWindVisualRegister.pdf>)

Whilst outwith the scope of the Planning assessment, the Council would encourage the applicant to consider Muirkirk within its consideration of how it will distribute and manage community benefits. Whilst, a complex issue, community benefits should not necessarily be allocated in accordance with local authority boundaries. As Muirkirk sits as one of the closest settlements to the proposed site (6.5km from the closest turbine) it would seem sensible for Muirkirk to be considered in community benefit proposals. The Council can assist in facilitating this, if this would be helpful.

I trust this is useful. Please do get in touch if you require any further information.

Yours sincerely

PP. Alison O'Kane

Karl Doroszenko
Development Planning and Regeneration Manager

Melrose J (Joyce)

From: [REDACTED]
Sent: 10 July 2020 09:59
To: Melrose J (Joyce); Econsents Admin
Cc: [REDACTED]
Subject: RE: Cumberhead West Wind Farm - Request for Scoping Opinion - WID11268



OUR REF; WID11268

Dear Sir/Madam

Thank you for your email dated 06/07/2020.

Using the indicative turbine locations provided within the scoping document, we have studied this Windfarm proposal with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that, the Project indicated should not cause interference to BT's current and presently planned radio network.

Please direct all queries to [REDACTED]

Regards
Lisa Smith
Engineering Services Radio Planning
Tel: [REDACTED]



This email contains information from BT that might be privileged or confidential. And it's only meant for the person above. If that's not you, we're sorry - we must have sent it to you by mistake. Please email us to let us know, and don't copy or forward it to anyone else. Thanks.
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The Coal
Authority



INVESTOR IN PEOPLE



RTPI

Learning Partner

200 Lichfield Lane
Berry Hill
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Nottinghamshire
NG18 4RG

Tel:

Email:

Web: www.gov.uk/coalauthority

For the Attention of: Energy Consents Unit
The Scottish Government

[By Email: Econsents_Admin@gov.scot]

20 July 2020

Dear Sir or Madam

EIA SCOPING OPINION REQUEST: ECU00002094 (Cumberhead West Wind Farm)

The Proposed Development will consist of approximately 20 wind turbines up to 200m blade tip height and its generating capacity will be approximately 120 MW at Site Centre British National Grid, 752293 34481

Thank you for your consultation email of 3 July 2020 seeking the views of the Coal Authority regarding the above matter.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response:

The proposed application site falls partially within the defined Development High Risk Area. The Coal Authority records indicate that within the site and surrounding area there are coal mining features and hazards which may affect development proposals.

Our information indicates that part of the existing access route to the proposed wind farm site falls within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods. The main part of the proposed wind farm site where the turbines will be installed is actually located outside the Development High Risk Area.

As such, we do not consider that a Coal Mining Risk Assessment or specific consideration within any Environmental Statement of past coal mining activities is necessary for the development proposal as set out in the EIA SCOPING REPORT (June 2020) which accompanies the scoping request.

I trust the above comments are useful, however, please do not hesitate to contact me if you require any additional information or would like to discuss this matter further.

Yours faithfully

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning Liaison Manager

Disclaimer

The above consultation response is provided by the Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to the Coal Authority for consultation purposes in relation to this specific application. The views and conclusions contained in this response may be subject to review and amendment by the Coal Authority if additional or new data/information is provided for consultation purposes.



FAO Joyce Melrose
Energy Consents Unit
Scottish Government

By Email

28th July 2020

Dear Joyce

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

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR
CUMBERHEAD WEST WIND FARM
Our reference: GLA3847**

I refer to your request for scoping opinion received in this office on 3rd July 2020.

The scoping report submitted has been examined from an aerodrome safeguarding perspective and we would make the following observations:

- The site is located within the safeguarding area for Glasgow Airport;
- All 20 proposed turbines are likely to be visible to Glasgow Airports primary surveillance radar (PSR);
- The proposed turbines may impact the Glasgow Airport primary radar permanent echo (PE);
- The proposed turbines may impact Glasgow Airport instrument flight procedures (IFPs);
- Radar mitigation is highly likely to be required to address impacts on the PSR. Further assessment of potential impacts upon the PE and IFPs is required.

Our position with regard to this proposal will only be confirmed once the turbine details are finalized and we have been consulted on a full planning application. At that time we will carry out a full safeguarding assessment and will consider our position in light of, inter alia, operational impact and cumulative effects.

Yours sincerely

Kirsteen MacDonald

Safeguarding Manager
Glasgow Airport



Melrose J (Joyce)

From: [REDACTED]
Sent: 28 July 2020 09:08
To: Melrose J (Joyce); Econsents Admin
Cc: Safeguarding; Windfarm
Subject: Response from Glasgow Prestwick Airport (GPA) Ltd - Cumberhead West Wind Farm - Request for Scoping Opinion

Joyce

We have reviewed the documents issued under the scoping consultation for Cumberhead West Windfarm – and make the following observations based purely on aviation issues.

1. It is likely that the majority (if not all) of the proposed turbines will be terrain shielded from our primary radars, with exception of two turbines (T3 and T6) as detailed in the scoping report that appear marginally terrain shielded to GPA's primary radars.
2. Consequently Glasgow Prestwick Airport Ltd is unlikely to object from any concerns of turbine generated radar display clutter.

However we would like to be given the opportunity to be consulted again once a formal planning application is submitted – to allow more detailed Line of sight (LOS) analysis to be done once turbine locations and heights have been fully determined.

3. GPA may require an assessment to be undertaken by the Developer of the proposed windfarm against our published Instrument Flight Procedures (IFP's) (both conventional and RNAV) – to satisfy ourselves that the turbine tip heights have no impact on our existing published IFP's.
4. GPA request to be consulted should this proposed development reach formal planning application stage.

With Kind Regards

Steve Thomson



Glasgow Prestwick Airport Ltd.
 Aviation House
 Prestwick
 KA9 2PL
 Scotland
 United Kingdom

Steve Thomson
 Manager Air Traffic Services
 Glasgow Prestwick Airport Ltd.



[REDACTED]
www.glasgowprestwick.com



Please consider the environment before printing this email message.

Disclaimer:

This message contains confidential information and is intended only for Joyce.Melrose@gov.scot, Econsents_Admin@gov.scot, Safeguarding@corp.gpia.co.uk, Windfarm@glasgowprestwick.com. If you are not Joyce.Melrose@gov.scot, Econsents_Admin@gov.scot, Safeguarding@corp.gpia.co.uk, Windfarm@glasgowprestwick.com you should not disseminate, distribute or copy this e-mail. Please notify

By email to: [REDACTED]

Energy Consents Unit
4th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry [REDACTED]

Your ref: ECU00002094
Our case ID: 300045434

[REDACTED] [REDACTED] 23 July 2020

Dear Sir/Madam

[The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017
Cumberhead West Wind Farm, South Lanarkshire
EIA Scoping Report \(June 2020\)](#)

Thank you for your consultation which we received on 03 July 2020 about the EIA Scoping Report (June 2020) for the Cumberhead West Wind Farm proposals. 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 (HMPAs).

The West of Scotland Archaeology Service (WoSAS) will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed Development

We understand that the proposals will consist of up approximately 20 wind turbines with a maximum tip height of 200m and associated infrastructure within a commercial forestry plantation over Nutberry Hill approximately 3.9km west of Coalburn, South Lanarkshire.

Scope of Assessment

While we note that no heritage assets in our remit are located within the development site boundary, there are a number of such heritage assets located in the vicinity of the proposals which may be subject to setting impacts. We therefore consider that any Environmental Impact Assessment (EIA) undertaken for the proposals should include a detailed assessment of impacts on the Cultural Heritage Topic area. We recommend that this assessment is undertaken by a suitably qualified professional and meets the requirements of Scottish Planning Policy (SPP, 2014), the Historic Environment Policy for Scotland (HEPS, 2019) and associated Managing Change Guidance Notes. Further guidance can also be found in the Cultural Heritage Appendix to the EIA Handbook (SNH, HES, 2018).



[REDACTED]

We note from the EIA Scoping Report (June 2020) that it is pro [REDACTED] on the setting of heritage assets located within 10km of the proposals. While we are broadly content with this, we recommend that an assessment should also give consideration to the potential for impacts on the Outstanding Universal Value (OUV) of the New Lanark [REDACTED] Age Site located [REDACTED] proposals. Our Managing Change guidance note on World Heritage (2016) may be particularly helpful in this regard. Similarly, it is our view that impacts on the setting of the Falls of Clyde Inventory Designed Landscape (GDL358) should be considered. In each case, we could expect an assessment to clearly demonstrate where potential impacts have been reduced or avoided and, also, to consider where any residual effects may occur.

In addition, we recommend that impacts on the setting of heritage assets should be assessed using photomontage and wireframe visualisations where impacts are likely to be highest. We note that the EIA Scoping Report (June 2020) does not identify any cultural heritage assessment viewpoints, however would be happy to engage further on this as the assessment is progressed.

Finally, we note the potential for cumulative impacts on the setting of heritage assets caused by the proposed development in combination with other existing, proposed and consented wind farms in the surrounding area. We would therefore recommend that cumulative impacts are assessed and examined through the use of cumulative visualisations.

EIA Scoping Report (June 2020)

We have reviewed the EIA Scoping Report (June 2020) and, subject to our comments above, are broadly content with the approach to assessing impacts on our interests included at Section 7 (Archaeology and Cultural Heritage).

Further information

A new Historic Environment Policy for Scotland (HEPS, 2019) was adopted on the 1st May 2019, which replaces the Historic Environment Scotland Policy Statement (HESPS, 2016). The new Historic Environment Policy for Scotland is a strategic policy document for the whole of the historic environment and is underpinned by detailed policy and guidance. This includes our Managing Change in the Historic Environment Guidance Notes. All of these documents are available online at www.historicenvironment.scot/heps.

Practical guidance and information about the EIA process can also be found in the EIA Handbook (2018). This is available online at <https://www.historicenvironment.scot/archives-and->



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

[REDACTED]

[research/publications/publication/?publicationId=6ed33b65-9df1-4a2f1acbb-a8e800a592c0](https://www.historicenvironment.scot/research/publications/publication/?publicationId=6ed33b65-9df1-4a2f1acbb-a8e800a592c0)

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Alison Baisden and they can be contacted by phone on [REDACTED] or by email on [REDACTED]

Yours faithfully

Historic Environment Scotland

Melrose J (Joyce)

From: JRC Windfarm Coordinations [REDACTED]
Sent: 13 July 2020 11:41
To: Melrose J (Joyce)
Subject: FW: Cumberhead West Wind Farm - Request for Scoping Opinion [WF467181]

Dear joyce,

A Windfarms Team member has replied to your coordination request, reference **WF467181** with the following response:

Dear Joyce,

Name/Location: Cumberhead West Wind Farm

Site Centre/Turbine at NGR/IGR:

- T01 274040 632413
- T02 274037 632976
- T03 273763 633399
- T04 274604 632958
- T05 275228 633430
- T06 274537 633598
- T07 273913 634052
- T08 275261 634019
- T09 274705 634205
- T10 274516 634675
- T11 275338 634609
- T12 275186 635109
- T13 276800 634875
- T14 276224 634952
- T15 275856 635269
- T16 275606 635744
- T17 277037 635539
- T18 276528 635634
- T19 276250 636121
- T20 275826 636373

Development Radius: 0.1KM

Hub Height: 122.5m Rotor Radius: 77.5m

*This proposal **cleared** with respect to radio link infrastructure operated by:*

Scottish Power and Scotia Gas 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, developers are advised to seek re-coordination prior to considering any design changes.

Regards

Wind Farm Team

*The Joint Radio Company Limited
Delta House
175-177 Borough High Street
LONDON
SE1 1HR
United Kingdom*

Office: [REDACTED]

JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.

Registered in England & Wales: 2990041

<http://www.jrc.co.uk/about-us>

JRC is working towards GDPR compliance. We maintain your personal contact details in accordance with GDPR requirements for the purpose of "Legitimate Interest" for communication with you. However you have the right to be removed from our contact database. If you would like to be removed, please contact anita.lad@jrc.co.uk.

We hope this response has sufficiently answered your query.

If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email keeping the subject line intact or login to your account** for access to your coordination requests and responses.

<https://breeze.jrc.co.uk/tickets/view.php?auth=01xr2bqaagmjyaaau8jJxHVdrGOHig%3D%3D>

This email has been scanned by the Symantec Email Security.cloud service.

Melrose J (Joyce)

From: NATS Safeguarding <[REDACTED]>
Sent: 20 July 2020 08:13
To: Melrose J (Joyce)
Cc: NATS Safeguarding; Econsents Admin
Subject: RE: Cumberhead West Wind Farm - Request for Scoping Opinion (SG29925)
OBJECTION

Dear Sir/Madam

We refer to the application above. The proposed development has been examined by our technical safeguarding teams. In the timeframe given to us we have been unable to thoroughly investigate the effects of the proposed development on our Operations, however, the relevant teams are being consulted.

Based on our preliminary technical findings, the proposed development does conflict with our safeguarding criteria. Accordingly, NATS (En Route) plc **objects to the proposal**. We will notify you within 4-6 weeks of the results of our operational assessment. Only if this assessment shows the impact to be acceptable will we be able to withdraw our objection.

We would like to take this opportunity to draw your attention to the legal obligation of local authorities to consult NATS before granting planning permission for a wind farm. The obligation to consult arises in respect of certain applications that would affect a technical site operated by or on behalf of NATS (such sites being identified by safeguarding plans that are issued to local planning authorities).

In the event that any recommendations made by NATS are not accepted, local authorities are further obliged to notify both NATS and the Civil Aviation Authority ("CAA") of that fact (which may lead to the decision made being subject to review whether by the CAA referring the matter for further scrutiny or by appropriate action being taken in the courts).

As this further notification is intended to allow the CAA sufficient time to consider whether further scrutiny is required, we understand that the notification should be provided prior to any granting of permission. You should be aware that a failure to consult NATS, or to take into account NATS's comments when deciding whether to approve a planning application, could cause serious safety risks for air traffic.

If you have any queries regarding this matter you can contact us using the details as below.

NATS

NATS Safeguarding

E: [REDACTED]

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

Melrose J (Joyce)

From: [REDACTED]
Sent: 06 July 2020 13:16
To: Melrose J (Joyce); Econsents Admin
Subject: RE: HPE CM: Cumberhead West Wind Farm - Request for Scoping Opinion

Good afternoon

The above mentioned scoping opinion does not meet the consultation criteria within an ONR Land Use Planning consultation zone, therefore ONR have no comment to make.

Kind regards

Vicki

Vicki Enston

Regulatory Officer
Land Use Planning
Emergency Preparedness & Response



E: [REDACTED]

The Office for Nuclear Regulation's mission is to provide efficient and effective regulation of the nuclear industry, holding it to account on behalf of the public.

Website: www.onr.org.uk **Twitter:** [@ONRpressoffice](https://twitter.com/ONRpressoffice)



RSPB Scotland

Joyce Melrose
Admin Officer
Energy Consents Unit
The Scottish Government

29 July 2020

Dear Joyce,

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

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR
CUMBERHEAD WEST WIND FARM EC00002094**

Thank you for consulting RSPB Scotland on the Scoping opinion for this project. Our comments follow in the accompanying Appendix.

Yours sincerely,

Julia Gallagher
Senior Conservation Officer – Scottish Lowlands & Southern Uplands

Dumfries & Galloway Office
The Old School
Crossmichael
Castle Douglas
Kirkcudbrightshire
DG7 3AP

Tel: [REDACTED]
Facebook: RSPBDumfriesandGalloway
Twitter: @RSPBDandG

rspb.org.uk



APPENDIX Cumberhead west wind farm Scoping Opinion RSPB Scotland

5.2.2.2 Field survey

We would normally advise on two-years of survey work to assess a site particularly given its location directly adjacent to designated sites (Muirkirk and North Lowther Uplands Special Protected Area, Muirkirk Uplands SSSI). However, we note SNH's advise that one year of survey work is sufficient based on the availability of data from other nearby projects in the area. In addition, since this proposal is to be in forestry rather than open ground, **we would agree that one year's data is likely to be robust enough to consider the impacts of this proposal.**

However, **we would also advise that survey for black grouse should be included in survey effort (see below).**

We note that breeding wader surveys were not undertaken due to the location of the project's infrastructure proposed within forestry but that wader species and any other species of conservation value were recorded in open areas inside and outside of the Proposed Development site during all other surveys. We would hope that this effort along with data from other projects will be sufficient to assess the potential impact of this proposal on the adjacent designated sites and protected species. However, **we would advise that breeding waders are included as a target species in the Environmental Impact Assessment for this project along with other designated features of these sites on adjacent ground.**

The Scoping report states that black grouse was '*present within the local area over the period of baseline surveys for local projects, with a lek present within the Hagshaw Hill Extension study area*' although it is not clear whether black grouse lek surveys have been undertaken for his project. Black grouse can lek within forestry and within areas of suitable open ground which exists within 1.5km of the project boundary. Although we note that black grouse is listed as a target species for assessment of potential impacts (5.4) , **we would advise that this assessment should be informed by survey to identify lek sites within and outwith the project area.**

5.3.2 Ornithology

We agree that an assessment under the Habitats Regulations Appraisal (HRA) process will be required for the Muirkirk and North Lowther Uplands SPA, due to the likely significant effects of this project on this site and that the EIA report will provide information to inform an Appropriate Assessment. We also note and agree with the proposed assessment of impact to the SSSI.

We agree with the need for assessment of cumulative impact to target species and designated sites from this project and other projects within a NHZ level.

5.3.1 Ecology

We note and agree with the updated NVC habitat survey undertaken on site and within a 250m buffer area to assess this project's potential impact to sensitive habitats.

We agree that an appropriate assessment under the Habitats Regulations Appraisal (HRA) process for the closest SAC (Coalburn Moss) will not be necessary due to the distance from this project boundary (3.8km).

We agree with the need to assess effects of this project on the adjacent Muirkirk Uplands SSSIs as part of the EIA process for this project.

Monday, 06 July 2020



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

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

Development Operations
Freephone Number - [REDACTED]

www.scottishwater.co.uk

Dear Sir/Madam

SITE: Cumberhead West Wind Farm, , Cumberhead West Wind Farm, KA18 3SB
PLANNING REF: ECU00002094
OUR REF: DSCAS-0017474-F5Q
PROPOSAL: Wind Farm (Generating station of >100 <200 MW Capacity)

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

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 contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: [REDACTED]
 - ▶ [REDACTED]
 - ▶ 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 Customer Connections department at the above address.
- ▶ If the 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 SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any

formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ **Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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,

Pamela Strachan
Development Operations Analyst



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."

Our ref: PCS/172073

Your ref:

Joyce Melrose
Energy Consents Unit
The Scottish Government

If telephoning ask for:
Brian Fotheringham

28 July 2020

By email only to: [REDACTED]

Dear Madam

Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations
2017
Cumberhead West Wind Farm – Scoping Opinion

Thank you for consulting SEPA on the scoping opinion for the above development proposal by your email received on 3 July 2020.

Advice to the planning authority

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. To **avoid delay and potential objection**, the information outlined below and in the attached appendix must be submitted in support of the application.

- a) Map and assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any flood risk assessment and details of any related CAR applications.
- b) Map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.
- c) Map and assessment of impacts upon groundwater abstractions and buffers.
- d) Peat depth survey and table detailing re-use proposals.
- e) Map and table detailing forest removal.



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

Angus Smith Building

6 Parklands Avenue, Eurocentral,
Holytown, North Lanarkshire ML1 4WQ

www.sepa.org.uk • customer enquiries 03000 99 66 99

- f) Map and site layout of borrow pits.
- g) Schedule of mitigation including pollution prevention measures.
- h) Borrow Pit Site Management Plan of pollution prevention measures.
- i) Map of proposed waste water drainage layout.
- j) Map of proposed surface water drainage layout.
- k) Map of proposed water abstractions including details of the proposed operating regime.
- l) Decommissioning statement.

Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix. We also provide site specific comments in the following section which can help the developer focus the scope of the assessment.

1. Site specific comments

- 1.1 The applicant has engaged directly with SEPA on the proposed approach to the peat survey works for the site. We have advised that the locations for some of the turbines and associated infrastructure might need to be modified as they are likely to be on deep peat.

Regulatory advice for the applicant

2. Regulatory requirements

- 2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 2.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 2.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
 - is more than 4 hectares,
 - is in excess of 5km, or
 - includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

- 2.4 Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.
- 2.5 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

SEPA ASB
Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

If you have queries relating to this letter, please contact me by e-mail at planning.sw@sepa.org.uk.

Yours faithfully

Brian Fotheringham
Senior Planning Officer (SW)
Planning Service

ECopy to: 

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 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 on our [website planning pages](#).

Appendix 1: Detailed scoping requirements

This appendix sets out our scoping information requirements. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order **to avoid delay and potential objection**.

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed.

We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

1. Site layout

1.1 All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible. 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. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

2. Engineering activities which may have adverse effects on the water environment

2.1 The site layout must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing:

- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
- b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works.
- c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.

2.2 If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.

2.3 Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).

- 2.4 Refer to Appendix 2 of our [Standing Advice](#) for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the planning application. Our [Technical flood risk guidance for stakeholders](#) outlines the information we require to be submitted as part of a Flood Risk Assessment. Please also refer to [Controlled Activities Regulations \(CAR\) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities](#).

3. Disturbance and re-use of excavated peat and other carbon rich soils

- 3.1 Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants must assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments must aim to minimise this release."
- 3.2 The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO₂ and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat. There is often less environmental impact from localised temporary storage and reuse rather than movement to large central peat storage areas.
- 3.3 The submission must include:
- a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's [Guidance on Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems.
 - b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.
- 3.4 To avoid delay and potential objection proposals must be in accordance with [Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste](#) and our [Developments on Peat and Off-Site uses of Waste Peat](#).
- 3.5 Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.
- 3.6 Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.

4. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)

- 4.1 GWDTE are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:

- a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.

4.2 Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice and the minimum information we require to be submitted.

5. Existing groundwater abstractions

5.1 Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:

- a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

5.2 Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice on the minimum information we require to be submitted.

6. Forest removal and forest waste

6.1 Key holing must be used wherever possible as large scale felling can result in large amounts of waste material and in a peak release of nutrients which can affect local water quality. The supporting information should refer to the current Forest Plan if one exists and measures should comply with the Plan where possible.

6.2 Clear felling may be acceptable only in cases where planting took place on deep peat and it is proposed through a Habitat Management Plan to reinstate peat-forming habitats. The submission must include:

- a) A map demarcating the areas to be subject to different felling techniques.
- b) Photography of general timber condition in each of these areas.
- c) A table of approximate volumes of timber which will be removed from site and volumes, sizes of chips or brash and depths that will be re-used on site.
- d) A plan showing how and where any timber residues will be re-used for ecological benefit within that area, supported by a Habitat Management Plan. Further guidance on this can be found in [Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS](#).

7. Borrow pits

- 7.1 Scottish Planning Policy states (Paragraph 243) that “Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.” The submission must provide sufficient information to address this policy statement.
- 7.2 In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 [Controlling the Environmental Effects of Surface Mineral Workings](#) (PAN 50) a Site Management Plan should be submitted in support of any application. The following information should also be submitted for each borrow pit:
- a) A map showing the location, size, depths and dimensions.
 - b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
 - c) You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.
 - d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.
 - e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.
 - f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.
 - g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.
 - h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government’s [Guidance on Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO₂.

- i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.
- j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

8. Pollution prevention and environmental management

- 8.1 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to [Guidance for Pollution Prevention \(GPPs\)](#).

9. Life extension, repowering and decommissioning

- 9.1 Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with [SEPA 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.
- 9.2 The submission needs to demonstrate that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document [Is it waste - Understanding the definition of waste](#).



Joyce Melrose
Admin Officer
Energy Consents Unit
The Scottish Government

By email only to: [REDACTED]

Your Ref: EC00002094
Our Ref: CEA159801
11 August 2020

Dear Joyce,

**Request for Scoping Opinion
Proposed Cumberhead West Wind Farm, South Lanarkshire**

Thank you for your consultation dated 3 July 2020 on the scope of the Environmental Impact Assessment (EIA) for the proposed Cumberhead West Wind Farm. Thank you for also agreeing to an extension to our consultation period.

1. Background

- 1.1 The proposed development would comprise approximately 20 wind turbines, up to 200m to blade tip, and associated infrastructure. The proposed application site lies within the South Lanarkshire Council area, approximately 3.9km to the west of Coalburn, 5.6 km to the south-west of Lesmahagow and 7.7 km west north-west of Douglas.
- 1.2 We have previously provided the applicant's consultants with comments on their proposed approach to ecology and ornithology in emails dated 22 October and 8 November 2019. We have also commented on the proposed viewpoints for the landscape and visual impact assessment (LVIA) in an email dated 8 July 2020.

2. General scoping advice

- 2.1 The applicant should refer to our general scoping and pre-application advice for onshore wind farms¹. This note provides guidance on the issues that developers and their consultants should consider for wind farm developments, including information on recommended survey methods, sources of further information / guidance and data presentation. Attention should be given to the full range of advice included in the guidance note. The checklist in Annex 1 of the guidance note sets out our expectations of what should be included in the EIA Report.

¹ <https://www.nature.scot/general-pre-application-and-scoping-advice-onshore-wind-farms>

- 2.2 The guidance document will be updated over time to reflect any changes to available information and our guidance, so users should ensure they download the most up to date version before use.

3. Specific scoping advice

- 3.1 We are generally content with the proposed scope and methods of assessment for those matters within our remit, as detailed in the Scoping Report. We offer the following specific comments at this stage.

Protected areas

- 3.2 Details of protected areas, including their conservation objectives / site management statements, can be found in the [Sitelink](#) section of our website. The developer should assess the direct and indirect impacts of the proposed development on protected areas and their qualifying interests / notified features in the context of their conservation objectives / 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.

Muirkirk & North Lowther Uplands Special Protection Area (SPA)

- 3.3 The proposal could affect the Muirkirk & North Lowther Uplands SPA, classified for its breeding hen harrier, peregrine, merlin, short-eared owl and golden plover and for its non-breeding (wintering) hen harrier.
- 3.4 The site's status 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). A [summary](#) of the legislative requirements is available on our website.
- 3.5 The proposed development site lies within a distance of the SPA at which we consider there is an overlap with the core foraging ranges of the site's qualifying interests. In our view, this proposal is therefore likely to have a significant effect on the SPA and, 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. We welcome the applicant's commitment to providing the information necessary for this to be carried out as part of the EIA Report.
- 3.6 We also welcome the range of impacts to be assessed in respect of ornithological interests, as set out in section 5.3.2 of the Scoping Report. For the assessment of impacts on the SPA, assessment of the following issues will be of particular relevance:
- Collision risk to SPA qualifying species and how this may affect the viability of the relevant species' population, including how collision risk may be influenced by forest management proposals resulting from the wind farm development.
 - Direct and indirect impacts on habitats within the SPA supporting the sites qualifying species.
 - Disturbance to SPA qualifying species as a result of construction, operation and/or decommissioning of the development.

Muirkirk Uplands & North Lowther Uplands Sites of Special Scientific Interest (SSSI)

- 3.7 The proposed application site is close to both the Muirkirk Uplands SSSI and the North Lowther Uplands SSSI. The SSSIs are notified for a range of features, the potential impacts on which will require thorough consideration as part of the EIA process. We welcome the applicant's proposal to include this within the scope of the EIA.

Birk Knowes & Birkenhead Burn SSSIs

- 3.8 Birk Knowes SSSI lies wholly within the application site. The SSSI is notified for both its palaeontological and stratigraphical interests. Birkenhead Burn lies partly within the application site and is also notified for its palaeontological interest.
- 3.9 The development as outlined in the Scoping Report appears unlikely to have any direct detrimental implications for the notified features of the two SSSIs. However, the EIA Report should include details of how it will be ensured that wind farm infrastructure, and its construction, does not impinge upon these geological interests and that access to the sites for research and educational purposes is unaffected after development. We also recommend that the EIA assesses whether the proposed proximity of turbines to Birkenhead Burn SSSI poses any risk to the stability of the rock faces within the site.
- 3.10 Site investigation and any subsequent excavation work associated with Turbine 19 (at Birkenhead Burn SSSI), Turbines 3, 7 and 10 (vicinity of Birk Knowes SSSI), and the fossil-bearing quarry south of Turbine 3 offer particular scope for providing geological data that could enhance understanding of the geology and fossil fauna of the protected sites. Further comment on this is provided below.

Carbon-rich soils, deep peat and priority peatland habitat

- 3.11 The unplanted area around the summit of Nutberry Hill is mapped as Class 1 peat on the [Carbon & Peatland Map 2016](#). Class 1 areas are nationally important carbon-rich soils, deep peat and priority peatland habitat and are likely to be of high conservation value. The mapped area of Class 1 peat within the wind farm site extends into the adjacent SPA / SSSI.
- 3.12 While Scottish Planning Policy identifies such areas as 'areas of significant protection', the location of the proposal in the mapped area does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. However the applicant will need to demonstrate in the EIA Report that any significant effects on the qualities of the area can be substantially overcome by siting, design or other mitigation.
- 3.13 The Carbon and Peatland Map 2016 is a strategic tool based on historical habitat and peat depth information. It is for the applicant to carry out relevant surveys to provide contemporary, site-specific information on the location of the different peat classes to inform site management.
- 3.14 We therefore welcome the applicant's proposal to undertake a peat probing exercise to establish the presence and depth of peat within the site. To inform the assessment of impacts and identification of appropriate mitigation, we advise that detailed peat surveys of the site (including access routes where necessary), measuring the peat deposit to full depth, should be undertaken in accordance with Scottish Government guidance (see <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-sources/19185/17852-1/CSavings/PSG2011>). The results should also be used to inform a peat slide assessment and peat management plan. We recommend early engagement with SEPA with regard to excavated peat reuse and disposal.
- 3.15 The final siting and design of the proposed development and how this may affect peatland must be fully described and assessed in the EIA Report. How significant

effects will be mitigated must also be fully described. At this stage, given the general dominance of commercial forestry within the site, we would encourage the applicant to consider the relocation of Turbine 3 from the class 1 peat to a less sensitive area.

Landscape & visual amenity

- 3.16 The proposed application site lies within the Rolling Moorlands: Forestry landscape character type (LCT), as identified in the 2016 South Lanarkshire Landscape Capacity Study for Wind Energy. The 2017 draft South Lanarkshire Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance notes that, for the Rolling Moorlands, most of the areas which could most comfortably accommodate larger turbines already host substantial wind energy developments, or have similar developments consented.
- 3.17 In our view, cumulative landscape and visual impacts and, especially, design issues will therefore be key issues in the assessment of this proposal. Any wind farm at this location will need to demonstrate a good fit with existing schemes in the area.

Study Area

- 3.18 We note that the Zone of Theoretical Visibility has been prepared out to 35km. We agree that this is a suitable initial study area for the development proposed.

Viewpoints: Daytime

- 3.19 We are content with the viewpoints selected.

Viewpoints: Night time

- 3.20 We are content with the viewpoints selected. Night time photomontages should show the cumulative picture and include turbine lights of other 'at application' developments in the view, including variation applications.
- 3.21 We have recently updated our general pre-application and scoping guidance to include further guidance on undertaking lighting assessments – see Annex 2 at <https://www.nature.scot/general-pre-application-and-scoping-advice-onshore-wind-farms>.

Designations

- 3.22 We note that some theoretical visibility is predicted from both the Upper Tweeddale National Scenic Area and the Talla-Hart Fell Wild Land Area. However, we do not consider that this proposal is likely to result in any significant effects on the qualities of these areas.

Geology

- 3.23 As is noted in the Scoping Report, the bedrock across the site mainly comprises the Patrick Burn Formation. This is the rock formation present at Birk Knowes SSSI which contains the 'Jamoytius Horizon' a unique body of rock that contains fossil fish and arthropods of global significance. Consequently, in this wider area of significant geological interest, with little natural exposure, the proposed development offers the possibility of providing new rock exposure which could provide valuable additional information about the Patrick Burn and other rock formations and may reveal fossil material of global importance.
- 3.24 Some new exposure, perhaps in association with turbine foundation construction for example, would be temporary. In accordance with the Scotland's Geodiversity Charter, there is an expectation that such temporary exposure would be examined

and recorded and we would therefore encourage the applicant to appoint a Geological Clerk of Works to assist with this.

- 3.25 If rock exposure is to be revealed along new tracks or created in borrow pits to allow the extraction of rock for track building, consideration should be given to whether these could remain exposed, made safe and conserved for research and educational purposes. Such features may also be suitable for interpretation by means of a panel positioned at the locality. We recommend these issues are considered in the EIA Report.
- 3.26 We also recommend that rock core and other geologically relevant data gathered in the site investigation stage of the development work be retained and made available for research.

Miscellaneous

- 3.27 We recommend that drafts of the proposed Construction Environmental Management Plan, Bat Mitigation Plan, Breeding Bird Protection Plan and species Protection Plan are included in the EIA Report.
- 3.28 We recommend the preparation and implementation of a Habitat Management Plan, particularly where measures are required to mitigate for the loss of key habitats (e.g. peatland) or reduce the suitability of the site following development for nesting SPA birds. The HMP should be prepared in accordance with our guidance on [What to consider and include in Habitat Management Plans](#).

Concluding remarks

While we are supportive of the principle of renewable energy, our scoping 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.

I hope that this response will assist you in your consideration of this scoping request. However, please contact me should you wish to discuss our advice further.

Yours sincerely

David Kelly
Area Officer
Strathclyde & Ayrshire



cc Theo Phillip, 3R Energy
James Wright, South Lanarkshire Council

