Technical Appendix 4.2
EIA 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

Hagshaw Hill III Energy Project
Hagshaw Hill III Ltd

3rd October 2025

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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 Hagshaw Hill III Ltd a company incorporated under the Companies Acts with company number SC732631 and having its registered office at J R W, 19 Buccleuch Street, Hawick, Roxburghshire, Scotland, TD9 0HL ("the Company") in response to a request dated 4th July 2025 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Hagshaw Hill III Energy Project ("the proposed development"). The request was accompanied by a scoping report.

1.2 The majority off the proposed development is within Douglas Valley Local Landscape Area (LLA) and would be located approximately 1.2 kilometres (km) to the northwest of Glespin, 1.8 km west of Douglas and approximately 3.1 km south of Coalburn, solely within the planning authority of South Lanarkshire Council.

1.3 The proposed development will consist of up to 8 wind turbines with a blade to tip height of 200m, including Solar Photovoltaic Energy Generation, Long Duration Electricity Storage, and all associated ancillary infrastructure. The total generating capacity is anticipated to be greater than 50 megawatts (MW).

1.4 In addition there will be ancillary infrastructure including:

- Access tracks
- Borrow pits
- Foundations
- Crane Pads
- Hardstandings
- Temporary Construction and storage compounds
- Drainage and Surface Water Management

1.5 The Company indicates the proposed development would be decommissioned after 40 years 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.

1.7 The proposed development site is part of the Hagshaw Energy cluster that includes Hagshaw Hill Wind Farm Repowering, Hagshaw Hill Wind Farm Extension, Cumberhead Wind Farm, Cumberhead West Wind Farm, Douglas West Wind Farm Extension, Douglas West Wind Farm, Galawhistle Wind Farm, Nutberry Wind Farm, Dalquhandy Wind Farm and Hare Craig Wind Farm. There are numerous operational/consented/in application wind farms in close proximity to the proposed development which have been detailed in table 4.2 of the scoping report.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Hagshaw Hill III Ltd (the company) and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 23rd July 2025. The consultation closed on 13th August 2025. Extensions to this deadline were granted to Historic Environment Scotland, RSPB Scotland, ScotsWays, Muirkirk Community Council, South Lanarkshire Council. The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Directorate – Science Evidence Data and Digital (MD-SEDD) has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 36 of the Electricity Act 1989. All consultation responses received, and the standing advice from MD-SEDD, are attached in ***ANNEX A Consultation responses*** and ***ANNEX B MD-SEDD Standing Advice.***

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

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

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

- Civil Aviation Authority - Airspace
- Crown Estate Scotland
- Clyde River Foundation
- Coalburn Community Council
- Douglas Community Council
- Douglas Water & Rigside Community Council
- East Ayrshire Council
- Health and Safety Executive
- John Muir Trust
- Lesmahagow Community Council
- Scottish Fire and Rescue Service
- Scottish Power Energy Networks (SPEN)
- Scottish Wildlife Trust
- Visit Scotland
- West of Scotland Archaeology Service
- Woodland Trust

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

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

3. The Scoping Opinion

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

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 4th July 2025 in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to South 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 and Annex B**.

3.5 Scottish Ministers are satisfied with the scope of the EIA set out at Section 1.4 of the scoping report.

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

3.7 The proposed development set out in the scoping report refers to wind turbines, and other technologies including solar panels and Long Duration Energy Storage. Any application submitted under the Electricity Act 1989 requires to clearly set out the generation station(s) that consent is being sought for. For each generating station details of the proposal require to include but not limited to:

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

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

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

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

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

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

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

3.14 The scoping report identified viewpoints at Table 4.1 to be assessed within the landscape and visual impact assessment. Additional viewpoints have been requested from ScotWays.

3.15 The noise assessment should be carried out in line with relevant legislation and standards as detailed in section 7 of the scoping report. The noise assessment report should be formatted as per Table 6.1 of the IOA “A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise.”

3.16 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.

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

3.18 Where borrow pits are proposed as a source of on-site aggregate they should be considered as part of the EIA process and included in the EIA report detailing information regarding their location, size and nature. Ultimately, it would be necessary to provide details of the proposed depth of the excavation compared to the actual topography and water table, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement, and details of the proposed restoration profile. The impact of such facilities (including dust, blasting and impact on water) should be appraised as part of the overall impact of the working. Information should cover the requirements set out in ‘***PAN 50: Controlling the Environmental Effects of Surface Mineral Workings’***.

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

- a licenced explosives site;
- gas (or any other) pipeline;
- existing overhead electric lines;
- underground cables;
- water pipes;
- telecommunications links.

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

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

4. Mitigation Measures

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

5. Conclusion

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

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

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

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

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

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

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

Ross McCleary

Energy Consents Unit
3rd October 2025

ANNEX A

Consultation

List of consultees who provided a response.

• South Lanarkshire Council	A1-A5
• Historic Environment Scotland	A6-A9
• NatureScot (previously “SNH)	A10-A15
• Scottish Environmental Protection Agency	A16-A34
• Scottish Forestry	A35
• Transport Scotland	A36-A37
• British Horse Society	A38-A40
• British Telecommunications	A41-A42
• The Coal Authority	A43-A44
• Defence Infrastructure Organisation	A44-A47
• Dumfries & Galloway Council	A48-A49
• Edinburgh Airport	A50-51
• Fisheries Management Scotland	A52
• Glasgow Airport	A53
• Glasgow Prestwick Airport	A54
• Joint Radio Company	A55-A56
• Muirkirk Community Council	A57-A58
• NATS Safeguarding	A59-A61
• North Lanarkshire Council	A62-A63
• RSPB Scotland	A64-A65
• Scottish Borders Council	A66-A67
• Scottish Water	A68-A70
• ScotWays	A71-A82
• West Lothian Council	A83

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

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

A1

Community And Enterprise Resources
Executive Director **David Booth**
Planning And Regulatory Services

Our Ref: P/25/0874
Your Ref: ECU00006224
If calling ask for: Andrew Bennie
Date: 4th August 2025

Mr Ross McCleary
Case Officer
Energy Consents Unit
Scottish Government

Dear Ross

Electricity Act 1989

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

Request for Scoping Opinion for Proposed Section 36 Application for Hagshaw Hill III 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 consideration of the information submitted in respect of this Scoping Request, South Lanarkshire Council, as Planning Authority for the area within which this proposed development is located, would offer the following comments, noting that these comments are made in relation to this scoping opinion request only and do not provide comment on the proposals themselves.

In response to the specific questions which are set out with the Scoping Report, the undernoted responses are made.

Section 3: Planning

Whilst accepting that it would be appropriate for Planning Policy matters to be dealt with within a standalone Planning Statement, it is nevertheless considered that the EIAR should provide a section which sets out the planning policy framework as it relates to the proposed development.

Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA
Email Andrew.Bennie@southlanarkshire.gov.uk Phone:

INVESTOR IN PEOPLE

Section 4: Landscape and Visual

Q1: South Lanarkshire Council (SLC) can confirm that they are content with the extent of the proposed Study Areas and are satisfied that the extent thereof will be sufficient to enable a full and proper assessment of landscape and visual impacts of the proposed development to be made.

Q2: SLC can confirm that they are in agreement with the proposed viewpoint locations.

Q3: SLC agree with the matters which are proposed to be scoped out of this aspect of the assessment.

Q4: Having considered the scope and extent of the proposed assessment, SLC can confirm that they agree that the terms thereof are appropriate and acceptable.

Q5: SLC can confirm that there are no other windfarms within the 20km study area which will require to be considered as part of this assessment.

Section 5: Ecology and Nature Conservation

Q1: Subject to the caveat set out, SLC agree that the scope of the IEFs to be included in the assessment is appropriate and acceptable.

Q2: Subject to the review/updating of any potentially outdated aspects of the earlier field survey work, SLC considers that the full suite of surveys and desk studies should be sufficient to enable an appropriate assessment of the impact of the proposed development to be undertaken.

Q3: SLC are content with the proposed assessment methodology and scope.

Q4: SLC has no comment to make in response to this matter.

Section 6: Ornithology

Q1: SLC can confirm their agreement to the extent of the proposed study areas.

Q2: SLC agree that the scope of the proposed baseline studies are both appropriate and proportionate to the nature of the proposed development.

Q3: SLC has no comment to make on this matter.

Q4: SLC agree with the matters to be scoped out of the assessment.

Q5: SLC has no comment to make on this matter.

Section 7: Noise and Vibration

Q1: SLC agree with the nature of the proposed assessment methods and also with the extent of the proposed study area.

Q2: SLC agree with this point.

Q3: SLC can confirm its agreement to this figure being applied as part of the overall assessment.

Section 8: Cultural Heritage

Q1 – Q5: SLC can confirm its agreement to all of these stated matters.

Q6: SLC can confirm that it is content with the location and nature of the proposed visualisations identified.

Q7: SLC does not consider that any additional viewpoints are required for this matter to be properly and fully assessed.

Section 9: Hydrology, Peat, Hydrogeology and Geology

SLC can. confirm its agreement to the matters to be scoped out of this assessment.

Point 1: SLC agree with the suggested approach on this issue.

Point 2: Noted.

Section 10: Access, Traffic and Transport

Q1: SLC do not consider that there are any specific developments that should be considered as part of the cumulative assessment.

Q2: SLC are not aware of any upcoming changes to the transport network that would be of relevance to the proposed development.

Q3: SLC has no comments on this matter.

Section 11: Socio Economics, Recreation and Tourism

Q1 – Q3: SLC has no comment to make on these matters.

Section 12: Aviation and Radar

Q1: SLC consider the extent of the proposed assessment to be acceptable.

Q2: SLC can confirm its agreement to these matters being scoped out of the assessment.

Q3: SLC has no comment to make on this matter.

Section 13: Shadow Flicker

Q1: SLC can agree with the extent of the proposed Study Area and the methodology to be used in this assessment.

Q2: SLC can confirm agreement to this proposed approach.

Section 14: Glint and Glare

Q1: SLC agree to this matter being scoped out of the assessment.

Section 15: Telecommunications

Q1: SLC can agree to this matter being scoped out of the assessment.

Section 16: Carbon Calculator

Q1: SLC agree with the proposed methodology for assessing this matter.

Section 17: Air Quality

Q1: SLC are content for this matter to be scoped out of the assessment.

Section 18: Major Accidents and Disasters

Q1: SLC are content for this matter to be scoped out of the assessment.

Conclusion

Overall, the scope of topics and associated assessment methodologies set out within the Scoping Report are considered acceptable by South Lanarkshire Council.

It is again reiterated that this Scoping Response is a technical response in relation to the Scoping Opinion Request and the EIA Regulations and does not provide any advice on the planning merits or other of the proposals and therefore does not prejudice the outcome of any planning application that may be submitted.

Yours faithfully

Area Manager

A6

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131 668 8716
HMConsultations@hes.scot

By email to: Econsents_Admin@gov.scot

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

Our case ID: 300081565
Your ref: ECU00006224

04 September 2025

Dear Ross McCleary

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Hagshaw Hill III Wind Farm - Scoping

Thank you for consulting us on this Environmental Impact Assessment (EIA) scoping report, which we received on 23 July 2025. We have reviewed the details in terms of our historic environment interests. This covers World Heritage Sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and Historic Marine Protected Areas.

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

Proposed development

We understand that the proposed development comprises the construction and operation of up to 8 wind turbines with a maximum blade tip height of up to 200m, solar photovoltaic energy generation, Long Duration Electricity Storage (LDES) and associated infrastructure. The proposed development is located west of Douglas in South Lanarkshire.

Scope of assessment

We are broadly content with the scope of assessment for our interests presented in the scoping report. We expect that all designated assets that may experience impacts from the proposed development should be assessed, and that if an asset is scoped out of more detailed assessment, the reasons for this should be presented in the written report. We have provided additional comments in the annex to this letter.

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Further information

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

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

Yours sincerely

Historic Environment Scotland

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

ANNEX

We welcome that potential impacts on cultural heritage & archaeology are scoped into the EIA report. We consider that the proposed outline methodology appropriate, and note that it is in line with and references the Managing Change in the Historic Environment: Setting guidance and the HES/NatureScot EIA handbook.

We note references that no site visits have been undertaken to inform the appraisal at this stage *(paragraph 8.2.2)*, and welcome the subsequent commitment to undertake visits to assets to assess potential setting impacts.

Physical Impacts

We can confirm that there are no World Heritage Sites, scheduled monuments, category A listed buildings, inventory battlefields, or inventory gardens and designed landscapes within the proposed development boundary.

Setting Impacts

Careful consideration should be given to reducing and avoiding impacts on the setting of cultural heritage assets during the design process. We note that a 10km study area is proposed to capture and scope in designated heritage assets for which there is a potential for impact on setting. We do not consider that a study area based on a simple distance is an appropriate methodology for identifying assets for assessment as this risks the omission of assets at further distances which have particularly sensitive settings. However we note a subsequent commitment to also consider assets beyond this distance, where long distance views or intervisibility is considered important to their setting. We are content with this methodology proposed for assets to be scoped in and out of subsequent detailed assessment.

The applicant states that *'the turbine blade tip and hub height ZTVs for the Proposed Development will be used to identify those heritage assets from which there would be theoretical visibility of one or more of the proposed wind turbines' (paragraph 8.4.15)*. We advise that not only impacts from the proposed wind turbines should be assessed, but also from the associated infrastructure, solar photovoltaic and LDES should be carefully considered in the assessment of the proposed development.

We welcome the inclusion on this list of those assets within the 10km study area and the Zone of Theoretical Visibility (ZTV), which are potentially vulnerable to setting impacts. However, the proposed list is incomplete. **Thirstone, stone circle 1300m NNW of** (Scheduled Monument SM5094) lies within the 10km study area and the provided ZTV suggests that the proposed turbines would be visible from the monument.

The stone circle is not included in the list of proposed visualisations, and no explanation for its absence has been offered in the scoping report. The setting of this monument would be

potentially vulnerable to adverse impacts from these proposals. Therefore, we request that a wireline visualisation should be produced showing the view towards the development from the asset.

Historic Environment Scotland
04 September 2025

A10

Katie Butchart

From: informed@planning.nature.scot
Sent: 11 August 2025 17:49
To: Ross Mccleary
Cc: Hannah.Linton@nature.scot
Subject: Hagshaw Hill III Energy Project - ECU00006224 - Section 36 Scoping - NatureScot response

Dear Mr McCleary,

Electricity Act 1989

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

Request for Scoping Opinion for Proposed Section 36 Application for Hagshaw Hill III Energy Project (ECU00006224)

Thank you for consulting us on the scope of the Environmental Impact Assessment (EIA) for the proposed Hagshaw Hill III Energy Project. The following advice is based on the contents of the *Hagshaw Hill III: EIA Scoping Report* (SLR Consulting, July 2025), and associated appendices.

We have also responded to the applicant's specific consultee questions found in the Scoping Report which are relevant to NatureScot, and our answers can be found in the Appendix of this advice.

1. Background

1.1. The proposed development is located 1.8km west of Douglas, South Lanarkshire and comprises:

- 8 wind turbines with a maximum tip height of 200m,
- A solar photovoltaic park with 30 MW capacity, and
- A 50 MW capacity Long Duration Energy Storage (LDES).

Where relevant we refer to our pre-application advice below.

2. General Scoping Advice

2.1. The applicant should refer to our pre-application guidance for onshore wind farms, and our new pre-application guidance for solar farms. These documents provide our standing advice on the issues that developers and their consultants should consider for these forms of development. They include our advice on recommended survey methods, sources of further information and guidance, data presentation and our expectations for the contents of EIA Reports. Attention should be given to the full range of advice included in the guidance notes. These documents will be updated regularly and applicants should therefore ensure that they refer to the most recently published versions.

3. Specific Scoping Advice

Protected Areas

3.1. The proposal is located 2.6 km away from the Muirkirk and North Lowther Uplands Special Protection Area (SPA), protected for its populations of a number of breeding and non-breeding bird species. The site is within the core foraging range for Merlin, and also for Golden plover, which are two of the SPA's qualifying species, and therefore this means there is a **likely significant effect** on the SPA. Information on the SPA is available on the Sitelink page of our website.

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

3.3. We do not agree with the applicants decision to scope out the effects on the Muirkirk and North Lowther Uplands SPA. The applicant states in section 6.7.5 of the Scoping Report that following "NatureScot advice provided on the consented Hagshaw Hill Repowering and Douglas West Extension wind farms on the basis of spatial separation, there is considered to be no connectivity between the site and any ornithological statutory designated site".

3.4. In NatureScot's response to the Hagshaw Hill Repowering EIA application, dated March 2019, it was deemed that that proposal had a likely significant effect on the SPA, and an appropriate assessment was required.

3.5. In June 2019, we provided a response to the Douglas West Extension EIA application, which stated that the development was within the core foraging range for Merlin, and therefore there was a likely significant effect on the SPA.

3.6. While it was deemed in these circumstances that there was no **adverse effect on the SPA**, this could only have been established due to the appropriate assessment having been conducted by the Competent Authority. It is therefore **necessary for the applicant to scope in the effects of the Hagshaw Hill III proposal on the SPA** in order for the Competent Authority to decide whether this proposal has an adverse effect on the SPA or not.

3.7. We advise that in order to assist Scottish Ministers in their assessment, the applicant should include in the EIA Report:

- An assessment of potential collision risk for Merlin and Golden plover and how this may affect the viability of the species' SPA population. Maps showing flight lines of this species' recorded during vantage point watches should be included with the EIA Report.

3.8. The area of the SPA which is closest to the proposal is also designated as Muirkirk Uplands Site of Special Scientific Interest (SSSI**). We advise the applicant to also scope in the effects on this SSSI** for the same reasons as stated above for the SPA.

3.9. We agree with the decision to scope out effects on the Coalburn Moss Special Area of Conservation (SAC).

Birds in the Wider Countryside

3.10. We note that the applicant has cited our guidance on recommended bird survey methods for onshore wind farms. We are pleased with the buffer areas chosen for ornithological surveys, but we advise that the applicant includes a detailed description of the methodology for all surveys in the subsequent EIA Report.

3.11. We note that the applicant conducted two black grouse surveys, in April and May 2022. The guidance advises **two years of survey work for black grouse**. We note from Appendix 6.1. of the Scoping report that black grouse and leks have been recorded in the area. If the applicant chooses not to conduct further surveying, this should be clearly justified.

Protected Species

3.12. We agree with the species which have been scoped in and out of the Scoping Report. We are pleased to see that further surveys will be conducted in order to inform the EIA Report, as well as the acknowledgement that Species Protection Plans may be needed as informed by baseline and pre-construction protected species surveys.

3.13. We note that preliminary surveys indicate the presence of badger and potentially significant bat activity, and so we expect to see detailed survey results of the ecological baseline conditions, including associated maps and other relevant details, as part of the EIA Report. For further guidance on protected species, the applicant should refer to our standing advice on our website and the advice in the pre-application guidance (paragraph 2.1 above).

3.14. The Scoping report suggests deer may be present on site, although it is not certain from the Scoping report whether deer will be scoped in or out of the EIA Report. We recommend the applicant follows our pre-application guidance on deer assessment and management at development sites.

Carbon-Rich Soils, Peatland And Priority Habitat

3.15. We note that initial peat depth surveys indicate the majority of the site being under 50 cm of peat depth, and we welcome further peat depth probing to ensure full coverage of the site. The applicant should refer to our standing advice on peatland, carbon-rich soils and priority peatland habitats for detailed advice on the level of survey information which should be provided with the EIA report.

Concluding Remarks

Our advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if it is subsequently submitted as a formal application.

This advice is provided by NatureScot, the operating name of Scottish Natural Heritage. We hope that you will find it helpful in developing your proposal, but please contact Hannah.Linton@nature.scot should you wish to discuss it further.

Yours sincerely,

Hannah Linton

Operations Officer – West Central Scotland

Appendix

Ecology

· Do consultees agree that, subject to further information coming from the field surveys and desk study, the scope of IEFs to be included in the assessment is appropriate?

We advise that effects on the Muirkirk and North Lowther Uplands SPA and Muirkirk Uplands SSSI are scoped in to the assessment

· Do consultees agree that the suite of field surveys conducted in 2022 and 2024 and planned/underway for 2025 together with a desk study is sufficient to inform a robust impact assessment?

Yes, although the assessment should include the SPA/SSSI.

· Do consultees agree that the methodology and scope of assessment is appropriate?

Insofar as we know the methodology and scope, yes. We advise that details of survey methods are include in the EIA Report.

· Are there any other relevant consultees who should be consulted, or other sources of information that should be considered?

No

Ornithology

· Do consultees agree with the proposed study areas to be adopted for the purposes of assessment?

Yes

· Do consultees agree that the scope of baseline studies is appropriate and proportionate to the nature of the Proposed Development?

Further survey for black grouse are required. If this is not included, reasons should be clearly justified.

· Are consultees aware of any additional and relevant ornithological datasets that should be consulted to inform baseline conditions?

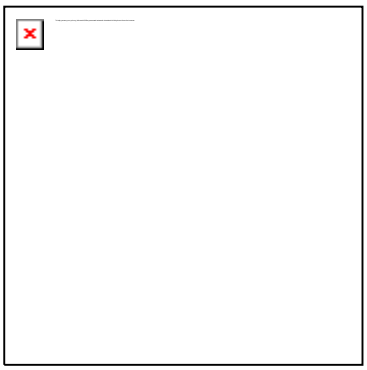
No

· Do consultees agree with the impacts and features scoped out of assessment at this time?

Yes

· Do consultees consider there should be any specific ornithological features that should be scoped-into assessment?

Please see our advice on the SPA above.



NatureScot is the operating name of Scottish Natural Heritage

A16

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Ross McCleary
ECU

Our Ref: PCS-20006288
Your Ref: ECU00006224

By email only to: Econsents_Admin@gov.scot

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

29 July 2025

Dear Ross McCleary

Electricity Act 1989 - Section 36
ECU00006224 - scoping opinion for proposed Hagshaw Hill III wind farm of up to 8 wind turbines, with solar photovoltaic energy generation, long duration energy storage system and associated infrastructure, 1.8km west of Douglas, South Lanarkshire

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

Our position and advice, given below, is based on Scottish Ministers ultimately determining that the proposal is classed as development that could be supported for the purposes of assessment under policies 5 Soils and 22 Flood risk and water management, as defined in National Planning Framework 4 (NPF4). If this is not the case, please advise so we can re-

Living Wage Employer
UKAS TESTING 1327

Chair
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consider our position and advice. We consider that this also covers the requirements in NPF4 policies 2 Climate mitigation and adaption, 3 Biodiversity and 11 Energy.

Advice for the determining authority

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

We have also provided site specific comments in the following section which provides pre-application advice and can help the developer focus the scope of the assessment.

1. Site specific comments

1.1 We have reviewed the Scoping report, focussing on the chapters most relevant to our interests, being chapters 5 (ecology) and 9 (hydrology, peat, hydrogeology and geology). In relation to the questions for consultees set out in section 5.9 of the Scoping report, we broadly agree with the proposed approach to EIA for features relevant to our interests, subject to further assessment meeting the requirements set out in Appendices 1 and 2 of this letter.

1.2 In relation to the questions for consultees in section 9.8 of the Scoping report, it is not possible to confidently answer the questions at this stage as much depends on the final layout and proximity to sensitive receptors such as watercourses, GWDTE and peat. However we can advise that leaving issues to be addressed at planning condition stage is unlikely to be appropriate as the EIA Report must provide sufficient information on what the likely environmental effects would be and how

they would be addressed. Where issues, survey work or further assessment have been scoped out of the EIA, full justification should be provided in the EIA Report, along with sufficient information to enable readers to consider whether the justification is appropriate.

1.3 In relation to peat, figure 9.3 of the Scoping report appears to show that the proposed turbines, substation and BESS are located outwith areas identified as containing peat. We welcome that initial peat depth probing has been undertaken and appears to have been used to inform turbine locations. However unfortunately no proposed track routes, construction compound or borrow pit search areas are shown. This makes it difficult to provide advice about the potential effects on peat that might arise from tracks, borrow pits and other associated infrastructure (such as cabling).

1.4 As peat is present we would expect the application to be supported by comprehensive survey and assessment information as described in section 2 in Appendix 1 of this letter. This is to demonstrate how the proposed development meets the requirements of NPF4 policy 5, as well as to enable us to consider waste regulation implications (as referred to in section 2.5, point f in Appendix 1 of this letter).

1.5 Therefore we consider that, as a minimum, the results of further targeted peat depth probing (eg to confirm peat depths where infrastructure would be located and the proposed 100m buffer zones) and peat condition assessment should be used to inform the layout of the proposed development. The mitigation hierarchy of avoid then minimise should be followed, to firstly avoid areas of peat, natural and near natural condition peat habitat, and, where this is not possible, to minimise the amount of peat that requires to be excavated.

1.6 Separate to the questions for consultees, we have the following site specific advice: As noted at section 5.2.14 of the Scoping report, GWDTE are also likely to be present. We therefore expect the application to be supported by relevant

information as set out in section 4 in Appendix 1 of this letter. Site surveys and assessments for GWDTE must be used to inform the layout so that GWDTE are avoided as much as possible.

1.7 Based on the information contained in the Scoping report, provided watercourse crossings are designed to accommodate the 1 in 200 year event plus climate change and other infrastructure is located well away from watercourses (ie outwith the minimum 50m buffer), then it is unlikely that a detailed flood risk assessment will be required. However sufficient information must be provided with the application to demonstrate this, as outlined in sections 3 and 5 of Appendix 1 of this letter.

1.8 It is important that the construction working corridor is also outwith the watercourse buffer areas, where possible, to reduce the risk of adverse effects on the water environment. It should also avoid other sensitive receptors such as deeper peat, natural and near natural condition peat and GWDTE. It would be helpful for the EIA Report to provide clarification on the construction working corridor.

1.9 We note in section 2.2.3 of the Scoping report that a 100m micrositing allowance is proposed. We consider 100m to be suitable for our interests provided the Schedule of Mitigation of the EIA Report includes a commitment that any micrositing would not encroach into buffers for GWDTE, private water supplies or watercourses, or result in a greater overall effect on peat, natural or near natural peatland habitat than the original location.

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

Your sincerely
Nina Caudrey
Senior Planning Officer
Planning Service

A20

Ecopy to: Ross.Mccleary@gov.scot

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found at sepa.org.uk/environment/land/planning/.

Appendix 1: SEPA Energy generation and transmission EIA scoping requirements

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

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

1. Site layout

1.1 Each of the drawings requested below must detail all proposed upgraded, temporary and permanent infrastructure. This includes all tracks, excavations, landraising and other groundworks, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other construction and built elements. All drawings must be based on an adequate scale with which to assess the information. To show sufficient detail of smaller areas of the site for peat depth, watercourses and GWDTE in particular, this may mean that, as well as an overall whole site figure, multiple figures are required splitting the site into sections using larger scale maps. Such figures should show greater detail of where different elements of the proposed development are located in relation to those interests, to demonstrate how adverse effects have been minimised through the siting and design process.

1.2 The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable, cabling must be laid in ground already disturbed

such as verges, and existing built infrastructure must be re-used or upgraded where possible.

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

2. Peatland and other carbon rich soils (CRS)

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

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

2.3 The submission should include a series of layout drawings, at a usable scale, showing all permanent and temporary infrastructure, along with the ancillary

construction work areas, with the extent of excavation required. These plans should be overlaid on the following:

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

b) Peat depth survey showing interpolated peat depths.

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

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

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

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

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

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

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

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

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

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

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

f) Use of excavated peat in areas not disturbed by the development itself is no longer a matter we provide planning advice on. Please refer to Advising on

peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot 2023, and the Peatland ACTION – Technical Compendium, which provides more detailed advice on peatland restoration techniques. Unless the excavated peat is certain to be used for construction purposes in its natural state on the site from where it is excavated, it will be subject to regulatory control. The use of excavated peat off-site, including for peatland restoration, will require the appropriate level of environmental authorisation. Excavated peat will be waste if it is discarded, or the holder intends to or is required to discard it. These proposals should be clearly outlined so that we can identify any regulatory implications of the proposed activities. This will allow the developer and their contractors to tailor their planning and designs to accommodate any regulatory requirements. Further guidance on this can be found in the document Is it waste - Understanding the definition of waste.

3. Water environment

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

3.2 The submission must include a set of drawings showing:

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

b) The minimum buffer around each waterbody, as detailed in Table 1 of Recommended Riparian Corridor Layer for use in Land Use Planning, from all construction activities including working and storage areas, or 50m where

subsurface activities are more than 1m in depth. If these minimum buffers cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the waterbody, drawings of what is proposed in terms of any engineering works, and details of why the minimum buffer cannot be achieved and mitigation measures to protect the feature.

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

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

4. Groundwater Dependent Terrestrial Ecosystems and existing groundwater abstractions

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

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

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

Groundwater Dependent Terrestrial Ecosystems (GWDTE)

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

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

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

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

Existing groundwater abstractions

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

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

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

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

5. Flood risk

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

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

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

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

5.5 The FRA should specifically address the following issues:

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

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

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

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

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

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

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

6. Environmental enhancements

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

boundaries and would welcome the exploration of such planting as part of any biodiversity net gain proposals.

7. Forest removal and forest waste

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

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

8. Pollution prevention and environmental management

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

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

9. Life extension, repowering and decommissioning

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

sepa.org.uk/regulations/waste/ and sepa.org.uk/regulations/waste/guidance/ webpages.

10. Other planning matters

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

11. SEPA authorisation

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

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

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

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

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

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

1. Wind farm

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

2. Battery Energy Storage Systems (BESS)

2.1 For information about SEPA's advice in relation to EIA and environmental regulations (such as CAR) for BESS that are likely to be similar for the proposed long duration energy storage system, please see Battery Energy Storage Systems | Scottish Environment Protection Agency (SEPA).

From: Stewart Snape
Sent: 30 July 2025 14:18
To: Scottish Forestry Conservancy, Central Scotland; Econsents Admin
Subject: RE: Request for Scoping Opinion Hagshaw Hill III Wind Farm

Dear Ross,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR Hagshaw Hill III Wind Farm

Thank you for the opportunity to comment on this proposal. I have reviewed the documents supplied and can confirm that from the information provided, it appears that the site does not contain extant woodland or forestry. Care should be taken to ensure that the few trees that were identified during the walk over survey are protected during construction activities. If trees have to be removed or they or their root systems are likely to be damaged such that any tree is unlikely to survive, I would urge the developer to consider planting elsewhere on the site, preferable adjacent to existing hedges to enhance the existing habitat.

Regards
Stewart

My working days are Wednesday, Thursday and Friday

Stewart Snape MICFor, MRSB
Regulations and Development Manager
Scottish Forestry
Central Scotland Conservancy | Bothwell House | Hamilton Business Park| Caird Park | Hamilton | ML3 0QA
stewart.snape@forestry.gov.scot

Website: forestry.gov.scot

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

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

Scottish Forestry / Coilltearachd na h-Alba

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

Development Management and Strategic Road Safety
Roads Directorate

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

A36

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

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

econsents_admin@gov.scot

Your ref:
ECU00006224

Our ref:
GB01T19K05

Date:
13/08/2025

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR HAGSHAW HILL III ENERGY PROJECT

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

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

Proposed Development

The proposed development comprises up to 8 turbines with a maximum blade tip height of 200m, solar photovoltaic (PV) energy generation and Long Duration Electricity Storage (LDES), located approximately 3.1km south of Coalburn. The nearest trunk road to the site is the M74 which lies approximately 5km to the northeast.

Assessment of Environmental Impacts

Chapter 10 of the SR presents the proposed methodology for the assessment of Traffic and Transport. This states that the assessment will be carried out in accordance with the Institute of Environmental Management and Assessment (IEMA) Guidelines entitled Environmental Assessment of Traffic and Movement (July 2023). These specify that road links should be taken forward for further assessment where the following two rules are breached:

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

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

Chapter 10 indicates that the study area for the assessment will comprise the following:

- M74 around Junction 11;
- B7078 between Junction 11 and 12 of the M74;
- B7078 between the two roundabouts forming the Poniel Interchange; and
- B7078 between the western roundabout of the Poniel Interchange and the slip road leading to the northbound M74.

We note that base traffic data will be obtained from Transport Scotland's traffic survey database, with additional ATC data being obtained for sections of the B7078. It is also noted that low growth from the National Road Traffic Forecasts (NRTF) dataset will be applied to the base traffic flows to obtain peak construction year traffic flows. Transport Scotland is satisfied with this approach.

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

Abnormal Loads Assessment

The SR states that the EIAR will include an investigation of the feasibility of the Abnormal Indivisible Load Vehicles routeing to the development, and that this investigation "would likely require a wider study area than listed above".

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

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

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

Yours faithfully,

REDACTED

Iain Clement

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.

A38

Patron His Majesty The King

Bringing Horses and People Together

The British Horse Society
Abbey Park,
Stareton,
Kenilworth,
Warwickshire CV8 2XZ

Email enquiry@bhs.org.uk
Website www.bhs.org.uk
Tel 02476 840500
Fax 02476 840501

By email

14 August 2025

Dear Sir/Madam,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR Hagshaw Hill III Energy Project

Thank you for the opportunity to respond to this scoping opinion. The British Horse Society (The BHS) represents the interests of the 3.4 million people in the UK who ride or who drive horse-drawn vehicles and is the largest and most influential equestrian charity in the UK. The BHS is committed to protecting and promoting the interests of all horses and the people who care for them through our work in education, welfare, safety and access.

Outdoor Access

Access to safe off-road riding routes is vital to the health and wellbeing of horses and their riders. Under the terms of the Land Reform (Scotland) Act 2003, equestrians have the same rights of access to the outdoors as other non-motorised users, such as pedestrians and cyclists. Equestrian use should therefore be included when planning and designing energy infrastructure. Considering all access takers, including equestrians, in the early stages helps to avoid problems down the line and ensures that projects like this are an opportunity to preserve and improve access for all, rather than curtail it or restrict it to certain groups.

The creation and upgrading of paths and tracks within developments can be an opportunity to improve outdoor access and provide the local community with additional amenity, especially if consideration is given to laying out tracks to provide circular loops. To achieve this outcome, when completed, paths and tracks should be suitable for all users. Unconsolidated sharp stone is likely to injure horses so tracks should be finished with a layer of consolidated whin dust. Obstructions to access like locked gates or deer grids with no side gate should be avoided.

The BHS is here to help and can provide guidance on suitable surfaces and infrastructure to accommodate equestrians and other access takers. We would be very willing to work with the applicant on these aspects.

The Importance of Off-Road Riding

Access to safe off-road riding routes is vital to the health and wellbeing of horses and their riders. Equestrian road users are classed as vulnerable as they are more likely to be involved in a road accident and more likely to suffer the worst consequences.

The British Horse Society is an Appointed Representative of South Essex Insurance Brokers Limited who are authorised and regulated by the Financial Conduct Authority.

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Most riding accidents happen on minor roads and with increasing numbers of horses and riders seeking to access the countryside, adequate access to off-road riding should be a priority, especially in rural and semi-rural areas, and areas of high horse ownership. Few riders access busy roads by choice (although the horse has as much right to be on public roads as cars, bikes and pedestrians) - but they often have few other places to ride or no other way to access their safe off-road riding.

Vehicles travelling to and from the site are likely to meet equestrians on the road and drivers should be advised of this risk. I have enclosed a copy of our *"Guidance to drivers of large vehicles"* document.

The Horse and the Rural Economy

Scotland's equestrian industry is worth over £300 million to the Scottish economy annually. This figure excludes the value of the horse racing industry, which is worth a further £300 million. Equestrianism is therefore an important part of the rural economy, especially in areas of high horse ownership. Recent joint research between SRUC and The BHS showed current trends in the sector point to a continued increase in horse numbers and riding activity in all geographical areas of Scotland and across a wide cross section of society, leading to growth in the sector.

A national survey of riders who had recently given up their horse found that 27% of them had done so because they had lost access and had nowhere to ride. Failing to accommodate horses on our local path networks may lead to riders being forced to give up their horses, which in turn may damage the local economy.

I trust that the above information is of assistance. If you have any questions or would like to discuss the needs of equestrians further, please do contact me.

Kind regards,

REDACTED

Anne Scott
Administration Officer
The British Horse Society

access@bhs.org.uk
02476 840515

A40

The British Horse Society Scotland

Guidance for Drivers of Large Vehicles

Horses are naturally nervous of large vehicles, especially if they do not often meet them. If they are very frightened, they can run away in panic. Whilst their rider or carriage driver will do all they can to prevent this, should it happen, it could cause a serious accident for the horse and rider or carriage driver and for other road users.

The main factors which cause fear in horses are:

- Being approached by a large, moving object, which may be unfamiliar or intimidating to them,
- Lack of space between themselves and the vehicle,
- The noise of the vehicle, especially air brakes,
- Picking up on the anxiety of their rider or carriage driver.

Horses have keen eyesight and due to the position of their eyes on the sides of their head, can detect vehicles approaching from behind as well as ahead. They also have very sensitive hearing and will detect an approaching vehicle, and begin to react, before their rider or carriage driver.

How can you help?

When you meet a horse on the road:

- Slow down to 10mph or less and be prepared to stop if necessary.
- Be aware that the sound of your air brakes may spook a horse.
- If a horse shows signs of nervousness as you approach, stop, turn off your engine and allow them to move away. Don't move off again until they are well clear of your vehicle.
- Pass wide and slow, when it is safe to do so – allow at least 2m between your vehicle and the horse, and drive away slowly.
- If you are approaching a horse on a narrow road and wish to pass or overtake, slow down and give the rider or carriage driver time to find a gateway, layby or other refuge to create sufficient space between the horse and your vehicle.
- Please be patient. Most riders and carriage drivers will do their best to make way as quickly and safely as they can.
- The safest place for a rider or carriage driver's hands is on the reins, so they may only be able to nod their thanks to you, but please be assured, they will be very grateful for your consideration.

Thank you for helping to keep horses, and the people who care for them, safe.

From:	radionetworkprotection@bt.com
To:	Ross Mccleary; Econsents Admin
Cc:	radionetworkprotection@bt.com
Subject:	RE: WID13954 Request for Scoping Opinion Hagshaw Hill III Wind Farm
Date:	01 August 2025 07:42:37
Attachments:	image002.jpg image003.png image004.jpg image005.png Hagshaw Hill III_ Scoping Report_V2 Final For Issue.pdf

General

OUR REF; WID13954

We have studied this proposal using the coordinates within the attached with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that this proposal should not cause interference to BT's current and presently planned radio network.

BT requires 100m minimum clearance from any structure at height to the radio link path. It should be noted that this decision is for the date of its issue as the use of the spectrum is dynamic and can change on an ongoing basis. Therefore, please reconsult us if there are any further changes during the planning process with heights and locations of any structures, and its finalisation, as we may have new links assigned by Ofcom over its duration.

Please note this refers to BT Radio Links only, you will need to contact other providers separately for information relating to other supplier links / equipment.



Kind Regards

Lisa Smith

National Radio Planner

Radio & Satellite Platforms



This email contains information from BT Group 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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A43

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Mansfield
Nottinghamshire
NG18 4RG
T: 01623 637 119 (Planning Enquiries)
E: planningconsultation@coal.gov.uk
W: www.gov.uk/coalauthority

For the attention of: Mr R McCleary – Case Officer
Energy Consent Unit

[By email: Econsents_Admin@gov.scot]

6th August 2025

Dear Mr McCleary

Re: ECU00006224 Hagshaw Hill III Wind Farm - The Proposed Development is expected to comprise around eight wind turbines with a maximum blade tip height of 200 metres (m), approximately 30 megawatts (MW) of solar photovoltaic (PV) energy generation, and an approximately 50 MW of Long Duration Electricity Storage (LDES), and associated infrastructure. The total generating capacity is expected to be approximately 138 MW.; Located In The Planning Authority Area Of, South Lanarkshire Council

Thank you for your notification of the 23rd July 2025 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. 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.

Our records indicate that the part of the site where the turbines are proposed does not contain any recorded coal mining features. What appears to the access route does however run through an area where records indicate coal has been removed by surface mining methods.

We note that the Scoping Report does not make reference to ground conditions and/or coal mining legacy, other than Peat. It is noted however, that a significant part of the access route appears to be existing and only a small part of what may be a new route falls within the defined Development High Risk Area.

The applicant should be aware that where surface mining has occurred built development may be at risk from differential settlement and it would be prudent to consider if the access route in this area requires measures to ensure its safety and stability.

The Planning team at the Coal Authority have no objections to coal mining legacy (ground conditions) being scoped out of the EIA.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

Melanie Lindsley

Melanie Lindsley *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*
Principal Planning & Development Manager

Disclaimer

The above consultation response is provided by the Coal Authority as a statutory consultee and is based upon the latest available data and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority and/or information that has been published for consultation purposes. 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 (such as a revised Coal Mining Risk Assessment) is provided.

A45

Defence Infrastructure Organisation

Andy White
Ministry of Defence
Safeguarding Department
DIO Head Office
St George's House
DMS Whittington
Lichfield
Staffordshire WS14 9PY

Your reference: ECU00006224

Our reference: DIO10068123

E-mail: DIO-safeguarding-wind@mod.gov.uk

www.mod.uk/DIO

Ross McCleary
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

08 August 2025

By email only

Dear Ross,

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

The proposed development is for up to eight wind turbines with a maximum blade tip height of 200 metres (m), solar photovoltaic (PV) energy generation, and Long Duration Electricity Storage (LDES), and associated infrastructure, located 1.8 km west of Douglas and approximately 3.1 km south of Coalburn.

Thank you for consulting the Ministry of Defence (MOD) in relation to the scoping opinion through your communication dated 23 July 2025.

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

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

The proposal concerns a development of 8 turbines with maximum blade tip heights of up to 200 metres above ground level with solar photovoltaic energy generation, Long Duration Electricity Storage and associated infrastructure. The proposed development has been assessed using the

location data (Grid References) below provided in the Hagshaw Hill III EIA Scoping Report, Table 2.1 ‘’, dated July 2025.

Turbine no.	Easting	Northing
1	280952	631310
2	281330	630968
3	281362	630473
4	280704	630547
5	280783	630132
6	281083	629886
7	280337	629619
8	279818	629232

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

Physical Obstruction

In this case the development falls within Tactical Training Area 20T (TTA 20T), an area within which fixed wing aircraft may operate as low as 100 feet or 30.5 metres above terrain features to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

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

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

Summary

The MOD has concerns with this proposal due to the potential impact to low flying aircraft operating in the development area.

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

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

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

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

Yours faithfully,

REDACTED

Andy White
Assistant Safeguarding Manager

From:	Smith, Graham
To:	Ross Mccleary
Cc:	Duncan, Robert
Subject:	25/1378/CSG - CONSULTATION REQUEST FROM SCOTTISH MINISTERS IN CONNECTION WITH REQUEST FOR SCOPING OPINION UNDER ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2017 FOR UP TO EIGHT WIND TURBINES (MAXIMUM BLADE TIP 200 METRES), SOLAR PHOTOVOLTAIC EN
Date:	20 August 2025 11:27:04
Attachments:	image001.png

OFFICIAL

Dear Ross,

Re: HAGSHAW WILL III WIND FARM, SOUTH LANARKSHIRE

In respect of your email of 23 July I apologise for the delay in responding. Please be aware that the Local Authority will not be providing a consultation to the above scoping request.

I trust that this clarifies matters however should you need any further information please contact me.

Kind regards

Graham Smith MRTPI
Senior Planner
Major Development Team

Planning and Development
Economy and Environment
Dumfries and Galloway Council
Militia House
English Street
Dumfries
DG1 2HR

Please help us by completing the DGC Development Management Customer Survey 2024 at https://forms.office.com/e/BTgd5xL4Cs

Dumfries & Galloway COUNCIL

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A50

Edinburgh Airport
Where Scotland meets the world

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EH12 9DN
Scotland

T: +44 (0)844 448 8833
W: edinburghairport.com

13 August 2025

Ross Mccleary
Energy Consents Unit
The Scottish Government
By email

Dear Ross

Your Ref: **ECU00006224**
Development: **Hagshaw Hill III Wind Farm**
Our Ref: **EDI3935**

This proposal has been examined from an aerodrome safeguarding perspective and conflicts with safeguarding criteria.

We therefore object to the development on the following grounds:

Instrument Flight Procedure (IFP) Assessment

No turbine tower of any turbine may be erected, unless and until such time as the Scottish Ministers receive confirmation from the Airport Operator in writing that: (a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.

Reason: In the interests of aviation safety.

Definitions:

"IFP Scheme" means a scheme to address the potential impact of the turbines on the instrument flight procedures of Edinburgh Airport.

"IFP Assessment" means a safeguarding assessment against current and any possible future IFPs. This assessment must be undertaken by a UK CAA Approved Procedure Design Organisation (APDO).

Further information on IFP Safeguarding and a quote for this assessment can be obtained by contacting safeguarding@edinburghairport.com.

Edinburgh Airport Limited, incorporated in Scotland
(Company number: SC096623). Registered office is at
Edinburgh Airport, Edinburgh EH12 9DN.
VAT registration number 123 4230 62.

A51

Edinburgh Airport
Where Scotland meets the world

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Scotland

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W: edinburghairport.com

Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, it shall notify Edinburgh Airport, the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Yours sincerely

REDACT

Claire Brown
Edinburgh Airport Limited
safeguarding@edinburghairport.com

Edinburgh Airport Limited, incorporated in Scotland (Company number: SC096623). Registered office is at Edinburgh Airport, Edinburgh EH12 9DN. VAT registration number 123 4230 62.

A52

From:	Brian Davidson
To:	Ross Mccleary
Cc:	Willie Yeomans (William.Yeomans@glasgow.ac.uk)
Subject:	RE: Request for Scoping Opinion Hagshaw Hill III Wind Farm
Date:	13 August 2025 07:04:16
Attachments:	image001.png

Dear Ross,

Thank you for your correspondence concerning the proposed Hagshaw Hill windfarm near Douglas.

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

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

The proposed development falls within the catchment relating to the Clyde River Foundation. It is important that the proposals are conducted in full consultation with the Foundation (see link to FMS member DSFBs and Trusts below). We have also copied this response to this organisation.

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

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

Kind regards,

Brian

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

A53

GLASGOW AIRPORT

FAO Ross McCleary
Energy Consents Unit
By Email

13th August 2025

Dear Ross

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR Hagshaw Hill III Wind Farm
Our reference: GLA4654

I refer to your request for scoping opinion received in this office on 23rd July 2025.

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

- The site is outwith the obstacle limitation surfaces for Glasgow Airport;
- It is within the radar and instrument flight procedures safeguarding areas and may impact. Detailed assessments will be 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 impact assessment and will consider our position in light of, inter alia, operational impact and cumulative effects.

Yours sincerely
REDACT

Kirsteen MacDonald
Safeguarding Manager
Glasgow Airport
07808 115 881
Kirsteen.MacDonald@agsairports.co.uk

Katie Butchart

From: Ian Hutchinson <ihutchinson@glasgowprestwick.com>
Sent: 23 July 2025 13:50
To: Ross Mccleary; Econsents Admin
Cc: Safeguarding
Subject: RE: External - Request for Scoping Opinion Hagshaw Hill III Wind Farm

Hi Ross,

On behalf of Glasgow Prestwick Airport, I have reviewed the scoping documentation available on the ECU Portal for the proposed Hagshaw Hill III Wind Farm (ECU00006224).

The proposed development is terrain shielded from the primary surveillance radar at GPA and is well clear of all Instrument Flight Procedures and their associated protected levels. Consequently, we would have no objection to make at this stage. However, if the tip heights of 200m were to be increased as part of the full Section 36 application, we would request to be re-consulted.

Kind regards,

Ian

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

Ian Hutchinson

Aerodrome Safeguarding Manager

T: (+44) 01292 511038

M: 07561 685249

ihutchinson@glasgowprestwick.com

www.glasgowprestwick.com

A55

Katie Butchart

From: Joint Radio Company <wftracker@jrc.co.uk>
Sent: 30 July 2025 09:56
To: Ross Mccleary
Cc: Econsents Admin; windspen@jrc.co.uk
Subject: Re: Hagshaw Hill III Wind Farm - Request for Scoping Opinion

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

Dear Ross

Planning Ref: ECU00006224

Name/Location: Hagshaw Hill III Wind Farm

Turbine(s) at NGR:

Turbine	Easting	Northing
T1	280952	631310
T2	281330	630968
T3	281362	630473
T4	280704	630547
T5	280783	630132
T6	281083	629886
T7	280337	629619
T8	279818	629232

Hub Height: 118.5m
Rotor Radius: 81.5m

This proposal is **cleared - subject to *100m* Micrositing -** with respect to radio link infrastructure operated by the local energy networks.

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

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

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

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is

dynamic, the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.

Regards

Wind Farm Team

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.
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- clicking on ***Search*** tab; then,
- clicking on ***Simple Search*** tab; then,
- typing **Hagshaw Hill III Wind Farm** into ***Search by Project Name*** box then clicking on ***Go***;

Hagshaw Hill III
Scoping Report Response :From David McLatchie Chairman Muirkirk Community Council

4.8

- Do you agree with the proposed Study Areas? Yes I think it is satisfactory
- Do you agree with the proposed viewpoint locations? Yes
- Do you agree with the matters to be scoped out? Yes
- Do you agree that the proposed scope of the assessment is appropriate? Yes
- Are there any other wind farms or other relevant developments you are aware of within the 20 km study area to be included the cumulative assessment. No

5.9

- Do consultees agree that, subject to further information coming from the field surveys and desk study, the scope of IEFs to be included in the assessment is appropriate? Yes
- Do consultees agree that the suite of field surveys conducted in 2022 and 2024 and planned/underway for 2025 together with a desk study is sufficient to inform a robust impact assessment? Yes
- Do consultees agree that the methodology and scope of assessment is appropriate? Yes
- Are there any other relevant consultees who should be consulted, or other sources of information that should be considered? Not aware of any

6.8

- Do consultees agree with the proposed study areas to be adopted for the purposes of assessment? Yes
- Do consultees agree that the scope of baseline studies is appropriate and proportionate to the nature of the Proposed Development? Yes
- Are consultees aware of any additional and relevant ornithological datasets that should be consulted to inform baseline conditions? No
- Do consultees agree with the impacts and features scoped out of assessment at this time? Yes
- Do consultees consider there should be any specific ornithological features that should be scoped-into assessment? No

7.8

- Do you accept the proposed assessment methods and study area? Yes
- Given the size and generating capacity of the Proposed Development, we consider that the upper (40 dBLA90,10min) fixed minimum daytime ETSU-R-97 noise should apply, do you agree? Yes
- Please confirm that the 43 dBLA90,10 min fixed minimum ETSU-R-97 noise limit will apply during the night-time period?

8.8.1

- Do you agree that the scope of the proposed assessment is appropriate? Yes
- Do you agree that the proposed study areas are appropriate? Yes
- Do you agree that the proposed assessment methodology is appropriate? Yes
- Do you agree with the main potential setting impacts identified? Yes
- Do you agree with the matters to ‘scoped-in’ and scoped-out’? Yes
- Are you satisfied with the locations and types of visualisations proposed? Yes
- Are there any other locations for which consultees recommend visualisations be considered? None that I am aware

9.8

- Do the consultees agree that the effects described in Section 9.7 can be scoped out? Yes
- It is not proposed to prepare a detailed drainage design as part of the application. Measures that would be used to control the rate and quality of run-off will be specified in the EIAReport and further details of drainage can be provide through planning condition as

necessary. Do the consultees agree? Yes

• It is proposed that data validation of existing Phase I peat surveys as well as additional Phase I survey where there is no coverage will be carried out by experienced surveyors. If the results of this confirm the site to be predominantly underlain by peaty soils (depths <0.5 m) do the consultees agree that detailed Phase II peat depth survey may be scoped out of assessment depending on design? Yes It is proposed that existing Phase I data will still inform design and peat depths >0.5 m will be avoided through design iteration where practicable.

10.8

- Can you please advise of any specific developments that should be considered as part of the cumulative assessment? None that I am aware
- Can you please advise of any upcoming changes you are aware of to the transport network surrounding the Proposed Development? None that I am aware
- Can you please advise of any comments you may have on the suggested scope? None

11.8

- Do the consultees agree with the approach of scoping socio-economics and tourism out of the EIA and into a stand-alone report to better address the socio-economics requirements of NPF4? Yes
- Do the consultees agree that the scope of the proposed socio-economic appraisal is appropriate? Yes
- Are there specific socio-economic effects that should be considered in the stand-alone report? None that I am aware

12.9

- Is the extent of envisaged assessment considered appropriate? Yes
- Is it agreed that aviation and radar can be scoped out of the EIA process and reported as a technical appendix to the Proposed Development description chapter? Yes
- Is there any other aviation stakeholder that could/should be consulted? None

13.6

- Do you agree with the Study Area and methodology for shadow flicker assessment? Yes
- Is it agreed that shadow flicker can be scoped out of the EIA process and reported as a technical appendix to the Proposed Development description chapter? Yes

14.7

- Do you agree with the decision to scope out glint and glare from the EIA? Yes

15.6

- Do you agree with the decision to scope out telecommunications from the EIA? Yes

16.5

- Do you agree with the above methodology for assessing carbon emissions and savings as a result of the Proposed Development? Yes

17.2

- Do you agree with the decision to scope out air quality from the EIA? Yes

18.2

- Do you agree with the decision to scope out major accidents and disasters from the EIA? Yes

In Summary The Scoping Report is comprehensive and is a good foundation for the Project and addresses all the major issues.

From:	NATS Safeguarding
To:	Ross Mccleary
Cc:	Econsents Admin
Subject:	RE: Request for Scoping Opinion Hagshaw Hill III Wind Farm [SG39809]
Date:	15 September 2025 12:05:57
Attachments:	image001.png image002.png image010.png image011.png image012.png image013.png image014.png image015.png image017.png image018.png image019.png image020.png

---

Our Ref: SG39809

Dear Sir/Madam

We refer to the application above. The proposed development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria.

Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection are outlined in the attached report TOPA SG39809.

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. 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 obliged to follow the relevant directions within Planning Circular 2 2003 - Scottish Planning Series: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003 or Annex 1 - The Town And Country Planning (Safeguarded Aerodromes, Technical Sites And Military Explosives Storage Areas) Direction 2002.

These directions require that the planning authority notify both NATS and the Civil Aviation Authority ("CAA") of their intention. As this further notification is intended to allow the CAA to consider whether further scrutiny is required, the notification should be provided prior to any granting of permission.

It should also be noted that the failure to consult NATS, or to take into account NATS's comments when determining a planning application, could cause serious safety risks for air traffic.

Should you have any queries, please contact us using the details below.

Yours faithfully

NATS

NATS Safeguarding
E: natssafeguarding@nats.co.uk
4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk

NATS Internal

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: 05 August 2025 15:28
To: Ross.Mccleary@gov.scot
Cc: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Subject: RE: Request for Scoping Opinion Hagshaw Hill III Wind Farm

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.

Yours faithfully

NATS Safeguarding

D: 01489 444687
E: NATSSafeguarding@nats.co.uk

4000 Parkway, Whiteley,

Fareham, Hants PO15 7FL
www.nats.co.uk



NATS Internal

A62

Our Ref: 25/00912/ECU
Your Ref:
Contact: Edward McLennaghan
Tel: 01236 632487
E-mail: Planningenquiry@northlan.gov.uk
Date: 2 September 2025

Energy Consents Unit
The Scottish Government

Enterprise And Communities
Lorna Bowden
Planning And Place Manager
Ground Floor Civic Centre
Windmillhill Street
Motherwell ML1 1AB

Dear Sir/Madam,

EIA Scoping Opinion: 25/00912/ECU
Proposal: Scoping Opinion Request for Proposed Section 36 Application – Erection of 8 Turbines with a Maximum Height to Blade Tip of 200m, Approximately 30 megawatts (MW) of Solar Photovoltaic (PV) Energy Generation, and Approximately 50 MW of Long Duration Electricity Storage (LDES), and associated infrastructure. (Scottish Government Consultation – Neighbouring Authority)
Address: Located 1.8Km west of Douglas and 3.1Km South of Coalburn within the South Lanarkshire Local Authority Area.

This response is issued by North Lanarkshire Council in relation to the Environmental Impact Assessment (EIA) Scoping Request submitted by 3R Energy Solutions Ltd (3R Energy) on behalf of Hagshaw Hill 3 Ltd to the Energy Consents Unit (ECU) for permission to construct and operate the Hagshaw Hill III Energy Project.

North Lanarkshire Council has reviewed the Hagshaw Hill III EIA Scoping Report and confirms that based on the nature and scale of the proposed development and its distance to North Lanarkshire, this authority has no comments to make at this time.

Yours faithfully,
Pp EMcL

Lorna Bowden
Planning And Place Manager

disability confident LEADER
LIVE LEARN WORK INVEST VISIT

A63

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

2nd September 2025

Dear Ross,

ELECTRICITY ACT 1989

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR Hagshaw Hill III Wind Farm

Many thanks for consulting RSPB Scotland on the Request for Scoping Opinion for Hagshaw Hill III Wind Farm (ECU00006224), and for allowing us additional time to consider this proposal. We have made the following comments in response to the questions set out in the Scoping Report.

Section 6 – Ornithology

Q1 – Do consultees agree with the proposed study areas to be adopted for the purposes of assessment?

NatureScot guidance states that the area of flight activity survey should encompass the maximum extent of the proposed turbine layouts plus a 500m buffer[1] over a minimum of two years to account for variation. However, Figure 6.1 confirms that turbines 1 and 2 were not visible during VP surveys in 2022. As these turbines plus their buffers were not visible during surveys, it is likely that any birds overflying this area may have been missed and therefore the collision risk data for this site should be considered to represent the minimum possible impact on bird populations, rather than an accurate assessment. This guidance also states that the main breeding bird surveys should extend "at least 500m from the development/planning application boundary". However, Figure 6.1 shows that the 500m buffer for upland bird surveys was applied around the turbine layout, rather than the application boundary, and therefore it is likely that some birds were missed

[1] NatureScot (2025) Recommended bird survey methods to inform impact assessment of onshore wind farms https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms

RSPB South Scotland
Dumfries & Galloway Office
The Old School, Crossmichael
Castle Douglas, Kirkcudbrightshire
DG7 3AP

Tel: 01556 670 464
@RSPBDumfriesandGalloway
@RSPBDandG
rspb.org.uk/Scotland

The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

Patron: His Majesty The King **President:** Dr Amir Khan **Director, RSPB Scotland:** Anne McCall.
The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654. Registered address: The Lodge, Potton Road, Sandy, Bedfordshire, SG19 2DL

during these surveys. Due to this reduced survey area, any impacts arising from the Proposed Development should therefore be considered to represent the minimum possible impact on populations, rather than an accurate assessment.

Q2 – Do consultees agree that the scope of baseline studies is appropriate and proportionate to the nature of the Proposed Development?

As stated in section 6.2.2 of the Scoping Report, only one breeding season of surveys has been carried out for the Proposed Development, and the majority of the ornithological survey data included in Appendix 6.1 which has been used to form the baseline for the assessment is now more than five years old and is therefore considered to be out of date according to NatureScot guidance[1]. As no other surveys have been carried out or are planned to be carried out, we do not consider that the baseline ornithology data will be sufficient to accurately determine the impacts of the Proposed Development on ornithological species.

Q3 – Are consultees aware of any additional and relevant ornithological datasets that should be consulted to inform baseline conditions?

In addition to those listed in section 6.2.8 of the Scoping Report, we recommend that the Applicant contacts other wind farm developments within the area to obtain their ornithological records, not just those within the Hagshaw Energy Cluster. The BTO may also have relevant data for this area, along with local biological records centres such as SWEIC, and should therefore be consulted to inform baseline conditions.

Q4 – Do consultees agree with the impacts and features scoped out of assessment at this time?

Section 6.7.4 of the Scoping Report states that species not included on the BoCC[2] red-list will be scoped out of further assessment. The BTO Wader Map[3] confirms that this area is of high or very high importance for several breeding wader species, many of which are amber-listed on the BoCC due to ongoing population declines. Due to the recognised national status of amber-listed species, we disagree with the statement in section 6.7.4 that significant impacts on these species would be "unlikely". Therefore, we strongly recommend that all BoCC amber-listed species recorded on site are scoped in for further assessment at EIA to allow for an accurate assessment of impacts.

The Muirkirk and North Lowther Uplands SPA is less than 3km from the boundary of the Proposed Development. Although this is outwith the core range for breeding Hen Harrier, a designated feature of the SPA, it is well within the maximum range of 10km[4]. Therefore, we consider that there is potential connectivity with this SPA and disagree with the decision in section 6.7.5 to scope out impacts on the SPA and component SSSIs. We recommend that sufficient information is provided within the EIA to allow an Appropriate Assessment of the potential impacts of the Proposed Development on the qualifying features of the designated site, in line with the Habitat Regulation Appraisal process. We note the statement in section 6.7.8 that the detailed

[2] Stanbury et al (2021) The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain.
[3] https://app.bto.org/wader-map/
[4] NatureScot (2016) Assessing Connectivity with Special Protection Areas (SPAs) https://www.nature.scot/doc/assessing-connectivity-special-protection-areas

assessment is likely to be restricted to breeding upland waders and Black Grouse, but we do not believe that sufficient information has been provided to lead to this conclusion at this early stage, and recommend that breeding and wintering raptors and species vulnerable to turbine collisions are scoped in for assessment at EIA.

Q5 – Do consultees consider there should be any specific ornithological features that should be scoped-into assessment?

Until the ornithological survey results are made available at EIA, it is not possible to give any specific recommendations. Therefore, see our response to question 4 above.

Other Comments

It would appear that the Proposed Development site overlaps with the Habitat Management Plan (HMP) area for Douglas West Wind Farm, and potentially for other wind farms within the Hagshaw Cluster. We recommend that this potential conflict is clearly illustrated and addressed as part of the EIA.

Section 6.5 of the Scoping Report appears to conflate the issues of human disturbance with those of displacement due to development. These are two separate issues, and their impacts on ornithology should be assessed separately for both construction and operational phases.

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

Yours Sincerely,

REDACTED

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

A66

From:	Shearer, Scott
To:	archaeology; Econsents Admin; Landscape Consultations; Roads Planning Service; PLACE Environmental Health; Flood Risk & Emergency Planning Mailbox; PLACE Environmental Health; Gray, Susan
Cc:	Fotheringham, Barry
Subject:	[OFFICIAL] 25/00981/SCO - Hagshaw Hill III Wind Farm
Date:	05 August 2025 13:13:12

Afternoon all,

You will have received a consultation for this proposed development following a Scoping Request from the Energy Consents Unit. Having looked at this on my return from leave, at its nearest point the proposal is located in excess of 11km outwith the Scottish Borders (with the area identified for the turbines at even greater distance approx 13km), to the west of Douglas in South Lanarkshire. The development would relate to the established Hagshaw Wind Farm but given its significant distance to our administrative area, the development will not affect us. I have issued a response of 'No Comment' therefore I am sure you will be pleased that you can close this request off allowing us to focus on the many wind farms etc closer to home.

I trust that this is of assistance.

Kind regards,

Scott

Scott Shearer
Principal Planning Officer (Local Review and Major Development)
Planning Housing and Related Services
Scottish Borders Council
tel: 01835 826732
e-mail: sshearer@scotborders.gov.uk

Find out more about Scottish Borders Council: Web | Twitter | Facebook | Flickr |YouTube

How are you playing #yourpart to help us keep the Borders thriving?

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****

Friday, 01 August 2025

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

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

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

Dear Customer,

Hagshaw Hill III Wind Farm, Glespin, South Lanarkshire, ML11 0SJ
Planning Ref: ECU00006224
Our Ref: DSCAS-0137578-STZ
Proposal: The Proposed Development is expected to comprise around eight wind turbines with a maximum blade tip height of 200 metres (m), approximately 30 megawatts (MW) of solar photovoltaic (PV) energy generation, and an approximately 50 MW of Long Duration Electricity Storage (LDES), and associated infrastructure. The total generating capacity is expected to be approximately 138 MW.

Please quote our reference in all future correspondence

Audit of Proposal

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

Drinking Water Protected Areas

A review of our records indicates that 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.

Asset Impact Assessment

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

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

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

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

Surface Water

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

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

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

Next Steps:

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

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

Yours sincerely,

Ruth Kerr
Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you

should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk

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

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

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

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

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

ScotWays
Upholding public access

Ross.Mccleary@gov.scot

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

Our Ref: 12723
11 September 2025

Dear Mr McCleary

ELECTRICITY ACT 1989

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

ECU ref: **ECU00006224**

Proposal: **Scoping Opinion Request for proposed S.36 Application for Hagshaw Hill III Wind Farm, comprising up to 8 Wind Turbines of 200 metres Maximum Blade Tip Height, 30 megawatts (MW) of Solar Photovoltaic (PV) Energy Generation, approximately 50 MW of Long Duration Electricity Storage (LDES), and associated infrastructure, with an Estimated Total Generating Capacity of 138MW.**

Site: **Approximately 1.5km north of Glespin, 1.8km west of Douglas and 3.1 km south of Coalburn, within the planning authority area of South Lanarkshire Council**

Thank you for your email of 23 July 2025, seeking comments on the Scoping Report (the Report) prepared by SLR Consulting Limited, on behalf of Hagshaw Hill 3 Ltd, as a precursor to a S.36 application for the above, proposed development. We thank you for extending the original response deadline, to allow us time to submit our comments.

ScotWays Recorded Routes

The national Catalogue of Rights of Way (CROW) was created by ScotWays in the early 1990s with the assistance of Scottish Natural Heritage (now NatureScot) and local authorities, and is an

ScotWays is a registered trade mark of the Scottish Rights of Way and Access Society, a company limited by guarantee.
Registered Company Number: SC024243. Scottish Charity Number: SC015460.

amalgamation of rights of way information from a number of different sources. Mapped at 1:50,000 scale, CROW does not include all rights of way: many of these are known only to local people and come to ScotWays' notice only when a problem arises.

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

The enclosed map shows that rights of way SL103, coincident with South Lanarkshire aspirational Core Path (CP) CL/5733, SL117, coincident with CP CL/5735 Wallace's Cave, and SL122, coincident with CPs CL/3344 and CL/3345, as recorded in CROW, all cross or bound the proposed site (the Site), as shown on Figures 1.1 – Site Location and 2.1 – Indicative Proposed Development Layout.

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

Other Access to Land

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

In addition to the ScotWays recorded access routes referred to above that cross or bound the Site, CP CL/3457 Douglas West – Hagshaw Hill passes south-east to north-west through the northern part of the main body of the site, from the adjacent Outdoor Centre. Furthermore, the enclosed maps show there is a concentration of other recorded routes (numerous rights of way, a Heritage Path (HP) 'Roberton Drove Road' and 2 Scottish Hill Tracks) and CPs to the north and east of the Site. The starting point of the River Ayr Way, one of Scotland's designated Great Trails, lies approximately 5km south-south-west of the centre of the Site. These routes are likely to be used by recreational walkers, cyclists and equestrians, and the applicant should be aware the right of access conferred on the public by Section 1 of the Land Reform (Scotland) Act 2003 (LRSA) is exercisable over them, as well as most, if not all, of the Site (see Comments below).

In that regard, we welcome the commitment in paragraphs 4.4.8 and 4.4.9 of the Report that the Landscape and Visual Impact Assessment (LVIA) of the Environmental Impact Assessment Report (EIAR) will provide "a detailed consideration of the potential for effects to the visual amenity of receptors in the landscape surrounding the site", focussing on the "potential effects of the Proposed Development on different receptor groups, comprising settlements, **footpath users, recognised tourist routes, long distance walking routes, cycle routes** and centres for tourism." However, given that commitment, it is disappointing none of the proposed 18 LVIA viewpoint locations is located on a recorded right of way or core path (see Access Route/User Amenity section below). We expect the LVIA to fully assess the development's impact on the above routes and, in particular, the visual impact of the proposed turbines, photovoltaic arrays, LDES and sub-station on right of way SL122/CPs CL/3344 and CL/3345 and CP CL/3457. Specifically, we would wish the LVIA to include photomontage/s and wirelines illustrating those impacts, to enable us to strike an informed view on the merits of the development from a public access amenity perspective.

Proximity of Wind Turbines to Public Access Routes

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

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

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

In that respect, we are pleased figure 2.1 – Indicative Proposed Development Layout shows the proposed turbines being located well away from any recorded or obvious, defined routes. However, the requested safeguarding distance should take account of any micro-siting allowance.

Impact on Existing Public Access Routes

Figure 2.1 – Indicative Proposed Development Layout suggests none of the physical elements of the proposed development will have a direct impact on the aforementioned, recorded access routes within the Site, by means of their obstruction or encroachment, during the operational phase. However, 1 of the solar search areas, the proposed LDES and sub-station bound right of way SL122/ CPs CL/3344 and CL/3345, whilst another solar search area bounds CP CL/3457. Consequently, these elements could directly impact on public use of the routes, particularly during the development's construction and decommissioning phases, albeit no definitive conclusion can be drawn in that regard, at this stage in the process. During periods of high vehicular use of the Hagshaw Energy Cluster access road from the M74, consideration should be given to erecting signage warning of crossing vehicular traffic, notably HGVs, on either side of the sections of rights of way SL117/CP CL/5735 and SL103/CL/5733 bisected by the road.

We would expect the developer to employ appropriate management measures to ensure continuity of public access over the recorded routes within the Site, during the construction, operational and decommissioning phases of the development. In particular, any gates or structures proposed for erection or installation to manage legitimate, non-vehicular, public access or deer movement within or through the Site should be designed to permit access by all user categories (pedestrians, cyclists and equestrians).

Access Route/User Amenity

As well as direct impacts of development upon public access and specific routes, ScotWays is concerned about its indirect impacts on recreational amenity, including the impact of wind farm development on the character of the landscape traversed by access routes, the cultural heritage of such routes and the experience and enjoyment of access users. Consequently, we expect the applicant to take into account both access user amenity and landscape impacts in developing their proposals for the Site.

To that end, as stated above, we would expect the EIAR's LVIA to provide representative wirelines and/or photomontages, illustrating the impact of the proposed development on views from recorded rights of way SL122/CPs CL/3344 and CL/3345 and CP CL/3457 within the Site, to enable us to strike an informed view on the merits of the development from a public access perspective. Whilst we have no objection to the 18 proposed viewpoint locations, we would also request the inclusion of a viewpoint from the start of the River Ayr Way at Glenbuck Loch.

Potential for Consequential Public Access Improvements

We welcome the potential enhancement to managed public access within the Site and connections into the wider public access network provided by the formation of new turbine access tracks, though expect their type of construction and layout to be suitable for all legitimate, non-motorised access takers.

Cumulative Impact

ScotWays welcomes the fact the applicant intends assessing the cumulative effects of the proposed development on landscape character and visual amenity with other operational, under construction, consented and 'within the planning process' wind farms within 20km radius of the Site, and other operational, consented, under construction and 'within the planning process' solar farms and energy storage schemes within 10 km of the Site, as stated in section 4.5 of the Report.

We are satisfied with the proposed scope of the LVIA and the list of proposed wind farms to be taken into consideration in the said cumulative impact assessment. With regard to other solar farms, we trust the cumulative assessment will take into consideration the Hagshaw Long Duration Electricity Storage Scheme (ECU ref.: ECU00006107). The final list of windfarms, solar farms and energy storage schemes to be assessed should be agreed with statutory consultees, notably NatureScot and South Lanarkshire Council.

However, we wish to note at this stage in the process that we have wider concerns about the concentration of wind farms and other renewable energy developments - operational, under construction, consented and 'in the planning process' - within 20km of the Site and the impact they are exerting, and will exert, on the character of the landscape, through which various access routes pass, to the detriment of access takers' amenity.

Comment

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

Accordingly, we recommend the prospective developer seeks the input of South Lanarkshire Council's (the Council's) Access Team to the preparation of an Access Management Plan (AMP) for the proposed development. setting out how public access rights will be managed during construction, operation and decommissioning of the proposed development, for submission in support of a S.36 application, should the development progress to that stage. NatureScot and Scottish Government

Guidance on the preparation of AMPs recommends they should identify all rights of way, core paths and other defined paths and tracks through the Site and take account of how the statutory right of access currently affects the Site, showing any areas currently outwith or excluded from statutory access rights under part 1 of the LRSA; and consider the range of users involved (which might include walkers, cyclists, horse-riders). The AMP should set out the effect the proposed development will have on the access resources identified, during its construction, operational and decommissioning phases, including showing clearly (preferably in map form) any areas proposed for exclusion from statutory access rights; all paths and tracks proposed for construction, for active travel users; and any diversions of paths - temporary or permanent - proposed for the purposes of the development. An AMP will serve to clarify those areas where access rights will be exercisable and ensure continuity of public access through the site at all stages of the proposed development.

Having reviewed the relevant sections of the Report, we are generally content with the proposed methodology to be employed in the EIAR, but find it deficient in certain aspects, as described above. That being said, we are content with the majority of the proposed scope of the EIAR, subject to the following provisos:

1. The Planning Statement detailing the planning policy context of the proposed development should assess the development against all relevant provisions and policies of National Planning Framework 4 (NPF4) - including **Sustainable Transport Policy 13(b)(viii)**, which the Report fails to mention, and states, “Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they……. adequately mitigate any impact on local public access routes.” – as well as all relevant policies in the South Lanarkshire Local Development Plan and any associated planning guidance;

2. The EIAR commits to ensuring any gates or other structures erected to manage legitimate, non-vehicular, public access or deer movement within or through the Site will be designed to permit access by all user categories (walkers, cyclists and equestrians);

3. As mentioned above, the EIAR’s LVIA provides representative wirelines or photomontages, illustrating the impact of the proposed development on views from recorded rights of way SL122/CPs CL/3344 and CL/3345 and CP CL/3457 within the Site, as well as from the start of the River Ayr Way at Glenbuck Loch;

4. The EIAR commits to ensuring, so far as is reasonably practicable, that the aforementioned rights of way and Core Paths together, with any other defined routes within the Site, are kept open and free from obstruction or encroachment during all phases of the development - construction, operational and decommissioning - to maintain public recreational access into and through the Site;

5. The EIAR commits to ensuring that no turbines will be located within blade tip height of any recorded right of way, core path or other defined access route within or adjacent to the Site, even after any necessary micro-siting; and

6. The EIAR commits to providing appropriate warning signage on either side of the sections of rights of way SL103/CP CL/5733 and SL117/CP CL/5735 bisected by the Hagshaw Cluster Access Road.

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

Yours sincerely

REDACTED

Neil Feggans MRTPI, MIPROW
Access Officer

ScotWays
Upholding public access

CROW Guidance Notes - Windfarm Developments

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

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

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

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

What is a Recorded Right of Way?

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

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

What is an Other Route?

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

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

What is a Heritage Path?

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

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

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

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

What is a Scottish Hill Track?

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

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

ScotWays is a registered trade mark of the Scottish Rights of Way and Access Society, a company limited by guarantee.
Registered Company Number: SC024243. Scottish Charity Number: SC015460.

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

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

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

Disclaimer

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

Other Public Access Information

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

Unrecorded Rights of Way

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

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

Core Paths

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

The General Right of Access

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

Other Promoted Routes

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

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

Public and Private Roads

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

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

More Information on Outdoor Access Law

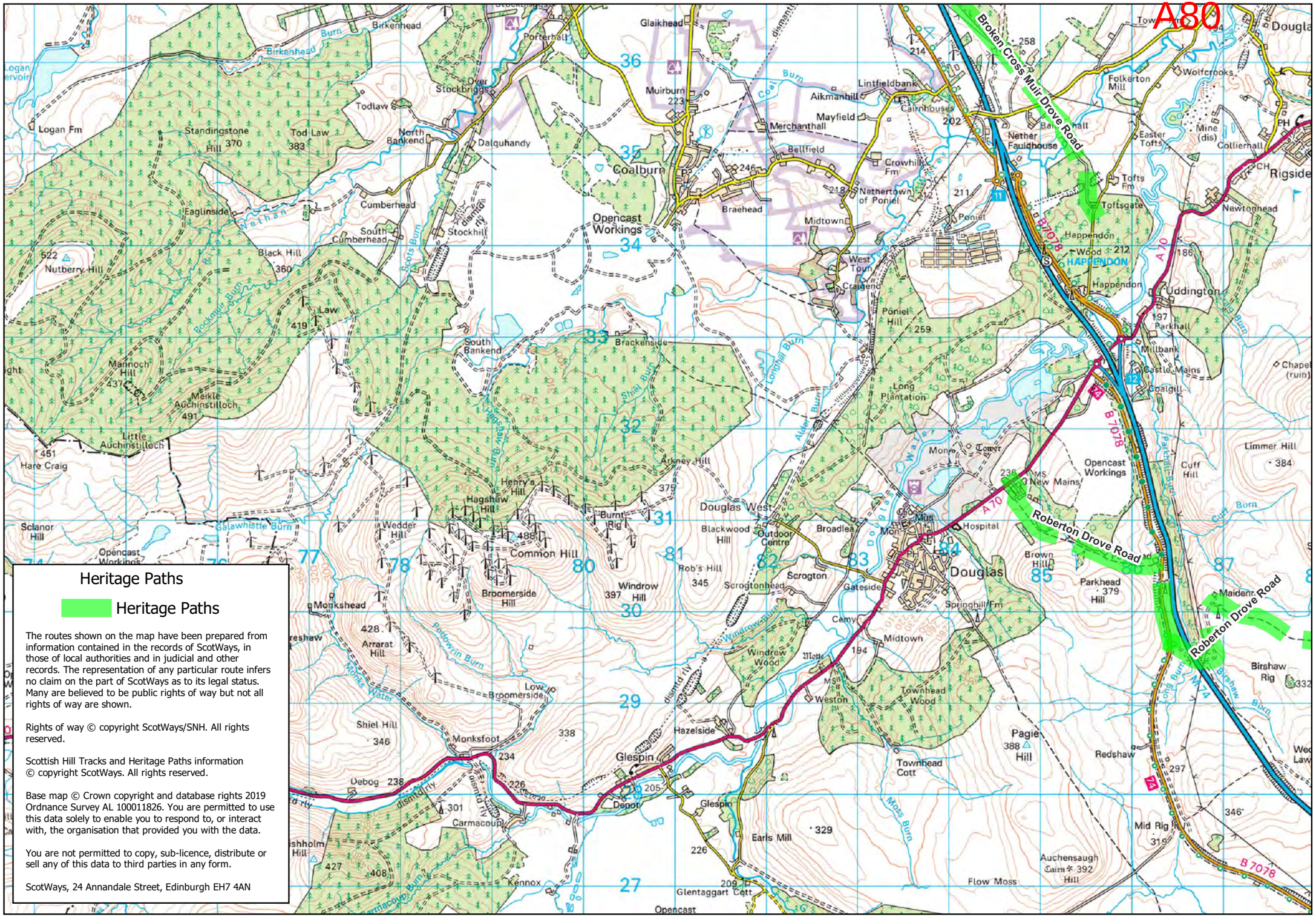
If you would like to know more about outdoor access law, visit our website (https://scotways.com/outdoor-access/) or get a copy of our book "*The ScotWays Guide to the Law of Access to Land in Scotland"* by Malcolm M Combe (https://www.scotways.com/shop).

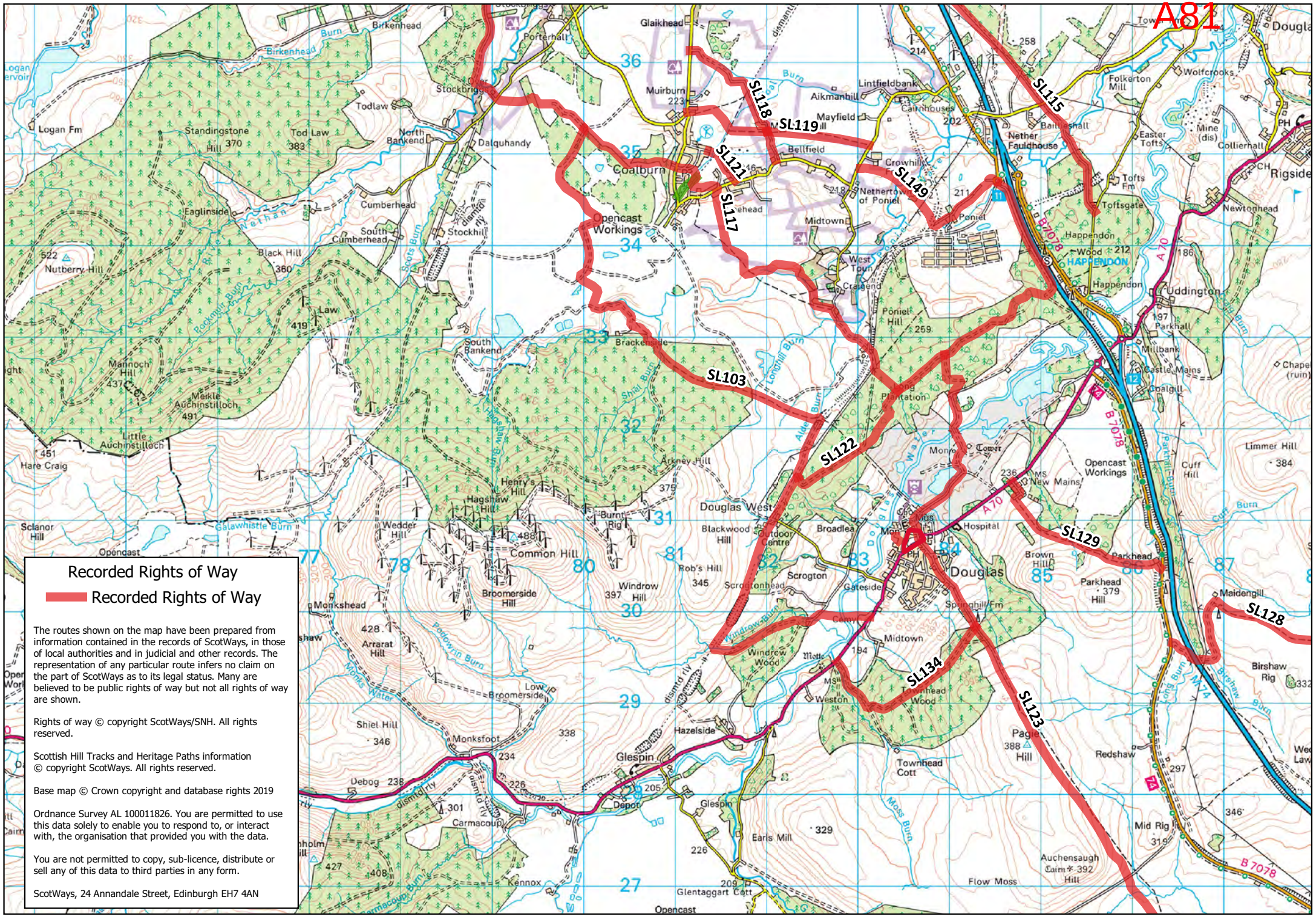
Development and Planning Applications

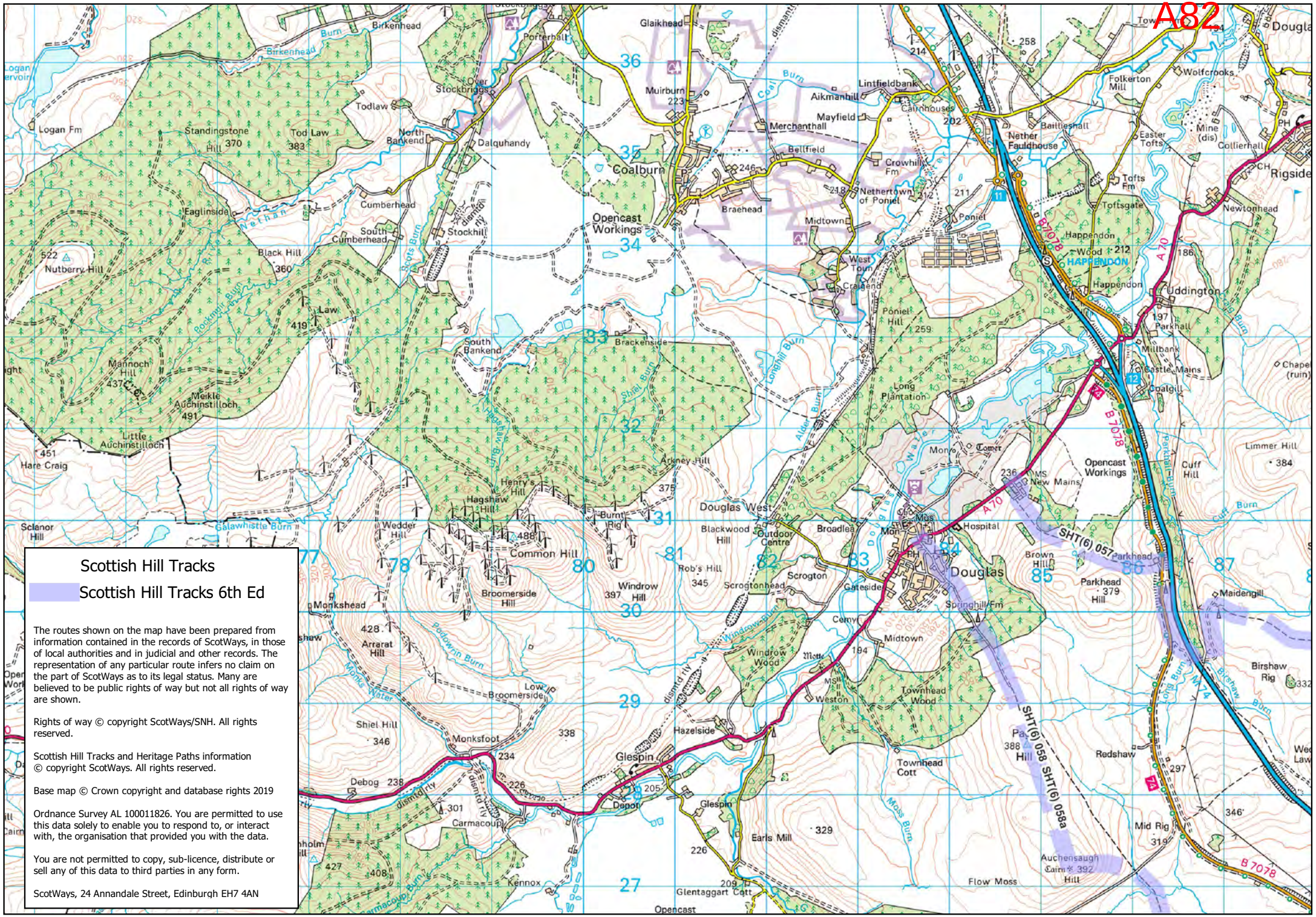
When proposing to develop a site, it is advisable that the applicant reviews the current amount and type of public access across it and presents this as an access management plan as part of their application. This should include rights of way, core paths, other paths and tracks, and take account of how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

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

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


A80
Broken Cross Muir Drove Road
Roberton Drove Road
Roberton Drove Road
Heritage Paths
Heritage Paths
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ScotWays, 24 Annandale Street, Edinburgh EH7 4AN


A81
SL118
SL119
SL121
SL117
SL149
SL115
SL103
SL122
SL129
SL128
SL134
SL123
Recorded Rights of Way
Recorded Rights of Way
The routes shown on the map have been prepared from information contained in the records of ScotWays, in those of local authorities and in judicial and other records. The representation of any particular route infers no claim on the part of ScotWays as to its legal status. Many are believed to be public rights of way but not all rights of way are shown.
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ScotWays, 24 Annandale Street, Edinburgh EH7 4AN


A82
Scottish Hill Tracks
Scottish Hill Tracks 6th Ed
The routes shown on the map have been prepared from information contained in the records of ScotWays, in those of local authorities and in judicial and other records. The representation of any particular route infers no claim on the part of ScotWays as to its legal status. Many are believed to be public rights of way but not all rights of way are shown.
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ScotWays, 24 Annandale Street, Edinburgh EH7 4AN
Coalburn
Opencast Workings
Douglas
Douglas West
Happendon
Uddington
Rigside
Glespin
Kennox
Carmacoup
Monksfoot
Broomerside
Common Hill
Windrow Hill
Hagshaw Hill
Arkney Hill
Black Hill
Nutberry Hill
Standingstone Hill
Mannoch Hill
Meikle Auchinstilloch
Little Auchinstilloch
Hare Craig
Sclanor Hill
Arrarat Hill
Shiel Hill
Debog
Earls Mill
Townhead Cott
Parkhead Hill
Auchensaugh Cairn
Flow Moss
A70
A74
B7078
SHT(6) 057
SHT(6) 058
SHT(6) 058a

Development Management
West Lothian Civic Centre
Howden South Road
Howden
Livingston
EH54 6FF

Tel: 01506 280000

Our Ref: 0646/EXC/25
Direct Dial No: 07880502148
Email: tony.irving@westlothian.gov.uk
14 August 2025

FAO Addressee Only

Ross McCleary
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Dear Mr McCleary

Consultation from Scottish Government on EIA scoping opinion for up to 8 wind turbines with a maximum blade tip height of 200 metres, approximately 30 MW of solar photovoltaic (PV) energy generation, approximately 50 MW of long duration electricity storage (LDES), and associated infrastructure (total generating capacity approximately 138 MW) at Hagshaw Hill III Wind Farm, Douglas, South Lanarkshire

I refer to your consultation of 23 July 2025.

I have assessed the submitted documents note that the application site is some 25km from the south western edge of the West Lothian boundary.

It is considered that the proposal would have negligible impact on the interests of West Lothian and thus I have no comments to make on the EIA scoping report.

Yours sincerely

Tony Irving
Principal Planning Officer

ANNEX B

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

July 2020 updated September 2023

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

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

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

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

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

MD-SEDD will continue undertaking research, identifying additional research requirements, and keep up to date with the latest published knowledge relating to the

impacts of onshore wind farms on freshwater and diadromous fish populations. This will be used to ensure that our guidelines and standing advice are based on the best available evidence and also to continue the publication of the relevant findings and knowledge to all stakeholders including regulators, developers and consultants.

MD-SEDD provision of advice to ECU

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

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

Scoping

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

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

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

Gate check

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

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

EIA Report

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

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

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

Post-Consent Monitoring

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

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

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

Planning Conditions

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

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

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

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

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

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

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

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

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

Sources of further information

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

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

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

Annex 1 (revised September 2023)

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

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

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

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

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

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