

Appendix 4.1 Scoping Opinion

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South Lanarkshire Council Scoping Opinion (Douglas West Wind Farm) – 14 June 2012

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Your ref:
If calling ask for: Ruth Findlay
Phone: 01698 455943
Date: 14 June 2012

Dear Mr Young

Douglas West Wind Farm Proposal – Scoping Opinion

I refer to your Scoping Report dated March 2012 requesting a scoping opinion under the Environmental Impact Assessment (Scotland) Regulations 2011 for up to 15 turbine (maximum 150 metre tip height) wind farm at Douglas West, south of Coalburn and north west of Douglas in South Lanarkshire.

To enable a scoping opinion I have carried out internal and external consultations. I intend to clarify the issues that I believe should be addressed and then will summarise the consultation responses (copies of which have been enclosed for your information).

In terms of South Lanarkshire Planning I would ask that a section in the ES covers the relevant planning policies, government guidance and supplementary documents. Government advice is consolidated in the Scottish Planning Policy (SPP). Specific Advice Sheet for Onshore wind turbines was last modified on 02 May 2012. It supports the policy in SPP by providing information and best practice on renewable energy developments. It gives advice on areas for planning authorities to focus upon, technical information and typical planning considerations in determining planning applications for onshore wind turbines. You should explain how your proposal complies with the policies and if not why a departure can be justified. In the South Lanarkshire Local Plan (adopted 2009), the main policies in relation to this site are:

STRAT 4: Rural Investment Area

STRAT 6: Remoter Rural Area

STRAT 9: Environmental Mitigation and Enhancement policy

CRE 2: Stimulating the Rural Economy Policy

ENV 4: Protection of the Natural and Built Environment Policy

ENV 14: Potential Windfarm Areas of Search Policy

ENV 15: Spatial Framework for Windfarms Proposal

ENV 17: Renewable Energy Community Benefit Policy

ENV 20: Natura 2000 Sites Policy

ENV 21: European Protected Species

ENV 23: Ancient Monuments and Archaeology

ENV 24: Listed Buildings Policy

ENV 26: Sites of Special Scientific Interest/National Nature Reserves Policy

ENV 28: Historic Gardens and Designed Landscapes Policy

ENV 29: Regional Scenic Area and Areas of Great Landscape Value Policy

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ENV 32: Design Statements Policy

ENV 38: Renewable Energy Site Assessment Policy

The proposal should comply with policies in the South Lanarkshire Local Plan Supplementary Planning Guidance Renewable Energy (December 2010). A series of technical studies were prepared to inform the preparation of the SPG, these are:

- South Lanarkshire Landscape Character Assessment (LCA)
- South Lanarkshire Validating Local Landscape Designations
- South Lanarkshire Spatial Framework and Landscape Capacity for Wind Farms

The ES should use the aforesaid reports in assessing the appropriateness of the chosen site. The reports can be viewed via the South Lanarkshire Council website at

http://www.southlanarkshire.gov.uk/downloads/download/60/supplementary_planning_guidance

The proposal is within plateau farmland opencast mining and rolling moorland foothills landscape character type identified in the South Lanarkshire LCA (2010). It is currently a landscape with views of wind farms, however taking into account consented wind farms at Dungavel, Nutberry Hill and the Section 36 application at Galawhistle which are within close vicinity of the proposed site, it is considered that these developments will create an extensive area of Rolling Moorlands with Wind farms typology. The objective within the Spatial Framework is to keep within this typology for the moorlands as a whole by ensuring that cumulative effects fall short of a visual merger of developments across the moorland areas into a wider wind farm landscape. This is also important given that the remaining undeveloped areas are mainly Rolling Moorlands type which has a landscape character less suited to larger developments than Plateau Moorlands. Wind farm development in this landscape type should respect the rounded hilltop character and go no further than Rolling Moorlands with Wind Farm typology. The Spatial Framework sets out threshold for wind farm developments of approximately 20 turbines with significant distances (5-10km) between such development cluster. Further detail is provided in section 6 of Spatial Framework and Landscape Capacity for Wind Farms. Currently adjacent to the proposed site is the operating Hagshaw Hill wind farm with 26 turbines and its extension with 20 turbines, and adjacent to Hagshaw Hill extension is the recommended for approval Galawhistle wind farm with 22 turbines. To the west of the proposed site is the under construction Nutberry Hill with 6 turbines. Attached to the scoping opinion is a spreadsheet which lists all wind farm and wind turbine developments within South Lanarkshire and a map showing their location. These developments require to be taken into account in the visual and cumulative impact assessment. All single, two or three wind turbine developments with tip height of 50m or above should also be included in the cumulative impact assessment for proposals at application stage, consented and operational.

I would refer to paragraph 4.25 in the SPG Renewable Energy which guides developments up to 2km away from settlements. The proposed site is within 2km buffer for Coalburn and Douglas. Proposals will be judged on a case by case basis taking into account specific local circumstances and geography. The proposal should not unacceptably affect the amenity of residents in the nearby settlements and properties by means of noise, visual dominance, shadow flicker, reflection light or other emission.

It is possible that the scale of the development and its proximity to settlements and to operational, existing and consented developments could raise issues. The ES should fully assess and demonstrate the cumulative visual and landscape impacts together with the residential amenity impact of the proposed wind farm can be considered acceptable. A full cumulative and landscape and visual impact assessment should be prepared in accordance with current SNH guidance and would refer to SNH detailed comments in their scoping response dated 23 May 2012.

The Douglas Valley Special Landscape Area (SLA) is adjacent to the proposal and part of the proposed site is within the SLA. The impact on the SLA requires to be fully assessed within the ES both on its own and cumulatively with other developments and proposals at application stage. The Muirkirk and North Lowther Uplands Special Protection Area (SPA) and North Lowther Uplands SSSI lie approximately 7km from the proposed development. The ES requires to assess if the proposal will have any significant effect on the qualifying interests either directly or indirectly. Further detail is provided in the SNH response dated 23 May 2012.

The ES should include an assessment of the potential of the proposal to interfere with television, radio and telecommunication reception and cause shadow flicker.

The SPG contains an assessment checklist for renewable energy proposals, which includes criteria to be addressed.

In terms of the consultee responses I can summarise as follows though it should be noted that you should fully appraise yourself with the consultations and not rely on the summary for clarifying the issues raised:

SLC Traffic and Transportation

There should be a pre-submission scoping meeting with Roads and Transportation Services to discuss extent of information required. The following must be taken into consideration prior to compiling the ES or TA:

- High powered vehicle wheel wash should be provided and maintained on site so that all vehicles are cleaned prior to joining the public road.
- The applicant shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site. Road sweeping by mechanical sweeper should form part of a routine maintenance regime to regularly clear the access route from the build up of debris.
- All vehicles entering or leaving the site shall use the existing private road to the west of Poniel interchange. The haul route for normal and abnormal loads will require to be agreed with this Service, but this Service would advocate that if possible normal construction traffic reach the site from the north via the M74 or B7078. Abnormal traffic delivery to site is likely to utilise the M74 and B7078 within South Lanarkshire Council boundaries.
- The developer must undertake a dilapidation survey along any agreed haul route and will be required to up-grade the haul road infra-structure as deemed necessary by this Service. The developer must enter into a formal Section 96 agreement with this Service for this section of road. The route chosen to deliver abnormal loads to the sites must be assessed to ensure that it is capable of accommodating the types of vehicle that propose to use it.
- It is recommended that trial drive-through of the route is undertaken using appropriate vehicles and this will highlight any pinch points that would require to be upgraded. Details must be submitted, to this Service, of any land take or road widening that is required as a result of the above trial drive through.

Under paragraph 9.2.2 of the Scoping Report, it is outlined those areas that are to be assessed within the final EIA. The applicant should also address the following.

1. Survey of existing traffic flows at locations that need to be agreed with the Council. The proposed survey locations can only be agreed with the Council once a delivery/construction route has been agreed in principle with the Roads Area Office.
2. Analysis of junctions impacted by the delivery/construction route to take account of existing flows, development flows and committed flows (e.g. Poniel) and future years where the proposed development timeline dictates.
3. The role of borrow pits where applicable. Where off-site borrow pits are required traffic impact to be considered.
4. The requirement and impact of imported materials or removal from site of surplus arisings where applicable.
5. Phasing of works and distribution of traffic flows on a month by month basis.

The developer will need to involve Strathclyde Police and the Roads Area Office (Clydesdale) when developing their Abnormal Load Route Assessment.

SLC Environmental Services

In relation to Environmental Services the following comments should be taken into account in the preparation of the EIA:

Environmental Protection: Operational Noise

Section 7 of the Report details the proposal to conduct an assessment of noise impacts associated with the development. This Service broadly agrees with the proposed methodology and would highlight that the noise impact assessment in terms of ETSU-R-97 must consider the cumulative effects of any nearby wind turbine developments, either approved or under consideration, at the time of submission of this application.

Environmental Protection: Construction Noise

The report indicates that there will be noise impacts associated with construction phase including the potential for the use of borrow pits. An assessment of construction noise, in terms of the current BS5228: 'Noise control on construction and open sites', should be undertaken. This assessment will be required to consider the noise and vibration associated with blasting operations/piling operations, if proposed, and any construction activity required to upgrade or widen any access routes to the proposed site.

Environmental Protection: Site Specific Waste Management

While not within the direct remit of Environmental Services, it was noted that the Scoping Report does not appear to directly consider the general issue of waste management. Consideration should be given should be given to the handling, use, short-term storage and final disposal of surplus material and to the general aim of waste minimisation and management. I would recommend that comment is sought from SEPA in this regard.

Environmental Protection: Dust suppression

It should be noted that prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Environmental Protection: Shadow Flicker

It should be noted that prior to the proposed development being brought into use, the applicant shall undertake an assessment of the impact of shadow flicker on property in the vicinity of the site and shall submit the assessment to the Planning Authority for approval. Where the assessment identifies property being affected by shadow flicker then the assessment shall include measures to mitigate this. Cognisance shall be taken of the Department of Energy and Climate Change document 'Update of UK Shadow Flicker Evidence Base' in undertaking the assessment.

SLC Countryside and Greenspace Services

The following comments relate to the biodiversity, recreational amenity, visual / landscape and socio-economic impacts of the application. No inference should be drawn from these comments regarding other issues which may be identified for inclusion within the scope of the Environmental Assessment.

From the information contained in the scoping report it appears that in general terms all the relevant environmental factors have been identified for inclusion in the environmental report and the significant environmental sensitivities have been identified. Nonetheless there are a number of specific comments I would wish to make.

With regards to biodiversity issues I would ask the applicants to accommodate the following suggestions into the Environmental Report:

- A Habitat Management Plan will be required as part of any approved windfarm development proposal and the Countryside and Greenspace Service should be involved from an early stage in the development of such a Plan as well as being represented on the Habitat Management Group.
- It should be drawn to the applicants attention to the South Lanarkshire Biodiversity Strategy which places a strong emphasis on the conservation and where possible, enhancement of irreplaceable habitats including upland ecosystems such as peatlands. It is likely that the turbines and associated infrastructure (turbine foundations, array road network, drainage, transmission lines and other physical features) will be located in areas of deep peat. In order to help inform the assessment process peat depth maps must be produced and mitigation measures proposed to off-set adverse impacts on the peatland environment.
- The Environmental Assessment should consider the cumulative impacts of the proposals for both species and habitat biodiversity in relation to the other existing and proposed windfarm developments in the vicinity.

It is assumed that the habitat and species surveys requirements referred to above will be carried out in compliance with SNH / RSPB recommendations. We would wish to see the outcome of this survey work before offering any further specific comments.

In relation to recreational access and specifically section 5.6.3 of the scoping report it is evident from the English terminology used in relation to public recreational access issues i.e. 'common land / open access land' that the authors have a misunderstanding of the Scottish recreational access policy /legislative context. It is suggested that amendments should be made to this section to appropriately reflect the Scottish context for these issues. For the purposes of the environmental report I would advise you and the applicants that there is a network of core paths, aspirational core paths and wider access network routes across the site. Furthermore in the context of the Land Reform (Scotland) Act there is a general right of access over the land occupied by the proposed windfarm and there is anecdotal evidence to suggest that the existing paths and tracks within the proposed development site are used for recreational access. It is noted that the socio-economic section of the scoping opinion report makes reference to this aspect and would suggest that on-site survey work is undertaken as part of the Environmental Impact Assessment to evaluate both the current and potential levels of recreational usage and what mitigation measures may be appropriate to protect and enhance the area for this purpose. It is recommended that this should include community consultation activity in both Coalburn and Douglas to inform this element of the environmental report.

It is noted that a landscape and visual impact assessment will be undertaken. This should include any cumulative landscape impacts in relation to other existing and proposed windfarm in the surrounding areas. Of particular sensitivity is the proximity of the site to Coalburn and Douglas and the increasing coalescence of existing and proposed windfarm development in the part of the Douglas Valley. It is noted that the site lies immediately adjacent to the proposed Delquhandy windfarm site and the existing Hagshaw Hill windfarm.

The policies of the former Douglas Castle are an important component of the local designed landscape which complements the Douglas Conservation Area. It is considered that the development will have a significant impact on the local landscape character both in its own right and as part of the incremental effect associated with similar neighbouring developments.

Transport Scotland

Not likely to have significant impact on the operation of the trunk road network. However, it is likely that as many of the construction loads may be categorised as abnormal, authorisation from our management organisation Amey may be required. Amey should be consulted as to the feasibility of transportation and due to the frequency and number of these loads it is UK policy to restrict these movements via the nearest suitable port.

Historic Scotland

On the basis of the information submitted at this stage, Historic Scotland confirms the proposed development is not likely to have a direct impact on any heritage assets with their statutory remit. However, any EIA undertaken should include an assessment of the turbine's effects on the setting of cultural heritage features in the vicinity of the site boundary and a particular attention should be paid to the following heritage assets:

- Douglas, St Bride's Chapel (a scheduled monument and a property in care, AM No. 90265)
- Douglas, St Bride's Church (an A-listed building, HB No. 1490)
- Douglas, Monument to James, Earl of Angus (an A-listed structure, HB No. 1457)
- Thorril Castle, bastle house 450m NNE of Parkhead (a scheduled monument, AM No.5425)

A detailed cultural heritage assessment should be included in the ES and would find it helpful if there is an appropriate cross-referencing between the cultural heritage and the landscape and visual impact chapters. It is also suggested that wireframes and/or photomontages, showing views looking towards the feature within its landscape setting with development in the background and looking from the feature towards development, are provided in the ES to assess impacts adequately.

SEPA

SEPA consider all the issues below should be addressed in the ES though there may be opportunities for several of these to be scoped out of detailed consideration. The justification for this approach in relation to specific issues should be set out within the ES. SEPA would refer you to 'Good Practice During Windfarm Construction' and 'Regulatory Position Statement – Developments on Peat'

- Carbon balance
- Disruption to wetlands including peatlands
- Disturbance and re-use of excavated peat
- Existing groundwater abstractions
- Engineering activities in the water environment
- Water abstraction
- Pollution Prevention and Environmental Management
- Borrow Pits
- Air Quality
- Flood risk
- Regulatory Advice

SNH

The scoping response highlights SNH's key areas of concern which should be scoped into any EIA for this wind farm proposal. The full response addresses:

- Strategic Locational Guidance
- Nature Conservation Designations
- Landscape and Visual Assessment
- Ecology (excluding birds)
- Bird Ecology
- Hydrology, geology and soils
- Recreation and access
- Grid connection and Decommissioning
- Further Advice

The proposed development is located within Zone 2 – medium natural heritage sensitivity of SNH's Strategic Locational Guidance. Zone 2 identifies areas with some sensitivity to wind farms. However, by careful choice of location within these areas there is often scope to accommodate development of an appropriate scale, siting and design (having regard to cumulative effects) in a way which is acceptable in natural heritage terms.

West of Scotland Archaeology Service

It is recommended that an assessment of the impact of the proposed development on the cultural heritage baseline for inclusion in the ES, and should include

- Desk based assessment
- Walk-over survey
- Project report

The range of sources listed in the scoping report does not sufficiently represent an adequate picture of archaeological baseline conditions.

NATS/NERL – Safeguarding

NERL itself has a range of services aimed at helping developers prepare for formal planning applications. These advisory services are not mandatory and do not replace the formal submission of applications to the relevant planning authorities. Neither do they replace NERL's obligations under the Safeguarding Directives incorporated in the Town and Country Planning Act. It is strongly recommended that early consultation is made with NATS/NERL

<http://www.nats.co.uk/nats-services/issues/windfarms/>

Ministry of Defence

The applicant should engage with the MOD at an early stage to identify concerns and potential mitigation to support the proposed development. The MOD has provided information on the following:

- Air Traffic Control (ATC) Radar and Range Control Radar
- Precision Approach Radar (PAR)
- Air Defence (AD) Radar

- Secondary Surveillance Radar (SSR)
- Meteorological Office Radar
- Low Flying
- Area Air Traffic Control (ATC) Radar
- Physical Safeguarding
- Eskdalemuir Seismological Recording Station

Prestwick Airport

It is unlikely that there will be an operational impact on Glasgow Prestwick Airport as the development lies outwith our radar consultation zone.

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Yours sincerely

Michael McGlynn
Head of Planning and Building Standards

