



# South Kyle II Environmental Impact Assessment Report

## Technical Appendix 1.2: Scoping Opinion

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October 2024

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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**

**South Kyle II Wind Farm  
Vattenfall Wind Power Ltd  
June 2022**

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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 Vattenfall Wind Power Ltd a company incorporated under the Companies Acts with company number 06205750 and having its registered office at 5th Floor 70, St Mary Axe, London, United Kingdom, EC3A 8BE (“the Company”) in response to a request dated 10 March 2022 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed South Kyle II Wind Farm (“the proposed development”). The request was accompanied by a scoping report which was prepared by Natural Power, acting as the Company’s agent.
- 1.2** The proposed development would be located south-east of the B741, south of Dalmellington and south-west of New Cumnock, in the planning authority of East Ayrshire Council. It covers an area of approximately 21.8 hectares.
- 1.3** The proposed development will consist of up to 17 turbines with a maximum height to blade tip of 220m and rotor diameters of approximately 170-185m.
- 1.4** In addition to the 17 Wind Turbines there will be ancillary infrastructure including:
- Permanent foundations supporting each wind turbine;
  - Associated crane hardstanding at each turbine location;
  - A network of onsite access tracks and associated watercourse crossings;
  - A network of underground cables to connect the turbines to the onsite substation;
  - A control building and substation compound;
  - A permanent anemometer mast or LiDAR compound for wind monitoring, including associated foundations and hardstanding;
  - Temporary construction compound(s), laydown area(s) and a car park;
  - Temporary borrow pits;
  - Battery/energy storage
  - Drainage and drainage attenuation measures
  - Signage
- 1.5** The Company indicates the proposed development would be decommissioned after 30 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 East Ayrshire Council.
- 1.7** The Company indicates that a green hydrogen development may also be proposed, which would generate hydrogen electrolysed from water by electricity supplied by the wind farm. It should be noted that, under the Electricity Act 1989, Scottish Ministers can consent to electricity generating stations. For a proposed hydrogen development an application should be made to the local planning authority, in this case East Ayrshire Council, under the Town and Country Planning (Scotland) Act 1997. The EIA Report can cover both the generating station and the hydrogen development.



## 2. Consultation

- 2.1 Following the scoping opinion request a list of consultees was agreed between Natural Power and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 30 March 2022. The consultation closed on 22 April 2022.

Extensions to this deadline were granted to

- Carsphairn Community Council
- Defence Infrastructure Organisation
- East Ayrshire Council
- Historic Environment Scotland
- NatureScot
- New Cumnock Community Council

The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Scotland Science (MSS) 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 MSS, are attached in **ANNEX A Consultation responses**.

- 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 MSS, 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 No responses were received from:

- Auchinleck Community Council
- Catrine Community Council
- Civil Aviation Authority
- Coylton Community Council
- Cumnock Community Council
- Drongan, Rankinston and Stair Community Council
- Dumfries & Galloway Council
- Kirkconnel and Kelloholm Community Council
- Lugar, Logan and Cronberry Community Council
- Mauchline Community Council
- Netherthird Community Council
- Patna Community Council
- Sanquhar Community Council
- Scottish Raptor Study Group

- Scottish Wildlife Trust
- Sorn Community Council
- South West Scotland Environment Information Centre
- SPEN
- Transport Scotland
- West of Scotland Archaeology Service

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

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 East Ayrshire Council, within whose area the proposed development would be situated, NatureScot (previously “SNH”), Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.
- 3.2** Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 10 March 2022 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 East Ayrshire Council for publication on their website. It has also been published on the Scottish Government energy consents website at [www.energyconsents.scot](http://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 Chapter 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 grid technologies including battery storage and/or solar panels. 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, battery storage)
- components required for each generating station
- export capacity of megawatts and megawatt hours of electricity for battery storage and/or solar

**3.8** Landscape, visual and night-time assessment;

As the maximum blade tip height of turbines exceeds 150m the LVIA, as detailed in section 7 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.

The scoping report identified viewpoints at Table **A7.1** to be assessed within the landscape and visual impact assessment.

It is recommended by the Scottish Ministers that the study area in kilometres from the outer most turbines of the proposed development and the final list of viewpoints and visualisations, including those for Night Time Assessment, should be agreed following discussion between the Company, East Ayrshire Council, Dumfries and Galloway Council and NatureScot.

Full details of all mitigation of aviation lighting impacts subsequently identified should be provided in the EIA report.

**3.9** Cumulative Landscape Impact Assessment;

To ensure that assessments are as up-to-date as possible, Developments to be included in cumulative landscape impact assessments should be discussed and agreed by the Company, East Ayrshire Council and Dumfries & Galloway Council. Photography and visualisations submitted in the EIA report should reflect the most up-to-date cumulative position and the most up-to-date ecological and vegetation position.

**3.10** Bird Surveys;

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

### 3.11 Borrow Pits;

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*'.

### 3.12 Water Supply;

Scottish Water provided information confirming that there is live infrastructure in the proximity of the proposed development that may impact on existing Scottish Water assets and the Company must identify any potential conflicts with Scottish Water assets. The proposed activity also falls partly within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. The Company should include details in the EIA report of any relevant mitigation measures to be provided. Scottish Water also provided additional advice which should be addressed in the EIA report.

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.

### 3.13 MSS;

MSS 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.

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.

MSS 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.

### 3.14 Baseline Fish Survey;

The Scottish Ministers recommend that the Company discuss and agree Baseline Fish Surveys with the local District Salmon Fishery Board and Fisheries Trust.

### 3.15 Landscape Designations;

Although the site of the proposed Development lies outwith any sites designated for their nature conservation importance, the Scottish Ministers recommend that the Company contact NatureScot, East Ayrshire Council and Dumfries & Galloway Council to discuss and agree designated sites to be included in the EIAR and the survey work and further in-depth modelling and research to be undertaken.

### 3.16 Peat Landslide Hazard and Risk Assessment;

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.

It should be noted by the Company that the Scottish Ministers engage the services of appropriate specialists to assess Peat Landslide Hazard and Risk Assessments submitted with an EIA report.

### 3.17 Noise;

It is recommended by the Scottish Ministers that the final list of receptors in respect of noise assessment should be agreed following discussion between the Company, East Ayrshire Council and Dumfries & Galloway Council.

The noise assessment should be carried out in line with relevant legislation and standards as detailed in chapter 11 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."

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



- 5.7** When finalising the EIA report, applicants are asked to provide a summary in tabular form of where within the EIA report each of the specific matters raised in this scoping opinion has been addressed.
- 5.8** It should be noted that to facilitate uploading to the Energy Consents portal, the EIA report and its associated documentation should be divided into appropriately named separate files of sizes no more than 10 megabytes (MB). In addition, a separate disc containing the EIA report and its associated documentation in electronic format will be required.

**Victoria Bonner**  
**Energy Consents Unit**  
**June 2022**

## ANNEX A

### Consultation

#### List of consultees

• East Ayrshire Council – Planning Authority	A1-A14
• Historic Environment Scotland	A15-A19
• NatureScot	A20-A26
• SEPA	A27-A33
• Auchinleck Community Council*	
• Ayrshire Rivers Trust	A34-A35
• Ayrshire Roads Alliance	A36-A39
• British Horse Society Scotland	A40-A42
• BT	A43-A44
• Carsphairn Community Council	A45
• Catrine Community Council*	
• Civil Aviation Authority Airspace*	
• Coylton Community Council*	
• Crosshill, Straiton and Kirkmichael Community Council	A46-A48
• Cumnock Community Council*	
• Dalmellington Community Council	A49
• Defense Infrastructure Organisation	A50-A51
• Drongan, Rankinston and Stair Community Council*	
• Dumfries and Galloway Council*	
• Edinburgh Airport	A52
• Fisheries Management Scotland	A53
• Galloway and Southern Ayrshire Biosphere	A54
• Galloway Fisheries Trust	A55-A56
• Glasgow Airport	A57
• Glasgow Prestwick Airport	A58-A62
• John Muir Trust	A63
• Joint Radio Company	A64-A65
• Kirkconnel and Kelloholm Community Council*	
• Lugar, Logan and Cronberry Community Council*	
• Mauchline Community Council*	
• Met Office	A66
• Mountaineering Scotland	A67
• National Grid	A68
• NATS Safeguarding	A69-A79
• Netherthird Community Council*	
• New Cumnock Community Council	A80-A81
• Nith Catchment Fisheries Trust	A82-A83
• Ochlitree and Skares Community Council	A84
• Patna Community Council*	
• RSPB Scotland	A85
• Sanquhar Community Council*	
• Scottish Forestry	A86-A88

- Scottish Raptor Study Group\*
- Scottish Water A89-A91
- Scottish Rights of Way and Access Society (ScotWays) A92
- Scottish Wildlife Trust\*
- Sorn Community Council\*
- South Ayrshire Council A93
- South West Scotland Environment Information Centre\*
- SPEN\*
- The Coal Authority A94-A95
- Transport Scotland\*
- Visit Scotland A96-A97
- West of Scotland Archaeology Service\*

\*No response was received.

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland, Scottish Forestry and Marine Scotland included at **Annex B**.

General Letter

Governance

**Chief Governance Officer, Solicitor to the Council  
and Council Monitoring Officer: David Mitchell**



**East Ayrshire Council**  
Comhairle Siorrachd Àir an Ear

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Our Ref: 22/0001/S36SCP

Date: 14th June 2022

Contact: Graham Mitchell

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

Dear Sir/Madam

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

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36  
APPLICATION FOR SOUTH KYLE II WIND FARM**

Site Address: South Kyle II, East Ayrshire

I refer to your email dated 30 March 2022 requesting this Council's comments regarding the scoping report submitted by Natural Power on behalf of Vattenfall Wind Power Ltd.

The purpose of this response is to provide advice and guidance based on the Planning Authority's knowledge of the site and the surrounding area, and has included any comments received from the limited consultation undertaken by the Planning Authority. This enables the Applicant to consider the issues that are identified and address these in the EIA process and EIA Report associated with the Section 36 application.

The Council has undertaken a limited consultation with internal departments and some agencies with local knowledge. Responses received from consultees have

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been provided along with this response. If further responses are subsequently received they will be forwarded to you for your consideration. You should be aware that this consultation list is selective as the onus, in this case, is on the Energy Consents Unit to undertake statutory and non-statutory consultations. A list of further consultees that would be useful to engage with as part of this process is included as Appendix 1. Please be aware that any lack of inclusion on this list of a particular party or organisation in no way indicates that the Planning Authority considers that consultation would not be beneficial.

The sections below highlight the comments of the Planning Authority on a number of matters. Please note that comments of any consultees have not been fully replicated, therefore the content of any responses should be treated in the same manner and given the same consideration as the comments below.

### **Non-technical summary**

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

### **Summary of Environmental Information**

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

### **List of qualifications and evidence of competency**

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

### **Format of the EIA Report**

Two full paper copies including appendices should be provided to the Planning Authority for internal use, although additional paper copies may be required depending on whether temporary restrictions / exemptions regarding copies for public inspection change at the time of submission of the application.

A number of electronic copies should also be provided including at least one copy that is split into manageable sized files for uploading by the Applicant to the online viewing system of the Planning Authority. These files should be clearly named thus enabling easier public interpretation, consideration and navigation. An example would be splitting the EIA Report by chapter / topic. Any confidential

annex should be clearly marked and kept separate from the remainder of the EIA Report but should not contain any non-confidential information or, if it does, this should be replicated within the EIA Report.

### **Consideration of alternatives**

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

### **Baseline Information**

The Council has published a State of the Environment Report on its website:

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/State-of-the-Environment-Report.aspx>

This report collates up to date information on the environment within East Ayrshire and how it is changing. The information can be used to help inform applications. This may be of use when preparing your EIA Report.

### **EIA Assessment Methodology**

There should be a degree of flexibility adopted within the EIA Report when reporting the significance of the impacts as moderate effects can be considered as significant in terms of the EIA Regulations and would be based on the assessor's judgement. As such the scoping out of non-significant effects wouldn't be agreeable where there is potential for such impacts to be classed differently depending on the assessors' judgement.

### **Planning Policy Context**

The Council would advise that at this time the Council's Local Development Plan 2 (LDP2) is not yet adopted contrary to the suggestion in the Scoping Report that it was adopted in October 2019. The current Local Development Plan (adopted in April 2017) remains the current LDP, alongside the East Ayrshire Minerals Local Development Plan. Some policies contained within the East Ayrshire Minerals Local Development Plan could also be relevant to the proposed development (particularly given that borrow pits are being indicated as likely to be proposed), and therefore this plan will also require consideration in addition to the East Ayrshire Local Development Plan 2017. The Council would note that depending on the timing of submission of the application, at that point the Council's LDP2 may by then be adopted but the Applicant is advised to keep this situation under review as they approach their intended submission date to ensure the policy context is as up to date as possible.



## **Landscape and Visual Impacts**

The Planning Authority agrees that a 45km study area is appropriate in this case given the scale of the proposed turbines. No mention is made of a cumulative study area, however given the guidance by NatureScot it is suggested that a 60km cumulative study area be adopted.

In terms of identifying Landscape Character Types (LCTs) the Council would advise that the East Ayrshire Landscape Wind Capacity Study 2018 represents the most accurate record of LCTs locally within East Ayrshire and should guide the assessment of landscape character types. The application site extends into the Council's Sensitive Landscape Area and impacts on this sensitive landscape will need to be assessed as part of the LVIA.

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

In addition to the cumulative effects with other wind farms, the Applicant should give consideration to potential effects with other tall structures such as electricity pylons and any nearby mineral extraction sites (or former sites yet to be restored) which could contribute to cumulative landscape and visual impacts.

Lighting impacts on the Dark Sky Park will also need to be assessed, particularly given the close proximity to the boundaries of this designation, and the Planning Authority welcome any detailed consideration of aviation lighting impacts on this designation alongside consideration of Dark Sky Park Lighting Supplementary Guidance. It should be noted that indirect lighting impacts as well as directly visible lighting impacts should be assessed, particularly given the close proximity to the Dark Sky Park. The Council welcomes a viewpoint from the Dark Sky Observatory (although damaged by fire). The Council would expect wirelines from each viewpoint to show whether hub lighting would be visible and with respect to select viewpoints, photomontages are to be produced in addition to wirelines, to show the effects of hub lighting as well as the three tower lights where required on each turbine.

The photomontages should be produced to show a worst case scenario without the effects of any proposed mitigation. If the visualisations have been produced to show some form of mitigation then this will need to be clearly detailed as to exactly what is being shown in the visualisations / the intensity based on extent of mitigation being shown. Full details of any proposed mitigation will need to be

detailed within the EIA Report alongside what effects this will have on the lighting impacts. As indicated, should the layout allow for any reduction in the number of turbines requiring hub and tower lighting, whilst still achieving the requirements of the CAA, this should also be clearly detailed within the EIA Report assessment of night time landscape and visual impacts. Night time impacts will require to consider both the landscape impacts and visual impacts.

No mention is made about cumulative lighting impacts. Given the increasing numbers of turbines operational / consented / proposed which have / will require visible aviation safety lighting then the night-time lighting assessment shall also include a cumulative night-time assessment taking into account other wind farms / turbines which have / will require visible aviation lighting and any other tall structures which have visible aviation lighting on them.

The Planning Authority welcomes the addition of a Residential Visual Amenity Assessment out to 3km, and would request that cumulative schemes are shown on separate wirelines to the project-alone wirelines. Additionally photomontages should be considered from some properties to assist the consideration and assessment of impacts from them where the turbines are more prominent. RVAA properties will also require night time wirelines and photomontages to enable full consideration of night time impacts from aviation lighting on residential receptors.

With regards to the proposed list of viewpoints, East Ayrshire Council will only comment on those within its area, with the views of neighbouring South Ayrshire Council, Dumfries and Galloway Council, and where relevant, South Lanarkshire Council expected to be taken into account for viewpoints in their area. The list of viewpoints in Appendix 2 and indicated on the ZTV, Figure 8a, are considered appropriate with additional viewpoints requested as follows:-

- (i) A viewpoint on the B741 immediately north of the application site where clear views of the wind farm would be available and from where cumulative impacts are also likely with other consented developments on the northern edge of the B741;
- (ii) A viewpoint from Ochiltree;
- (iii) A viewpoint from Mauchline, and
- (iv) A viewpoint located within the Sensitive Landscape Area.

The Planning Authority would welcome the opportunity to further consider any viewpoints as the list is finalised to agree these. The Planning Authority would also expect to have the opportunity to consider night time viewpoint locations in due course to agree to appropriate viewpoints.

It is noted sequential receptors for assessment will be considered and agreed at a later date.

The Council would expect the LVIA and RVAA to be undertaken in full accordance with the most up to date guidance and publications at the time of preparing the EIA Report.

### **Ornithology**

The Planning Authority has no particular comments to make with regards to ornithological matters and would suggest the Applicant ensure the requirements and requests of NatureScot and RSPB and any other relevant body with information and records of relevant ornithological interests are taken into account to inform the assessment of these matters for reporting within the EIA Report. The Planning Authority can provide details on local nature conservation sites within the study area if required by the Applicant.

### **Ecology**

Local Nature Conservation Sites (LNCS) should be assessed alongside other ecological designations such as S.S.S.I.s. There are a number of LNCS within relatively close proximity to the application site including two partly within it (Cumnock Burn / Pennyvenie Burn LNCS and Bryan's Height LNCS). The Planning Authority can provide further details on LNCS if requested. Impacts on Ancient Woodland will also need to be assessed though this is mentioned in response to the Forestry chapter.

Consultation should also be undertaken with the Nith District Salmon Fisheries Board (NDSFB), River Doon Salmon Fisheries Board and Ayrshire Rivers Trust, in addition to Marine Scotland Science to agree on the appropriate methodologies and scope of assessment in terms of fish and other species. The Planning Authority would suggest the Applicant ensure any requirements and advice from NatureScot, SEPA, RSPB and the Scottish Wildlife Trust be taken into account to inform the scope of the assessment, including any cumulative impact assessment, of such matters for reporting within the EIA Report. The Council has received comments from the NDSFB and Galloway Fisheries Trust and these have been forwarded along with this response, for consideration.

### **Hydrology, Geology and Hydrogeology**

In terms of flood risk, any potential for the release of water from peat excavation should be considered as a potential cause of flooding.

In terms of any borrow pits, if these are taken forward as part of the proposed development, the EIA Report should include information on the location, size and nature of these borrow pits, including details of the depth of the borrow pit floor and an indicative borrow pit final reinstated profile. The impact of such features (including dust, blasting and impacts on hydrology) should be appraised as part of the overall impact of the proposal. Information on the proposed depth of

excavations compared to the actual topography, the proposed restoration profile, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement should be included within the EIA Report. The Council's Minerals Local Development Plan includes a policy on borrow pits and information to address the requirements set out within that policy should form part of the EIA Report.

The Council has also recently adopted new non-statutory guidance - Peat, excess soils and sewage sludge, which will be relevant to the proposed development.

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

The application site features areas identified within the Coal Authority Mining Risk Assessment and the Coal Authority should be consulted to ascertain the scope of methodology and assessment required to address any potential risks for reporting in the EIA Report. The Planning Authority would also rely on detailed comments on such matters from NatureScot, SEPA and the Scottish Government's advisors on peat, Ironside Farrar Ltd. These bodies would be able to advise further on the appropriateness of the methodologies reported.

## **Noise**

Whilst consultation with the Council's Environmental Health Service will be useful and could assist with agreeing the noise methodology, the Council currently uses the services of an independent noise consultant to deal with wind farm noise matters. The Planning Authority would recommend that discussion is undertaken with the Council's noise consultant to agree the methodology for noise assessment to inform the EIA Report. The Planning Authority would encourage the use of the lower end of the ETSU limits. Cumulative noise assessments with other wind farms is welcome although the Applicant should also consider other noise generating developments within the vicinity and consider the impacts these might have in addition to the proposed development to ensure a robust assessment of cumulative noise is undertaken for nearby receptors.

The Planning Authority would agree that low frequency noise (or infrasound) can be scoped out of the assessment. The Council has experience of a wind turbine which was generating Amplitude Modulation such that it was deemed to be causing a statutory noise nuisance and a noise abatement notice was served on the operator. Nevertheless, the Planning Authority understands that until such time as the relevant guidance is updated, there is no formally adopted method for assessing Amplitude Modulation and the Planning Authority agrees that this can be scoped out of the assessment.

## Population and Human Health

Shadow Flicker:- The Planning Authority would note that the 10 rotor diameters' distance is a guide and does not guarantee that shadow flicker effects will not be experienced beyond this distance. As such, if there are properties which are beyond such a distance at the final layout stage but not too distant, consideration should be given as to the potential effects of shadow flicker on such properties.

Private Water Supplies (PWS):- With regards to any PWS, the EIA Report should risk assess any PWS potentially affected by the proposed development, and in assessing the risk, should not only consider the source, its catchment and the receptor, but also identify / map out and consider the pathway from the source to the receptor. Only through identifying the pathway is it possible to gain a full understanding of any potential impacts that infrastructure / construction activity might have on any PWS. Details of any mitigation and/or contingency measures that may be required should be detailed within the EIA Report. The Council's Environmental Health Service should be contacted to assist in the identification of any PWS in and around the site. It would also be appropriate to contact relevant neighbouring authorities with respect to any potential PWS in their area or sourced from within / with a pathway through the application site.

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

The proposed approach set out in chapter 12 of the Scoping Report seems reasonable, with the inclusion of assessments of impacts on a range of recreational and tourist receptors proposed, including recreational routes (such as core paths) and other visitor attractions within the area. Core paths and rights of way exist immediately to the north and west of the application site where views towards the wind farm are likely. It is noted that the A713 forms the Galloway – Ayrshire Tourist Route and impacts on the qualities and experience of this route, predominantly by road users, should be assessed.

The EIA Report should also detail any proposed community benefits or shared ownership proposals. The Planning Authority would agree that ice throw and lightning can be scoped out of the EIA Report.

## Cultural Heritage

A 100m buffer zone is proposed for archaeological works, indicating this relates to direct impacts. A larger buffer zone would be appropriate given the scale of proposed development and potential for micro-siting which means such a larger buffer area would ensure direct effects are assessed more fully. The buffer should be defined once the final design layout is determined. All other designated sites out to 15km are confirmed to be assessed which the Council would agree with, notwithstanding any comments the West of Scotland Archaeology Service (WoSAS) and Historic Environment Scotland may make.

With respect to Gardens and Designed Landscapes (GDLs) those not on the inventory are also protected and consideration of impacts on any such non-inventory GDLs should also be assessed. Two closest non-inventory GDLs include Camlarg GDL and Grimmet GDL, the latter being located immediately adjoining the application site boundary. The Council would expect an assessment of impacts on Craigengillan inventory GDL. There should be some flexibility when considering viewpoints as some heritage assets may benefit from visualisations to aid the assessment of impacts on their setting. Comments from Historic Environment Scotland and West of Scotland Archaeology Service should be taken into account when finalising the assessment methodology in respect of Cultural Heritage and Archaeology.

Scheduled Monuments will require assessment, with Bogton loch Airfield and Dalnean Hill to the west of the application site being two of the closest. Setting impacts on listed buildings and conservation areas will also require to be taken into account, with Dalmellington conservation area most likely to experience setting impacts.

### **Traffic and Transport**

Early contact with the Ayrshire Roads Alliance (ARA) is advised. Should any comments be subsequently received from ARA in respect of the Scoping Report these will be sent on to the Energy Consents Unit.

The Planning Authority welcomes the intention to base the traffic assessment on a worst-case scenario which, for the avoidance of doubt, the Planning Authority would expect assumes 100% of construction materials such as stone requiring to be imported to site. Any expected reduction in stone importation due to the use of borrow pits can be reported within the EIA Report, along with the consequent effect this would have on traffic volumes. A worst-case scenario should nevertheless be presented in case any proposed borrow pits fail to provide the anticipated volume of stone to ensure a robust assessment of impacts.

The EIA Report should identify potential sources of materials (e.g. stone quarries) if these are off-site and consider the impacts of those routes to site, including communities along those routes. Such assessment should also include cumulative impacts with other developments. As highlighted within SPP, borrow pits should only be permitted where there are significant environmental or



economic benefits compared to obtaining material from local quarries. As such, should any borrow pits be proposed, appropriate environmental and/or supporting information should be submitted to justify the need for borrow pits. The Council's Minerals Local Development Plan Policy MIN SUP2 indicates the matters the Council would take into consideration, and supporting evidence Applicants should provide, in respect of borrow pits.

It would be expected that the traffic assessment would consider routes to site on the A76, and the B741 from New Cumnock to the proposed site entrance, unless there is confirmation that no development traffic will be using such routes.

The Planning Authority welcomes the proposed cumulative assessment which should consider any consented / under construction developments likely to generate large volumes of traffic, and should not necessarily be limited to other wind farm developments.

The EIA Report should detail the port of entry and the delivery route for turbines to components to site. Transport Scotland may provide advice in respect of the trunk road network, whilst the Applicant is also encouraged to discuss traffic matters with the Council's Ayrshire Roads Alliance. The Planning Authority would agree that operational and decommissioning phases of the development can be scoped out of the traffic assessment.

### **Existing Infrastructure and Aviation**

Public Access:- The Applicant should summarise the measures taken to control public access during any construction period and during any operational period. Impacts on any core paths or rights of way and other recreational routes should be assessed, whether this is part of the wider LVIA chapter or on tourism impacts, or within this section is for the Applicant to decide.

Defence and Aviation:- The Planning Authority will require a detailed assessment of aviation impacts to accompany any application to ensure any potential impacts are fully assessed and any appropriate mitigation detailed. It would be beneficial if the continued requirement for visible aviation lighting is explored with the Civil Aviation Authority to understand if there is any scope or possibility that this requirement might change and the need for visible lighting could be reduced or eliminated entirely. Early engagement with all relevant aviation bodies is encouraged.

Telecommunications:- The Planning Authority considers that consultation with the relevant bodies should be undertaken to inform the assessment of impacts. It is expected that details of any correspondence to confirm the relevant system operators are satisfied that there will be no impacts is included within the EIA Report, alongside plans showing any relevant infrastructure or buffer areas to confirm that all proposed infrastructure is beyond the area of influence of such features. It remains the case that appropriate conditions are likely to be needed

to ensure that if there are any impacts attributable to the proposed development, that these are mitigated.

Utilities:- Utility providers should be consulted to discuss the location of, and any potential impacts on, their infrastructure.

### **Forestry**

Details of any compensatory forestry planting should be detailed within the EIA Report and accompanied by relevant figures to demonstrate areas of loss and compensatory planting as relevant. Some details of species composition and design of any compensatory planting areas would be beneficial. It may be worth considering native broadleaf species if appropriate. Scottish Forestry would be able to advise in more detail as to the expectations of a forestry chapter or any relevant guidance. Any potential impacts on Ancient Woodland will also require to be considered, although there do not appear to be any within the application site itself, though there are areas of Ancient Woodland immediately to the north-west.

### **Summary of Mitigation**

The Planning Authority notes a chapter is to be included in the EIA Report detailing the findings from each chapter of the EIA Report and identifying all mitigation.

### **EIAR Accompanying Documents**

The Planning Authority has no comments to make on this other than anything previously discussed within this response.

### Other Matters

**Carbon Calculation:-** The full report generated from the Scottish Government's Carbon calculation, accounting for carbon emissions and losses through disturbance and loss of peatland and savings over the lifetime of the development, should be submitted as part of the EIA Report.

**Waste:-** The Planning Authority consider that discussion should be made within the EIA Report of the potential sources of waste and how waste might be suitably dealt with (for example forestry waste used for brash matting, etc.), although these matters might be able to be addressed in each relevant chapter instead of a specific section.

**Major Accidents and/or Incidents:-** No mention is made as to whether these matters will be assessed in the EIA Report. The Planning Authority consider it would be worthwhile to include a summary or table just to highlight each of the potential risks and provide a brief explanation as to why these are not deemed to be relevant or necessary of further detailed consideration within the EIA Report.

For any risks which are deemed worthy of fuller assessment, this should be detailed in the relevant chapter of the EIA Report.

**Potential Grid Connection:-** If a grid connection route is known at the time of applying for permission, the route and associated environmental impacts, can be reported and assessed in detail within the EIA Report, though the Planning Authority notes that grid connections are often dealt with separately and is content with either approach. The Scoping Report indicates a grid connection application will be made separately.

**Battery Energy Storage:-** The Scoping Report indicates the application may include a battery energy storage component. If that is the case, all impacts associated with that component, including landscape and visual impacts, will require to be assessed in full as part of the EIA Report.

**Hydrogen Production:-** The Scoping Report indicates there may be the possibility for a hydrogen production facility to form part of the overall development. Given this would not be an electricity generating development then it's unlikely it could be dealt with in an application under Section 36 of the Electricity Act 1989 and would require to be subject of a separate planning application.

**Decommissioning and Restoration:-** Although not a specific topic, an assessment of the likely impacts of decommissioning of the proposed development on all of the environmental topics shall form part of the EIA Report (though it is noted for some topics this could be scoped out). This will ensure a reasonable idea as to what those impacts may be and what possible mitigation would be required. The application shall be accompanied by a decommissioning report which sets out a costed breakdown of the decommissioning, restoration and aftercare works likely on site, based on the observations made within the EIA Report regarding decommissioning.

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

**Planning Monitoring Officer:-** The Council promotes the use of a Planning Monitoring Officer (PMO) on all major infrastructure developments. The PMO is appointed by the Council to assist in the assessment of detailed environmental

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

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

### **Closing Comments**

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

Yours faithfully

Graham Mitchell  
**Interim Team Leader**

**Appendix 1 – suggested additional consultees**

East Ayrshire Council Access Officer;

Ayrshire Roads Alliance;

Scottish Power Energy Networks;

Scotland Gas Networks;

The Coal Authority;

East Ayrshire Council Environmental Health Service;

Nith District Salmon Fisheries Board;

River Doon Salmon Fisheries Board;

Ayrshire Rivers Trust'

Scottish Wildlife Trust, and

Local community councils.



By email to: [Econsents\\_Admin@gov.scot](mailto:Econsents_Admin@gov.scot)

Vicki Bonner  
Consents Caseworker  
Energy Consents Unit

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300057654  
Your ref: ECU00003429  
04 May 2022

Dear Vicki Bonner

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017**  
**South Kyle II Wind Farm, East Ayrshire**  
**EIA Scoping Report**

Thank you for your consultation which we received on 30 March 2022 about the above EIA scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

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

### **Proposed Development**

We understand that the proposals comprise the development of up to 17 wind turbines with varying tip heights between 180m and 220m, battery/energy storage, green hydrogen generation and associated infrastructure on a site south of Dalmellington in East Ayrshire.

### **Our View on the Principle of the Development**

Based on the high-level information included within the EIA scoping report, we are uncertain about whether it may be possible to accommodate a wind farm in this location. We note that several heritage assets in our remit are located in the vicinity of the proposals and may be subject to setting impacts. We would therefore welcome sight of detailed ZTV information and draft wireframe visualisations to determine whether significant impacts on the setting of individual heritage assets are likely. This information will also help us to identify any opportunities for mitigation to be undertaken during the design phases of the development. In line with this, we would welcome further dialogue with the applicant and their team as the proposals are progressed.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**





## Scope of Assessment

We note that several heritage assets in our remit are in the vicinity of the proposals and may be subject to setting impacts. We therefore recommend that any Environmental Impact Assessment (EIA) prepared in support of the proposals should include an assessment of impacts on heritage assets and their settings. This assessment should be undertaken by a suitably experienced professional and meet the requirements of [Scottish Planning Policy](#) (SPP, 2014), the [Historic Environment Policy for Scotland](#) (HEPS, 2019) and associated Managing Change Guidance Notes. Guidance can also be found in the Cultural Heritage Appendix to the [EIA Handbook](#) (SNH, HES, 2018).

We understand from the EIA scoping report that it is proposed to consider potential impacts on the setting of heritage assets located up to 15km from the proposals. While we are broadly content with this, we would also recommend that heritage assets are selected for assessment using ZTV analysis. This analysis should be supported by an appropriately scaled ZTV and, also, should consider the potential for impacts on the setting of heritage assets caused by the proposals appearing in views towards them from a third point. Some consideration should also be given to potential impacts on the setting of any particularly important and sensitive cultural heritage assets located at a greater distance from the proposals.

Given the scale of the ZTV information provided within the EIA scoping report, we have been unable to identify any specific heritage assets for detailed assessment beyond those forming part of the Craigengillan and Dumfries House estates. We have provided some comments on these heritage assets in the attached **Annex**. Consequently, we would welcome further engagement with the applicant on the identification of heritage assets for detailed assessment. We would be happy to review any detailed ZTV information and draft wireframe visualisations in this regard.

We would expect an assessment to demonstrate a full consideration of the setting of individual heritage assets in instances where significant impacts are likely. This consideration should recognise that impacts may occur on views from, towards or across individual heritage assets as well as from potential changes to their experience. Our Managing Change guidance note on [Setting](#) (2016, 2020) is likely to be helpful in this regard. An assessment should also clearly demonstrate where potential impacts have been reduced or avoided during the design process and, also, consider where any residual effects may occur.

We recommend that impacts on the setting of heritage assets should be assessed using photomontage and wireframe visualisations where impacts are likely to be highest. We have provided some comments on the requirement for visualisations to be taken from the Craigengillan and Dumfries House estates in the attached **Annex**. We would, however,



welcome further dialogue on the preparation of visualisations from heritage assets likely to experience significant impacts as the proposals are progressed.

There is also a potential for cumulative impacts caused by the proposals in combination with other nearby existing, consented and proposed wind energy developments. We therefore recommend that cumulative impacts are described and assessed, and these should be examined using cumulative visualisations.

### **Further information**

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes). Technical advice is available on our Technical Conservation website at <https://conservation.historic-scotland.gov.uk/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Alison Baisden and she can be contacted by phone on 0131 668 8575 or by email on [Alison.Baisden@hes.scot](mailto:Alison.Baisden@hes.scot).

Yours sincerely

**Historic Environment Scotland**



## Annex

- **Craigengillan Estate**

The Category A listed **Craigengillan House** ([LB18793](#)), **Stables** ([LB18794](#)) and the associated **Craigengillan** Inventory Designed Landscape ([GDL111](#)) are located immediately west of the proposed development and appear to be within its ZTV. The Inventory Designed Landscape is located approximately 1km to the west and the House and Stables are located approximately 2.7km to the southwest of the development site. The house forms the focal point of the designed landscape and is located on elevated ground with panoramic views of the surrounding hills, including views to the east in the direction of the wind farm.

Any EIA undertaken in support of the proposals should therefore give focus to the potential for impacts on the setting of these nationally important heritage assets. Any such assessment should demonstrate a full appreciation of these heritage assets and their settings, and we would expect that any impacts should be mitigated as much as possible during the design phases of the development.

This assessment should also be supported by visualisations where impacts are likely to be highest. We note that the LVIA chapter of the EIA scoping report proposes the development of a series of visualisations showing the predicted visual impact of the development on the Craigengillan Estate and recommend that any cultural heritage assessment should cross reference to these where applicable.

- **Dumfries House Estate**

The Category A listed **Dumfries House** ([LB14413](#)) and the associated **Dumfries House** Inventory Designed Landscape ([GDL149](#)) are located approximately 10km north of the proposed development. We note from the ZTV that the proposed development would be visible from the north side of the Inventory Designed Landscape. The proposed development would also be in views south from the Category A listed **Temple in Policies of Dumfries House** ([LB96](#)), which is dramatically located on sloping ground to the north of Dumfries House.

Any EIA undertaken in support of the proposals should therefore give focus to the potential for impacts on the setting of these nationally important heritage assets. Any such assessment should demonstrate a full appreciation of these heritage assets and their settings, and we would expect that any impacts should be mitigated as much as possible during the design phases of the development.



This assessment should also be supported by visualisations where impacts are likely to be highest. In line with this, we recommend that a visualisation is prepared demonstrating the impact of the proposed development in views from the Category A listed **Temple in Policies of Dumfries House** ([LB96](#)).

**Historic Environment Scotland**

04 May 2022



Vicki Bonner  
Energy Consents Unit  
The Scottish Government  
[Econsents\\_Admin@gov.scot](mailto:Econsents_Admin@gov.scot)

03 May 2022  
Your ref: ECU00003429  
Our ref: CEA166539

Dear Vicki

**ELECTRICITY ACT 1989 - THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 - SCOPING OPINION REQUEST FOR PROPOSED SECTION 36 APPLICATION FOR SOUTH KYLE II WIND FARM**

Thank you for your consultation dated 30 March 2022 on the scope of the Environmental Impact Assessment (EIA) for the proposed South Kyle II wind farm, located in East Ayrshire. Thank you also for agreeing to our requests for extension to the consultation period.

**1. Background**

1.1 The proposed development would comprise up to 17 turbines, with tip heights of up to 220m, and associated infrastructure. The proposed application site lies within the East Ayrshire Council area, south-east of the B741, south of Dalmellington and south-west of New Cumnock.

**2. General scoping advice**

- 2.1 The applicant should refer to our [general pre-application and scoping advice for onshore wind farms](#). This provides guidance on the issues that developers and their consultants should consider for wind farm developments and includes information on recommended survey methods, sources of further information and guidance, and data presentation. Attention should be given to the full range of advice included in the guidance note. The checklist in Annex 1 of the guidance note sets out our expectations of what should be included in the EIA Report, while Annex 2 provides advice on assessing the effects of turbine lighting on landscape and visual interests and birds.
- 2.2 The guidance document will be updated over time to reflect any changes to available information and our guidance, so users should ensure they download the most up to date version before use.

2.3 The applicant should also refer to our [general guidance on onshore wind farm development](#) and ensure relevant guidance is fully considered when undertaking the EIA Report. All of our current standing advice for planners and developers is also listed [here](#).

### 3. Specific scoping advice

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

#### Landscape and Visual Amenity

##### ***Merrick Wild Land Area***

3.2 Figure 8a (ZTV tip height) indicates that the proposal is about 15km from the boundary of the Merrick Wild Land Area. There is a complex cumulative scenario emerging around the Merrick WLA with many proposals for very tall turbines currently in the planning system. At present there are no consented turbines of this size within 20km of the Merrick so this proposal could represent a potential step change. Accordingly for turbines of this height and at this distance we would expect to see a wild land assessment included within the EIAR. This should also include an assessment of the effects of turbine lighting on the qualities of the WLA.

3.3 To help identify likely significant effects we request that ZTVs to hub and tip should include the Merrick WLA boundary. The applicant should refer to [Merrick Wild Land Area description](#) and NatureScot's [Wild Land guidance](#).

#### Carbon-rich soils, deep peat and priority peatland habitat

3.4 The Scoping Report recognises that peat is present in the area of the proposed development site. This includes areas that are mapped as Class 1 peat on the [Carbon & Peatland Map 2016](#). Class 1 areas are nationally important carbon-rich soils, deep peat and priority peatland habitat and are likely to be of high conservation value.

3.5 While Scottish Planning Policy identifies such areas as 'areas of significant protection', the location of the proposal in the mapped area does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. However the applicant will need to demonstrate in the EIA Report that any significant effects on the qualities of the area can be substantially overcome by siting, design or other mitigation.

3.6 The Carbon and Peatland Map 2016 is a strategic tool based on historical habitat and peat depth information. It is for the applicant to carry out relevant surveys to provide contemporary, site-specific information on the location of the different peat classes to inform site management.

3.7 We therefore welcome the applicant having carried out peat probing work to date, and the proposal to carry out further site survey work to confirm the presence and depth of peat within the site. To inform the assessment of impacts and identification of appropriate mitigation, we advise that detailed peat surveys of the site, measuring the peat deposit to full

depth, should be undertaken in accordance with [Scottish Government guidance](#). The results should also be used to inform a peat slide assessment and peat management plan. We recommend early engagement with SEPA with regard to excavated peat reuse and disposal.

- 3.8 The final siting and design of the proposed development and how this may affect peatland must be fully described and assessed in the EIA Report. How significant effects will be mitigated must also be fully described. At this stage, given the general dominance of commercial forestry within the site, we would encourage the applicant to consider the relocation of Turbine 6 from Class 1 peat soil to a less sensitive area.

#### Statutory Designated Sites with Ornithological Interest

##### ***Muirkirk and North Lowther Uplands Special Protection Area (SPA)***

- 3.9 The proposed development would be situated within 15km from the Muirkirk and North Lowther Uplands SPA which is classified for its breeding and wintering populations of hen harrier, and breeding populations of merlin, peregrine, short-eared owl and golden plover.
- 3.10 Given the separation distance between the development site and the SPA, in line with our [guidance on assessing connectivity with Special Protection Areas \(SPAs\) \(June 2016\)](#), the development would be situated out with the core foraging range for all SPA species. This is the area in which we would consider there may be connectivity between the development site and the qualifying interests of the SPA. Therefore in our view, it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required. We are satisfied that this site does not require further consideration and can be scoped out of the EIA.

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

- 3.11 Muirkirk Uplands SSSI and North Lowther Uplands SSSI are both of national importance. The designated features of Muirkirk Uplands SSSI comprise ornithology interests and blanket bog. The designated features of North Lowther Uplands SSSI comprise ornithology interests, fossil bearing rocks and upland habitats.
- 3.12 The proposed development is out with the boundary of either SSSI and therefore we do not consider that the upland habitats/blanket bog or ecological interests of the site will be affected by the proposal, nor do we consider the ornithological interests of the SSSI will be affected for the reasons detailed in the SPA section above. Therefore we are satisfied that these sites do not require further consideration and can be scoped out of the EIA.

##### ***Bogton Loch Site of Special Scientific Interest***

- 3.13 The designated features of Bogton Loch SSSI comprise its open water transition fen, and its breeding bird assemblage which includes black-headed gulls and passerine species. We are content that the scope of the ornithological survey includes all gull species, and will therefore consider any impacts on black-headed gulls. We agree that passerine species are not considered to be significantly affected by wind farms, and can therefore be scoped out of the EIA.

### ***Merrick Kells Site of Special Scientific Interest and Special Area of Conservation (SAC)***

3.14 Merrick Kells is designated as a SSSI for its invertebrate interests, blanket bog habitat and breeding bird assemblage. We consider that the notified features of the SSSI are unlikely to be affected by the proposal given the separation distance from the proposed development site.

3.15 Merrick Kells is also designated as an SAC for its freshwater and upland habitats. We consider that the qualifying interests of the SAC are unlikely to be affected by the proposal given the separation distance from the proposed development site.

### **Statutory Designated Sites with Ecological Interest**

3.16 Table 9.3 sets out details of the ecological interests of four SSSIs located within 5km of the proposed development site. In terms of their ecological interests, we do not consider that the any of these SSSIs are connected to the development site. Therefore we are satisfied that they do not require further consideration and can be scoped out of the EIA.

### **Ornithological survey period**

3.17 The Scoping Report summarises a significant volume of past survey data from in and around the proposed development site. Whilst this provides useful context, much of the existing data is at least 8 years old. We therefore do not consider this to be sufficient to inform a reliable assessment of the effects of the proposed development on ornithological interests of the site. We advise that ornithological surveys are carried out for a full two year period, including two seasons of non-breeding bird surveys.

## **4. Responses to specific questions detailed in the Scoping Report**

4.1 Where not covered above, our responses to the specific questions included in the Scoping Report are given in Annex 1.

### **Concluding remarks**

I hope that this response will assist you in your consideration of this scoping request. However, please contact me should you wish to discuss our advice. Please note that while we are supportive of the principle of renewable energy, our advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if it is submitted as a formal application.

Finally, this advice is provided by NatureScot, the operating name of Scottish Natural Heritage.

Yours sincerely,

Alison Shand

Planning Adviser

[alison.shand@nature.scot](mailto:alison.shand@nature.scot)

0131 314 6751



## Annex 1 – Consultation question responses

### 1. *Do consultees have any comments in relation to public consultation?*

We are content with the arrangements proposed

### 2. *Do consultees have any comments in relation to the approach to the Environmental Impact Assessment?*

We are content with the approach to Environmental Impact Assessment outlined in the Scoping Report.

### 3. *Do consultees have any comments in relation to the proposed chapters to be included in the EIAR?*

We are content with the chapters proposed to be included in the EIA.

### 4. *Do the consultees agree with the LVIA and CLVIA methodologies proposed?*

We welcome the proposal to carry out the assessment in accordance with GLVIA. The described methodology appears to follow this. For the CLVIA we advise that any relevant proposal at scoping stage is also included.

The applicant should ensure they use the most up to date versions of NatureScot guidance, which can be found in the [planning and development advice](#) section of our website

### 5. *Do the consultees agree with the suggested viewpoint locations and visualisations detailed in Appendix 2?*

The list of viewpoints is acceptable, though we would welcome a lower level viewpoint from within the Wild Land Area (WLA) and also from Craighasheenie Hill in the north. We appreciate that the eastern part of the WLA is relatively inaccessible and would accept a wireline or wirelines initially. The location should be guided by the hub height ZTV as a proxy for the visibility of aviation lighting. These could be worked up subsequently if required.

### 6. *Do consultees agree with the approach suggested for aviation lighting?*

We welcome the proposal to include a description of the lighting visible from each viewpoint. Following consideration of the WLA wirelines we might request a night time photomontage from within the WLA. As noted above, we advise that an assessment is carried out of the likely impacts of aviation lighting on the qualities of the Merrick WLA.

### 7. *Do the consultees agree with the approach to the sequential assessment?*

Yes, we are content with this approach.

### 8. *Are consultees satisfied with the coverage provided by the vantage point locations?*

Yes, we consider the vantage point locations provide sufficient coverage. We note that a section of the site to the west of the existing power lines is not covered from the vantage points, but as no turbines, tracks or associated infrastructure are proposed here as part of the development, we are content that this area will not be surveyed.

**9. *Is the proposed scope and extent of the available and proposed baseline data considered to be sufficient to inform a reliable assessment of the potential effects of the Proposed Development?***

As noted above, the past survey data from in and around the proposed development site provides useful context, however much of the existing data is at least 8 years old. We therefore do not consider this to be sufficient to inform a reliable assessment of the effects of the proposed development on ornithological interests of the site. We advise that ornithological surveys are carried out for a full two year period, including two seasons of non-breeding bird surveys.

**10. *Are there any other key ornithological features that consultees believe should be considered that have not been discussed above?***

We are content with the ornithological features that have been included.

**11. *Do consultees consider any Natura 2000 not discussed above as requiring consideration as part of screening for Appropriate Assessment?***

As discussed in the Specific Scoping Advice section of this response, we are content that the proposed development site is not connected with the Muirkirk and North Lowther SPA. We do not consider there to be any other European sites likely to be affected by the proposed development.

**12. *Do consultees see value to any particular mitigation and/or enhancement measures for any local or regional species, whether referred to above or otherwise?***

We recommend the preparation and implementation of a Habitat Management Plan, particularly where measures are required to mitigate for the loss of key habitats (e.g. peatland). The HMP should be prepared in accordance with our [guidance on what to consider and include in Habitat Management Plans](#).

**13. *Is the proposed scope and extent of the available and proposed baseline data considered to be sufficient to inform a reliable assessment of the potential effects of the Proposed Development?***

The past survey data from in and around the proposed development site has indicated the presence of bats (including species with high population vulnerability), otter, water vole, badger, red squirrel, pine marten, fish species and reptiles. The Scoping Report sets out that although fresh water pearl mussel and great crested newt have not been recorded, they are considered to have potential to be present. We consider that the proposed scope and extent of ecological surveys to be carried out has been effectively informed by the existing data. We are therefore satisfied that this will provide sufficient baseline data to inform reliable assessment of the potential effects of the proposed development.

**14. *Are there any other key ecological features that consultees believe should be considered that have not been discussed above?***

We are content with the ecological features that have been included.

**15. Do consultees consider any Natura 2000 not discussed above as requiring consideration as part of screening for Appropriate Assessment?**

We are content that there are no additional European sites likely to be affected by the proposed development.

**16. Do consultees see value to any particular mitigation and/or enhancement measures for any local or regional species, whether referred to above or otherwise?**

We recommend the preparation and implementation of a Habitat Management Plan, particularly where measures are required to mitigate for the loss of key habitats (e.g. peatland) or reduce the suitability of the site following development for nesting birds. The HMP should be prepared in accordance with our [guidance on what to consider and include in Habitat Management Plans](#).

We direct the applicant to our [standing advice for protected species](#), which includes advice to help ensure that development can proceed without harm to protected species. It includes details for each species regarding legal protection, licensing requirements, when and how to carry out surveys, and a list of measures that can be taken to minimise impacts.

**Consultation Questions 17 – 30**

We have no comments in response to any of these questions.

Vicki Bonner  
Energy Consents Unit  
The Scottish Government

Our Ref: 4839  
Your Ref: ECU00003429

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

Sent by email to: Econsents\_Admin@gov.scot

25 April 2022

Dear Ms Maydanchi

**Electricity Act 1989  
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Request For Scoping Opinion For Proposed Section 36 Application for South Kyle II**

Thank you for consulting SEPA on the scoping opinion for the above development proposal by your email received on 30 March 2022. I apologise for the slight delay in this response.

**Advice to the planning authority**

We consider that the following key issues must be addressed in the Environmental Impact Assessment process:

- a) Map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.
- b) Peat depth survey and table detailing re-use proposals.
- c) Map and site layout of borrow pits.
- d) Schedule of mitigation including pollution prevention measures.
- e) Decommissioning statement.

Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix. We also provide site specific EIA scoping and pre-application layout comments below which can help the developer focus the scope of the assessment and development of the proposals.

**1. Site specific comments**

- 1.1. We are pleased to note the proposal to make use of the existing windfarm access track and other supporting infrastructure such as the construction compound; this is a good way to minimise impacts on the aspects of the environment in which we have an interest. A similar approach should be taken when determining the layout of the access track to the turbines; there are numerous forest tracks that could also be partially utilised.
- 1.2. We thank the developer for including the Phase 1 habitat information that has already been collected. Should new development be proposed within 250m of any of the habitats that are



Chairman  
**Bob Downes**  
Acting Chief Executive  
**Jo Green**

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potentially groundwater dependant then section 4 of the appendix should be followed.

- 1.3. We emphasise the need for good peat probing information in all areas where new infrastructure is proposed, including areas currently forested. We are happy to provide further advice on layout once the phase 1 peat probing has been completed and there is a clear idea of track layout.
- 1.4. A peatland quality survey should also be provided for those areas of unforested peatland where development is currently proposed; T3, T6 and T14 may need to be moved.
- 1.5. Any search areas for borrow pits must avoid areas of deep peat, groundwater dependant habitats and be at least 50 m from watercourses.
- 1.6. Provided watercourse crossings are designed as oversized bottomless arched culverts or traditional style bridges, and other infrastructure is located well away from watercourses we do not foresee from current information a need for detailed information on flood risk or watercourse crossings.
- 1.7. We welcome the proposal to include a 50m buffer between watercourses and excavation works; we note that T13 and T16 may need to be relocated to meet this requirement. Remember also to take into consideration smaller watercourse not shown on the 1:50000 mapping.

## **2. Regulatory advice for the applicant**

- 2.1. Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012.
- 2.2. Details of regulatory requirements and good practice advice can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [sws@sepa.org.uk](mailto:sws@sepa.org.uk).

If you have queries relating to this letter, please contact [planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk) including our reference number in the email subject.

Yours sincerely

Susan Haslam  
Senior Planning Officer  
Planning Service

Ecopsy to: [Victoria.Bonner@gov.scot](mailto:Victoria.Bonner@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.*

## Appendix 1: Detailed scoping requirements

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

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

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

### 1. Site layout

- 1.1. All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable. Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

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

- 2.1. The site layout must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing:
  - a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
  - b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works.
  - c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.
- 2.2. If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.
- 2.3. Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).

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

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

- 3.1. Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants must assess the likely effects of development on carbon dioxide (CO<sub>2</sub>) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> to the atmosphere. Developments must aim to minimise this release."
- 3.2. The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO<sub>2</sub> and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat. There is often less environmental impact from localised temporary storage and reuse rather than movement to large central peat storage areas.
- 3.3. The submission must include:
- a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on [Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems.
  - b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.
- 3.4. To avoid delay and potential objection proposals must be in accordance with [Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste](#) and our [Developments on Peat and Off-Site uses of Waste Peat](#).
- 3.5. Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.
- 3.6. Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.

### **4. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)**



- 4.1. GWDTE are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:
- a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
  - b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.
- 4.2. Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice and the minimum information we require to be submitted.

## **5. Existing groundwater abstractions**

- 5.1. Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:
- a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
  - b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.
- 5.2. Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice on the minimum information we require to be submitted.

## **6. Forest removal and forest waste**

- 6.1. Key holing must be used wherever possible as large scale felling can result in large amounts of waste material and in a peak release of nutrients which can affect local water quality. The supporting information should refer to the current Forest Plan if one exists and measures should comply with the Plan where possible.
- 6.2. Clear felling may be acceptable only in cases where planting took place on deep peat and it is proposed through a Habitat Management Plan to reinstate peat-forming habitats. The submission must include:
- a) A map demarcating the areas to be subject to different felling techniques.
  - b) Photography of general timber condition in each of these areas.



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

## 7. Borrow pits

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

- h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on [Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO<sub>2</sub>.
- i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.
- j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

## **8. Pollution prevention and environmental management**

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

## **9. Life extension, repowering and decommissioning**

- 9.1. Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with SEPA Guidance on the [life extension and decommissioning of onshore wind farms](#). Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and best practice, including justification for not selecting lower impact options when life extension is not proposed.
- 9.2. The submission needs to demonstrate that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document [Is it waste - Understanding the definition of waste](#).



Victoria Bonner  
Consents Caseworker  
Energy Consents Unit  
Scottish Government

19<sup>th</sup> April 2022

Dear Vickie,

**Re: South Kyle Wind Farm 2 Scoping Report**

On behalf of the Ayrshire Rivers Trust (ART) and the River Doon District Salmon Fishery Board we would like to make the following comments on the above scoping report. Our comments relate only to the water environment and riparian habitat and take no account of other potential impacts. The proposed wind farm development has the potential to impact on the water environment due to its close proximity to important tributaries of the River Doon, notably the Muck Water. We therefore ask you consider the following comments.

***Is the proposed scope and extent of the available and proposed baseline data considered to be sufficient to inform a reliable assessment of the potential effects of the Proposed Development?***

Yes.

We would also suggest you consider Fisheries Management Scotland advice on terrestrial windfarms issued to District Salmon Fishery Boards and Fishery Trusts and request you fully consider the guidelines in relation to this development <http://fms.scot/wp-content/uploads/2017/04/170412-Guidance-Terrestrial-windfarms.pdf>

***Do consultees see value to any particular mitigation and/or enhancement measures for any local or regional species, whether referred to above or otherwise?***

1. The fisheries monitoring plan should include provision for continuous monitoring of fish and macroinvertebrates and water quality parameters. An up to date baseline should be recorded prior to any onsite construction
2. Enhancement measures for fish species including Atlantic salmon and brown trout. The opportunity to create riparian buffer zones for the benefit of both aquatic species and terrestrial species should be considered. As highlighted in the Good Practice During Windfarm Construction (2019) guidance:

*Forestry Management*

*The aims of habitat restoration following tree removal*

*Consider the benefits to the aquatic environment as a result of planting native riparian vegetation on appropriate soils e.g. modifying of water temperatures, stabilisation of river banks, provision of in-stream habitat and a direct and indirect food source.*

Planting native broadleaf trees in riparian buffer zones that will contribute to buffering the predicted rises in water temperatures would be beneficial in this River Doon sub-catchment.

We hope these comments are helpful. Should you require further information or clarification of any points, please don't hesitate to contact the undersigned.

Yours sincerely

Muir Glendinning  
*Fisheries Biologist*

**From:** [Senior, Graeme](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Cc:** [Ierland, Alan](#); [Donnelly, Barry](#)  
**Subject:** FW: South Kyle II Wind Farm [PUBLIC]  
**Date:** 26 April 2022 15:42:06  
**Attachments:** [image001.png](#)

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**CLASSIFICATION: PUBLIC**

**CLASSIFICATION: PUBLIC**

Good afternoon Vicki,

I've sent a copy of our comments on to colleagues in EAC Planning, however I haven't heard anything back, so given the time pressures I've included a copy of ARA's scoping comments below.

Kind regards,

Graeme

**Graeme Senior**  
**Team Leader - Traffic**  
**Ayrshire Roads Alliance**

PLEASE NOTE THAT DUE TO RESTRICTIONS ASSOCIATED WITH COVID-19 I AM CURRENTLY WORKING FROM HOME

Website [www.ayrshireroadsalliance.org](http://www.ayrshireroadsalliance.org)

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South Kyle II – ARA Scoping Comments  
 26/04/22

The following comments are offered by the Ayrshire Roads Alliance in respect to roads and flooding matters falling within our remit, following review of the scoping detail available at the time of writing. For clarity our comments have been broken down under several main headers.

#### **EIA Traffic and Transportation Chapter:**

It is noted that the Traffic and Transportation chapter of the EIA is intended to provide information covering the following:

- Description of the proposed construction and AIL traffic routes;
- Description of the baseline traffic movements on identified delivery routes;
- Description of the predicted construction and AIL traffic movements, along with their predicted durations;
- Assessment of the resulting temporary increase to traffic movements on the road network (magnitude);
- Assessment of the sensitivity of receptors identified along the proposed traffic route(s);
- Assessment of the temporary environmental impacts on receptors due to the temporary increase in traffic (significance);
- Identification of required mitigation measures for any resultant significant effects;
- AIL Route Survey Report (appended); and
- Preliminary TMP (appended).

We note the intention to undertake the Traffic and Transportation assessment in accordance with the Transport Assessment Guidance and IEMA Guidelines for the Environmental Assessment of Road Traffic.

It is further noted that the scope of the Traffic and Transportation Assessment, including baseline traffic

requirements, will be agreed with the Ayrshire Roads Alliance on behalf of East Ayrshire Council. This is acceptable to the ARA.

Minor roads within the Local Authority have not been designed for the weight and length of vehicle movements likely to be associated with the abnormal load and length components of the wind farm infrastructure. As a result it will be necessary to agree the extent and requirement for Section 96/69 Agreements to cover Extraordinary Use & Damage resulting as a consequence of these movements.

#### **Turbine Delivery/ Abnormal Load Movements:**

It is noted that as part of the forthcoming EIA a Traffic Impact Assessment (TIA) is to be undertaken, supplemented by an Access Route Assessment, and that for the AIL assessment it is proposed that the geographical extent will be from the A77/A713 junction to the Proposed Development. We note that at this stage, turbine component deliveries are anticipated to come from the Port of Glasgow King George, however that a number of options are currently being investigated for final site access.

The ARA will review the contents of these elements of the EIA in due course.

We note that at this stage the location of the access is still being developed but will likely be either from the all-purpose road A713 or the B741. The proposed Access Point of Site Traffic to the Public Road must be accompanied by detailed plans submitted with all relevant information provided with regards to road widths, proposed and existing radii, swept path movements and sight lined details.

The development proposals include the potential for significantly larger turbines than those approved for South Kyle I, with current “to tip” heights of 149.5m potentially increasing to 220m for the South Kyle II proposals. This in turn is likely to have ramifications for abnormal loads along the delivery route, both in terms of impacts on the public road and adopted road structures. Several instances of localised road widening have been constructed on the A713 as part of the mitigation for South Kyle I – the assessment requires to demonstrate if these facilities continue to be appropriate, or if further mitigation is required.

Swept path analysis of abnormal load movements on all East Ayrshire Council roads forming part of the delivery route will be required by the ARA, to be undertaken on Ordnance Survey base mapping. These will require either confirmation of wind turbine component dimensions, or presentation of a “worst case” scenario. The swept path assessments shall be required to identify areas of over-sail and over-run and street furniture modifications.

All Road Layout and Junction Improvements likely to be required to ensure that Abnormal Loads can be safely delivered to Site should be highlighted separately in an Appendix with the works then agreed to be carried out after the agreement of suitable Section 56 submitted drawings to ensure all works are carried out to an adequate standard.

With regards to the requirement or otherwise of Structural Assessments for Abnormal Load Movements, these should be scoped out with EAC Structures as part of the Application Scoping Process.

#### **Construction Traffic – Routing and Trip Numbers:**

It is noted that the construction phase of the development proposals is anticipated to last approximately 12 to 18 months.

We note that whilst efforts would be made to identify appropriate borrow pits from within the curtilage of the site, that at present considered is being given to the potential use of several route options from identified material supply centres which would eventually converge onto the A713 at various locations.

Whilst the ARA would welcome an approach which made use of borrow pits in order to reduce construction traffic levels, nonetheless we require that a “worst case” scenario be explored within the Traffic and Transportation Assessment working on the basis that 100% of materials require to be imported.

As part of the Traffic and Transportation Assessment the ARA also expect that construction traffic estimates are broken down to give a clear indication of how vehicle numbers/ classifications are anticipated to vary over the programme.

It should be noted that currently the ARA has restricted HGV and abnormal traffic on the B741 between Dalmellington and the NC substation due to a road slip at Coal Glen embankment. The ARA hope to remediate the slip during the current financial year.

#### **Preliminary Traffic Management Plan:**

It is noted that as part of the Transport Assessment, and in line with any pre-application requirements, a preliminary construction TMP will be produced for transport associated with site traffic (HGV's, LGV's etc). The ARA welcome the opportunity to review the detail of this plan, with the expectation that it contains sufficient detail to clearly highlight (and mitigate where appropriate) impacts on the local road network.

As part of any final agreed CTMP for Abnormal Load and Turbine Movements the Delivery Route will require to be agreed from the Port of entry to the Site with the actual times when Abnormal Load Movements will be permitted, agreed also.

#### **Forestry Implications:**

We note that a Proposed Development Forest Plan will be prepared, to include a felling plan to show the location and timeframe of felling on the Site during the construction and operation of the Proposed Development, and details of a restocking plan showing any areas which are to be replanted.

The ARA will require consideration to be given for the traffic routes for any timber extraction from the site – in particular the B741 has seen significant investment in the road surface in recent years, however remains a road with a substandard makeup which could easily be destroyed by excessive HGV movements.

#### **Flooding:**

It is noted that flood information provided by SEPA indicates that within the Proposed Development area there is a risk of flooding in the Cumnock Burn/Linn Water, Mossdale Burn, Pochriegavin Burn and River Nith catchments.

We welcome the commitment to undertake a Flood Risk Assessment as part of a forthcoming planning application, and will review its contents in due course.

#### **Consultee Questions (14.11):**

##### ***Do consultees agree with the proposed geographical extent of the assessment?***

In general, yes, the ARA agrees with the geographical extents as covered within the scope, however we reserve the right to offer further comments as and when further supporting detail is presented as part of the Traffic and Transportation Assessment scoping process.

##### ***Do consultees agree that operational and decommissioning phases can be scoped out and the assessment will consider the effects during the construction phase only?***

The ARA agree that the operational phase can be scoped out, however we were of the opinion that a degree of consideration should also be given to the impacts of the decommissioning stage.

##### ***Can consultees provide traffic count data?***

The ARA will review what count data may be available during the Traffic and Transportation Assessment scoping process.

##### ***Do consultees agree that 'embedded mitigation' can be assumed in baseline assessment of receptors?***

The ARA agrees that "embedded mitigation" can be assumed in baseline assessment of receptors as long as these assumptions around best practices are clearly set out, and also incorporated into the Preliminary Traffic Management Plan.

##### ***Do the consultees agree with the approach to consider the environmental impacts in line with IEMA thresholds of 30% and 10%?***

The ARA agrees with the use of IEMA thresholds for the purposes of assessment.

***Do the consultees agree with the traffic assessment approach set out in the above section?***

The ARA, on behalf of East Ayrshire Council, will seek to agree the Traffic and Transportation Assessment approach through the subsequent scoping exercise as set out in 14.3.

***Do consultees agree that the 'worst case scenario' be modelled or would a realistic 'most likely scenario' approach be more appropriate?***

In order to ensure a robust assessment the ARA require consideration of a "worst case scenario" which assumes 100% of construction materials to be imported to site.

***Do Transport Scotland agree that in relation to their Transport Assessment Guidance, no 'Transport Statement' or 'Transport Assessment' is required?***

Nil response from ARA.

1



Patron Her Majesty The Queen

The British Horse Society Scotland

Email [Helene.Mauchlen@bhs.org.uk](mailto:Helene.Mauchlen@bhs.org.uk)

Suite A3

Website [www.bhs.org/scotland](http://www.bhs.org/scotland)

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Fulfilling your passion for horses

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

By email to:

[Econsents\\_admin@gov.scot](mailto:Econsents_admin@gov.scot)

[Victoria.Bonner@gov.scot](mailto:Victoria.Bonner@gov.scot)

12 April 2022

Dear Sir/Madam

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

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR  
South Kyle II**

I refer to the above scoping opinion request for the proposed South Kyle II Wind Farm, in the planning authority areas of East Ayrshire Council.

The British Horse Society (BHS) is always pleased to be consulted on transport, planning and development matters and where possible or necessary we are able to engage local riders to get a locally based response. Thank you very much for consulting with us, horses are important and good for people so their safety and capacity to access safe off road hacking is a key consideration in terms of their welfare and the wellbeing of their riders and those who look after them.

A project, like the one you are carrying out is an excellent opportunity to improve connections in a community and hopefully resolve any problems in terms of countryside access, transport and travel.

The BHS is here to help, so please do not consider this response the final word, we hope to work with you on an on-going basis to ensure horses and horse riders get as good a deal as they can out of any proposed improvements, so please do not hesitate to contact us in the future.

**The Importance of Off-Road Riding**

Scotland's equestrian industry is important with the horse being a major rural economic driver, recent joint research between SRUC and 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. The expenditure on direct upkeep averages £3,105 per horse per annum.

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

Registered Charity Nos. 210504 and SC038516. A company limited by guarantee. Registered in England & Wales No. 444742

This report also showed:

A concern for all riders, including tourists, is diminishing access to safe off-road riding. Most riding accidents happen on minor roads in the countryside. With increasing numbers of horses and riders requiring access to the countryside, more formal access to off-road riding will be a priority in areas considered of higher risk.

The full report can be accessed at:

[http://www.sruc.ac.uk/downloads/file/2391/2015\\_scoping\\_study\\_on\\_the\\_equine\\_industry\\_in\\_scotland](http://www.sruc.ac.uk/downloads/file/2391/2015_scoping_study_on_the_equine_industry_in_scotland)

Scotland has a duty to get horse riders off busy roads; few riders access busy roads by choice (and the horse has as much right to be on the public highway as cars, bikes and pedestrians) - but they often have no choice as that is the only way they can access their safe off road hacking.

I can also refer you to:

<http://www.rospa.com/road-safety/advice/horse-riders>

Equestrian road users are vulnerable - that means they are more likely to be involved in a road accident and also more likely to suffer the worst consequences.

Horses and their riders (as well as carriage drivers) are vulnerable on the road network. A collision between a horse and a vehicle can have life threatening consequences for the horse, rider and those in a vehicle. There is evidence to suggest that the number of road traffic collisions involving horses is underreported in casualty data.

Horse riding is more prevalent (particularly on roads) in certain parts of the country. Rural areas have larger numbers of horse riders, who make a significant contribution to the rural economy. Yet according to Road Safety Scotland 70% of road accidents happen on country roads.

(<http://dontriskit.info/country-roads/view-the-campaign>)

The BHS expects developers to work with representatives of the local horse riding community to understand their road safety and countryside access concerns and facilitate engagement with other partners and consider whether any road safety interventions should be introduced, where there are significant numbers of horse riders and/or road traffic collisions involving horses.

Under the Land Reform (Scotland) Act 2003, horse-riders and carriage drivers enjoy a right of access to most land in Scotland, provided that they behave responsibly. Land managers in turn are obliged to respect equestrian access rights and take proper account of the right of responsible access in managing their land. The Scottish Outdoor Access Code gives guidance on how the requirements to behave responsibly can be met. Please refer to:

[www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com)

This access legislation, which is over a decade old now gives horse riders the same rights of responsible access as walkers and cyclists. It is vital that any off road tracks or non-motorised user's tracks or paths are multi-use catering for all including horse riders and carriage drivers.

### **Active Travel and Suitable infrastructure**

Whilst the active travel movement does not consider equestrian travel to be a form of active travel there are many people for whom riding is an attractive mode of travel whether that be for travel purposes or leisure purposes, and the delivery of Active Travel should not discourage this, just as it should not discourage the use of micro-scooters, roller blades, skateboards and other similar modes of travel. In urban areas, many riding horses are kept within the 10 mile journey distance

and they must not be disadvantaged by new facilities that may be put in place for the cyclists. Level crossings which are currently used by equestrians should not be replaced by alternatives which would preclude the use by equestrians, for example, a footbridge. Similarly, other infrastructure like gates, bridges, cattle grids and slippery surfaces should all be installed with equestrians in mind. Access control must always be the least restrictive option.

The British Horse Society (BHS) represents the interests of the 3.4 million people in the UK who ride or who drive horse-drawn vehicles. With the membership of its Affiliated Riding Clubs and Bridleway Groups, the BHS is the largest and most influential equestrian charity in the UK. The BHS is committed to promoting the interests of all equestrians and the welfare of horses and ponies through education and training.

Please see attached an information sheet on equestrian access.

<https://www.pathsforall.org.uk/resource/outdoor-access-design-guide>

With over 70k equines in Scotland, equestrianism is worth £650 million to the Scottish economy annually with the Scottish Racing industry contributing £300 million and the rest of the industry generating £355 million according to recent research (Developing Benchmarks & Trends to Measure Equestrian Activity in Scotland - A report produced by the British Equestrian Trade Association August 2019 And Scottish Racing Annual Review and 2019 Outlook)

I trust that the above information is of assistance.

**HELENE MAUCHLEN  
SCOTTISH NATIONAL MANAGER  
THE BRITISH HORSE SOCIETY**

**From:** [radionetworkprotection@bt.com](mailto:radionetworkprotection@bt.com)  
**To:** [Econsents Admin](#)  
**Cc:** [Bonner V \(Victoria\)](#); [radionetworkprotection@bt.com](mailto:radionetworkprotection@bt.com)  
**Subject:** RE: Request for Scoping Opinion South Kyle II WID11804  
**Date:** 08 April 2022 08:29:36  
**Attachments:** [image002.png](#)  
[image004.png](#)  
[SKII Scoping Report Figure 3 Site Layout and Constraints.pdf](#)

---



**OUR REF: WID11804**

Thank you for your email dated 30/03/2022.

We have studied this proposal using the attached site layout plan, with respect to EMC and related problems to BT point-to-point microwave radio links.

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

Regards

**Lisa Smith**

Engineering Services – Radio Planner  
Networks



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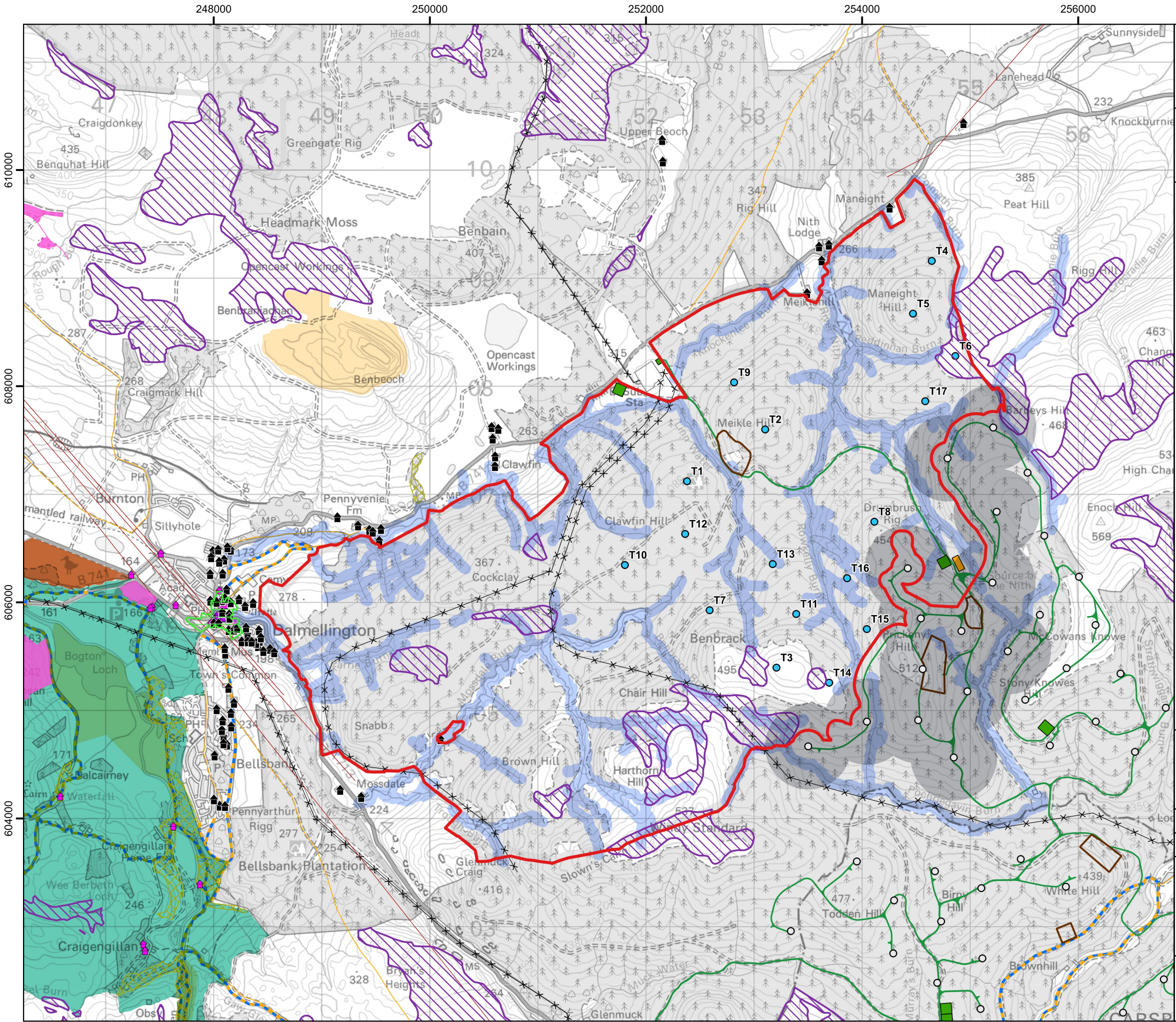
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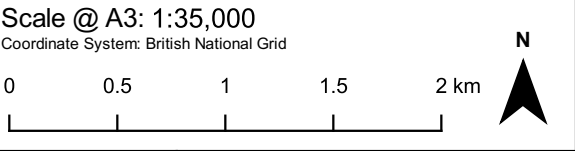


Project:  
**South Kyle II Wind Farm,  
East Ayrshire**

Title:  
**Figure 3: Site Layout and  
Constraints**

- Key**
- Site boundary
  - South Kyle II indicative turbine
  - South Kyle I turbine (under construction)
  - Separation zone (3 x R.D.) from South Kyle I turbines
  - Existing South Kyle I track
  - South Kyle I temporary construction compound
  - South Kyle I on-site control building & substation
  - South Kyle I borrow pit
  - Residential properties
  - 50 m buffer from watercourses & bodies
  - Historic Garden & Designed Landscape
  - Scheduled Ancient Monument
  - Conservation Area
  - Listed building
  - Scottish Wildlife Trust reserve
  - Site of Special Scientific Interest
  - Plantation on Ancient Woodlands Site
  - Right of Way
  - Core path
  - Nationally important Carbon & Peatland Soils
  - Indicative micropath
  - Electricity power line

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Date: 13-12-21	Prepared by: IW	Checked by: HB
Ref: GB201396_M_055_B	Layout: 010321_17t_A	

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**From:** [Correspondence Secretary](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Cc:** [Andrew Metcalf](#); [Andrew Metcalf](#); [Ben Ade](#); [Christine Whipp](#); [Clare Duggleby](#); [Darren Challis](#); [Ian Saunders](#); [Katch Holmes](#); [Liz Holmes](#); [Matt Hickman](#); [Melissa Ade](#); [Richard Duggleby](#); [Sarah Ade](#); [Sylvia Sinclair](#)  
**Subject:** Re: South Kyle II Wind Farm  
**Date:** 29 April 2022 20:32:14  
**Attachments:** [image001.png](#)

---

Dear Ms Bonner,

Thank you for this extension but we don't have time to respond by the 6th of May. We will instead comment on the EIAR when it comes.

Kind regards,

Anna Clark Kennedy

Correspondence Secretary  
Carsphairn Community Council

On Wed, 27 Apr 2022 at 09:21, <Victoria.Bonner@gov.scot> wrote:

Crosshill, Straiton and Kirkmichael Community Council's response to South Kyle II Scoping Report.

The Scoping Report is for the wind farm close to Dalmellington in East Ayrshire and consists of:

- Up to 17 wind turbines - tip heights expected to range from 180m to 220m in height to blade tip
- Reinforced concrete gravity turbine foundations
- Crane hardstand and temporary laydown areas
- Upgrading of existing and creation of new access tracks
- Temporary borrow pits
- Underground electricity cables
- Anemometry mast(s)
- External transformer housing
- Signage
- Temporary construction and storage compounds, laydown areas and ancillary infrastructure (toilets and temporary portacabins)
- Drainage and drainage attenuation measures (as required)
- Substation, compound and control building
- Battery/energy storage; and
- Green hydrogen generation and storage.

*1. Do consultees have any comments in relation to public consultation?*

We are pleased that Vattenfall considers consultation with the community to be crucial and would welcome public exhibitions in the area impacted, including Straiton. In our experience it is only through public exhibitions that the community can really appreciate the proposal and its impact. Residents also find it helpful to have knowledgeable representatives to answer any questions they may have. In addition it is very useful to have a computer set up to show what the proposed development would look like from any chosen location.

*2. Do consultees have any comments in relation to the approach to the EIA?*

We are concerned that scoping out non-significant effects may result in impacts on our Community Council area will not be considered as it is not adjacent to the proposal. It might be considered as not significant to the developer but is very significant to residents and businesses in our area.

*3. Do consultees have any comments in relation to the proposed chapters to be included in the EIAR?*

We note that there is no chapter on Tourism & Recreation and believe these should be addressed in a separate chapter.

*4. Do the consultees agree with the LVIA and CLVIA methodologies proposed?*

We agree that NatureScot's methodology and best practice be used.

*5. Do the consultees agree with the suggested viewpoint locations and visualisations detailed in Appendix 2?*

We would like additional viewpoints. 1. Craigengower Hill, a popular walk from Straiton. 2. Viewpoint from Straiton Hill Path, another popular walk. 3. Blairquhan Castle and Designed Landscape, an important wedding venue and filming location. 4. Cornish Hill Walk. 5. Carrick Forest Drive by Stinchar bridge.

*6. Do consultees agree with the approach suggested for aviation lighting?*

*7. Do the consultees agree with the approach to the sequential assessment?*

*8. Are consultees satisfied with the coverage provided by the vantage point locations?*

*9. Is the proposed scope and extent of the available and proposed baseline data considered to be sufficient to inform a reliable assessment of the potential effects of the Proposed Development?*

There appears to be a reliance on data from surrounding wind farm EIAs. Full surveys should be carried out as recommended by NatureScot. The Vantage Points appear very limited in their range and the area immediately surrounding the proposal should also be included.

*10. Are there any other key ornithological features that consultees believe should be considered that have not been discussed above?*

There is a programme to re-introduce Golden Eagles to the South of Scotland and this should be taken into account. Limiting the range to 10km for this species is rather low considering it flies considerable distances to obtain food. The Ospreys at Loch Doon have attracted many visitors to the area which has resulted in the expansion of local businesses (Roundhouse Café and a separate Caravan Site) and potential employment opportunities. Residents and visitors in our CC area also appreciate these spectacular birds. Given their importance, and the proximity to the proposed development, special attention should be given to them.

*11. Do consultees consider any Natura 2000 not discussed above as requiring consideration as part of screening for Appropriate Assessment?*

*12. Do consultees see value to any particular mitigation and/or enhancement measures for any local or regional species, whether referred to above or otherwise?*

As mentioned previously the Ospreys at Loch Doon require enhanced measures.

*13. Is the proposed scope and extent of the available and proposed baseline data considered to be sufficient to inform a reliable assessment of the potential effects of the Proposed Development?*

*14. Are there any other key ecological features that consultees believe should be considered that have not been discussed above?*

*15. Do consultees consider any Natura 2000 not discussed above as requiring consideration as part of screening for Appropriate Assessment?*

*16. Do consultees see value to any particular mitigation and/or enhancement measures for any local or regional species, whether referred to above or otherwise?*

*17. Can the consultees confirm that they agree with the proposed assessment methodologies, specifically the user of ETSU-R-97 and the IOA GPG to assess operational noise and BS5228 to assess construction noise?*

*18. Can the consultees agree that assessment of vibration, low frequency noise and amplitude modulation be scoped out of the EIA?*

We believe there could be issues with low frequency noise and this should not be scoped out.

*19. Do consultees agree with the proposed scope for shadow flicker?*

Shadow Flicker can occur at more than 10x rotor blades and distances of more than this should not be scoped out. Shadow Flicker can also be worse when two or more turbines are involved.

*20. Can Scottish Water confirm the presence of any public water supplies within the site boundary or with potential hydrological connectivity to the Site?*

*21. Do the consultees agree to scope out Lightning and Ice Throw from the EIA?*

*22. Do consultees agree with the proposed geographical extent of the assessment?*

*23. Do consultees agree that operational and decommissioning phases can be scoped out and the assessment will consider the effects during the construction phase only?*

*24. Can consultees provide traffic count data?*



*25. Do consultees agree that 'embedded mitigation' can be assumed in baseline assessment of receptors?*

We are pleased that pre-construction surveys will be completed before any proposed works are carried out but think that all Schedule 1 birds should be included and not just raptor species.

*26. Do the consultees agree with the approach to consider the environmental impacts in line with IEMA thresholds of 30% and 10%?*

*27. Do the consultees agree with the traffic assessment approach set out in the above section?*

*28. Do consultees agree that the 'worst case scenario' be modelled or would a realistic 'most likely scenario' approach be more appropriate?*

*29. Do Transport Scotland agree that in relation to their Transport Assessment Guidance, no 'Transport Statement' or 'Transport Assessment' is required?*

*30. Are consultees content with the proposed methodology and scope for the forestry assessment?*

In addition to the above we believe that The Environment Act 2021 should be included in the list of documents mentioned in 5.2.

**From:** [Dalmellington Community Council](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Subject:** Re: South Kyle II Wind Farm  
**Date:** 28 April 2022 10:14:06  
**Attachments:** [image001.png](#)  
[image001.png](#)

---

We currently have no issues with the proposed South Kyle II Wind Farm project and do not require an extension.

Lorraine Mair  
Chairperson  
Dalmellington Community Council





# Defence Infrastructure Organisation

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

Vicki Bonner  
Energy Consents Unit,  
Scottish Government,  
4th Floor,  
5 Atlantic Quay,  
150 Broomielaw,  
Glasgow.  
G2 8LU

MOD Telephone: 07970170934  
E-mail: teena.oulaghan100@mod.gov.uk

Application Ref: ECU00003429  
Our Reference: DIO10054784

11 May 2022

Dear Vicki,

**Site Name** South Kyle II

**Site Address** South-east of B741, south of Dalmellington and south-west of New Cummock in East Ayrshire.

**Proposal** Electricity Act 1989 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Request for scoping opinion for proposed Section 36 Application for South Kyle II.

Thank you for consulting the Ministry of Defence (MOD) on the above request for a scoping opinion for the proposed construction and operation of South Kyle II wind farm which was received by our office on 30 March 2022.

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 inform you that the MOD has concerns about this proposed development.

We have assessed this proposal on the basis that there will be 17 turbines at 220.00 metres in height from ground level to blade tip and located at the grid references detailed in the table below:

Turbine	Easting	Northing
1	252380	607120
2	253104	607559
3	253208	605395
4	254646	609159
5	254472	608671
6	254864	608279
7	252590	605927
8	254114	606746
9	252816	608035

10	251805	606345
11	253391	605892
12	252363	606632
13	253173	606354
14	253696	605256
15	254045	605752
16	253862	606223
17	254585	607861

It has been identified that this development will have the following impacts upon defence operations:

#### **Military Low Flying Training**

In this case the proposed 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 ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area. Therefore, in the interests of air safety, the MOD would request that the development be fitted with MOD accredited aviation safety lighting in accordance with the requirements of the Air Navigation Order 2016.

MOD Safeguarding wishes to be consulted and notified about the progression of this proposal and any subsequent application(s) that may be submitted relating to it to verify that it will not adversely affect defence interests.

I trust this adequately explains our position on this matter. Further information about the effects of wind turbines on MOD interests can be obtained from the following website:

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

Yours sincerely

Teena Oulaghan  
Safeguarding Manager

**From:** [Safe Guarding](#)  
**To:** [Econsents Admin](#); [Bonner V \(Victoria\)](#)  
**Cc:** [Safe Guarding](#)  
**Subject:** ECU00003429 - South Kyle II Wind Farm  
**Date:** 14 April 2022 14:19:16  
**Attachments:** [image001.png](#)

---

Good afternoon,

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

With best regards,  
Claire

**Claire Brown**

Aerodrome Safeguarding & Compliance Officer



t: +44 (0)131 344 3845 m: 07771 842927  
[www.edinburghairport.com](http://www.edinburghairport.com)

Edinburgh Airport Limited  
Room 3/54, 2<sup>nd</sup> Floor Terminal Building  
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**From:** [Brian Davidson](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Cc:** [James Henderson \(board@river-nith.com\)](#); [Debbie Parke \(trust@river-nith.com\)](#); [Austin Thomson](#); [Stuart Brabbs \(stuart@ayrshirerivertrust.org\)](#)  
**Subject:** RE: Request for Scoping Opinion South Kyle II  
**Date:** 15 April 2022 17:05:31  
**Attachments:** [image001.png](#)

---

Dear Victoria,

Thank you for your correspondence concerning South Kyle II Wind Farm near Dalmellington.

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 network of fishery trusts who provide a research, educational and monitoring role for all freshwater fish.

FMS act as a convenient central point for Scottish Government and developers to seek views on local developments. However, as we do not have the appropriate local knowledge, or the technical expertise to respond to specific projects, we are only able to provide a general response with regard to the potential risk of such developments to fish, their habitats and any dependent fisheries. Accordingly, our remit is confined mainly to alerting the relevant local DSFB/Trust to any proposal. The proposed development falls within the catchments relating to the River Doon and River Nith. It is important that the proposals are conducted in full consultation with the relevant DSFBs and Fisheries Trusts and I should be grateful if they could be involved in the project proposals. I have also copied this response to the Doon and Nith DSFBs, the Ayrshire Rivers Trust and Nith Catchment Fisheries Trust.

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 DSFB & TRUST CONTACT DETAILS](#)

Kind regards,

Brian

Brian Davidson | Dir Communications & Administration  
 Fisheries Management Scotland  
 11 Rutland Square, Edinburgh, EH1 2AS  
 Tel: 0131 221 6567 | 075844 84602  
[www.fms.scot](http://www.fms.scot)

---

**From:** [Ed Forrest](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Subject:** RE: South Kyle II Wind Farm  
**Date:** 25 April 2022 10:27:38  
**Attachments:** [image001.png](#)

---

Good Morning and thank-you for the opportunity to comment on South Kyle.

Due to capacity limitations Galloway and Southern Ayrshire Biosphere has a policy of only commenting on windfarm proposals that are situated within our core or buffer and for that reason will not be commenting on this proposal

Kind Regards

Ed Forrest

**From:** [Mail](#)  
**To:** [Bonner V \(Victoria\)](#); [Econsents Admin](#)  
**Cc:** [Keyes K \(Kirstin\)](#); [consultations@east-ayrshire.gov.uk](mailto:consultations@east-ayrshire.gov.uk)  
**Subject:** RE: Request for Scoping Opinion South Kyle II  
**Date:** 11 April 2022 21:45:03  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image007.png](#)  
[image008.png](#)

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Dear Vicki

The Galloway Fisheries Trust (GFT) is a charitable organisation which was formed in 1988, by a number of neighboring District Salmon Fishery Boards in Dumfries and Galloway. The aim of the GFT is to undertake research, provide advice and complete practical works to protect and enhance aquatic biodiversity, particularly fish species, living in the freshwaters and river catchments across Dumfries and Galloway which includes the Kirkcudbrightshire Dee. For further information on GFT see [www.gallowayfisheriestrust.org](http://www.gallowayfisheriestrust.org)

We wish to make the following specific comments / observations:

- In 9.2.4 – under ‘species specific surveys’ we agree that fish and FW pearl mussels should be included.
- In 9.2.5 – under ‘freshwater surveys’ we agree that fish habitat surveys should be included. We agree that Hendry & Cragg-Hine method is suitable.
- In 9.2.5 – Regarding the following statement ‘no specific electrofishing or macro-invertebrate surveys are proposed at this stage. Instead, discussions will be undertaken with the relevant local fisheries groups to identify whether this existing information is sufficient to present a baseline assessment for fish within the EIAR’ – it is important that additional sites are included if the existing information is not sufficient. We have already informed the developer that regarding the Dee catchment we feel an addition three sites are required for the baseline survey.
- In 9.2.5 – We are supportive that a ‘fish monitoring plan will be proposed to be conditioned should consent be granted’. This FMP would need to cover pre, during and post construction phases.
- Any new water course crossing must ensure fish access is protected. If instream works are planned in a watercourse supporting trout then such works should avoid taking place between October – May to protect spawning redds. Also a fish rescue by electrofishing should take place prior to instream works in fish supporting water courses.
- In 2021 Marine Scotland published guidance titled ‘Monitoring watercourses in relation to onshore wind farm developments: generic monitoring programme’ (<https://www.gov.scot/publications/monitoring-watercourses-in-relation-to-onshore-wind-farm-developments-generic-monitoring-programme/> ). This guidance states the need for fish surveys and aquatic invertebrates and provides guidance and minimum standards.
- We would appreciate the opportunity to comment in due course on any proposed Habitat Management Plan for the site. We feel there would be opportunities to improve the habitat for aquatic ecology especially fish. Riparian tree planting, using native deciduous species, could help to address future concerns with climate change driven increases in water temperatures.

The following have the potential to impact fish species and their habitats. These points/potential issues are of general concern and interest to us:

- Access track layout in relation to the proximity to sensitive fish habitat (e.g. spawning habitat);
- The number of watercourse crossings (new and upgraded);
- The location of new and upgraded watercourse crossings;



- New and upgraded watercourse crossing type, design, and structure, including information relating to the installation of each crossing point (e.g. maintaining the existing gradient, maintaining fish access at all water heights etc.);
- Construction information for new tracks (including layby locations), trackside drainage plans and designs especially in relation to increased run off rates;
- Turbine base locations;
- Turbine base excavation and associated run off from loose ground;
- Peat depth information in relation to water quality, peat slides or ground slips;
- Borrow pit locations;
- Changes to instream hydrological conditions and flush zones;
- Exacerbated erosion and/or elevated levels of suspended silt to watercourses during construction activities;
- Water quality monitoring information;
- Pollution to watercourses in the form of silt pollution;
- Pollution to watercourses in the form of chemical pollution;
- Reduction in quantity and quality of instream habitat;
- Adverse changes to instream morphology;
- Direct mortality of fish species;
- Mitigation measures to protect fish population and their habitats from the impact from all of the above;
- Timings of specific works such as new track building, new watercourse crossing installation, upgrading of existing watercourse crossings;
- Mitigation measures to protect watercourses, fish and their habitats – that which is built in to the design of the development and any additional mitigation measures which will be employed if required.

If you have any queries or would like clarification on any of the points raised above, please do not hesitate to contact me.

Regards  
Jamie

**Jamie Ribbens BSc (Hons) MSc**  
*Senior Fisheries Biologist*

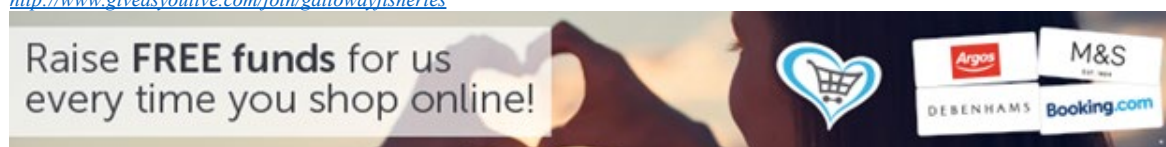
Galloway Fisheries Trust, Fisheries House, Station Industrial Estate, Newton Stewart, Wigtownshire, DG8 6ND  
Tel: 01671 403011  
**A Scottish Registered Charity (No. SC 020751)**

E: [jamie@gallowayfisheriestrust.org](mailto:jamie@gallowayfisheriestrust.org) W: [www.gallowayfisheriestrust.org](http://www.gallowayfisheriestrust.org)



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<http://www.giveasyoulive.com/join/gallowayfisheries>



**From:** [#GLA Safeguarding](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Subject:** RE: South Kyle II Wind Farm  
**Date:** 28 April 2022 16:21:24  
**Attachments:** [image001.png](#)  
[image675795.png](#)

---

Hi Victoria

This site is outwith our radar consultation zone and the turbines are below the height we require to assess for impact on instrument flight procedures.

Kind regards

Kirsteen



**#GLA Safeguarding**  
**#GLA Safeguarding**

☎ 07808 115 881  
 ✉ [glasafeguard@glasgowairport.com](mailto:glasafeguard@glasgowairport.com)  
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***By email only***

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

22 April 2022

Dear Vicki

**Glasgow Prestwick Airport**

**ELECTRICITY ACT 1989: THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 - REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR South Kyle II**

Glasgow Prestwick Airport Ltd ("the Airport") has reviewed the reviewed the scoping consultation documents available on the Energy Consents Unit portal for the proposed South Kyle II Windfarm (ECU00003429).

The Airport respond here to the South Kyle II Windfarm Scoping Report purely on aviation matters.

**The Airport's Safeguarding Assessment Process**

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

**Glasgow Prestwick Airport Ltd**

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 www.glasgowprestwick.com

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The Airport's preliminary Safeguarding Assessment Process has identified potential adverse effects on the Airport's Primary Surveillance Radar (PSR), the Secondary Surveillance Radar (SSR) service it receives from NATS Lowther Hill radar, its published Instrument Flight Procedures (IFP's), its Runway 30 Instrument Landing System (ILS) and its VHF Ground to Air Communication Equipment performance in the vicinity of the proposed South Kyle II Windfarm.

These issues having been identified, will require the Airport to conduct further assessment work on these key Communications, Navigation and Surveillance Systems (CNS) equipment(s) in conjunction with the Developer and subsequently conduct a full Air Traffic Control (ATC) Operational Impact Assessment which is provided for in the Airport's Safeguarding Assessment Process.

### **Aviation Lighting**

2. The Airport note there will be a detailed design to address the aviation warning obstruction lighting scheme as required by UK CAA for obstacles greater than 150m in height above local ground level in accordance with Article 222 of the UK Air Navigation Order (ANO) 2016 and in particular how the Developer will address aviation night lighting in the vicinity of a dark sky area.

The Airport note that while solely a matter for the CAA to consider, should the final aviation lighting scheme consider the use of Aircraft Detection Lighting System (ADLS) dependent upon Electronic Conspicuity (EC) Equipment(s) and be part of any alternate proposed lighting scheme, the Airport respectfully request to be consulted with.

### **Primary Surveillance Radar (PSR)**

3. Preliminary Radar Line of Sight (LOS) analysis at the proposed maximum turbine tip heights of 220m for the South Kyle II Windfarm – indicates that there is the potential that all 17 proposed turbines would be visible to the Airports primary surveillance radars.

It will be necessary for further detailed radar modelling assessments/flight trials be undertaken to confirm the exact number of turbines visible to the Airport's primary radars and whether the clutter and other degradative effects resulting (ie shadowing, loss of base of radar cover, etc) from the

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visible turbines can be mitigated for the lifetime of the windfarm via an appropriate radar technology solution and associated mitigation agreement.

#### **Instrument Flight Procedures (IFP's)**

4. Furthermore, given the proposed maximum tip height (220m) of the turbines, we also request that the Developer engages with the Airport to agree who undertakes the IFP Assessment to establish fully if the proposed development is likely to have any impact on our published Instrument Flight Procedures (IFP's) – both the conventional and RNAV/RNP published IFP's as published in the UK Aeronautical Information Publication (AIP) for Glasgow Prestwick Airport (EGPK).

#### **Technical Safeguarding (Preliminary) – Instrument Landing System (ILS) and VHF Communication Equipment(s)**

5. Preliminary analysis indicates it may also be necessary to conduct a detailed Technical Safeguarding Assessment in respect of the protection of the Airport's Runway 30 Instrument Landing System (ILS) and VHF Ground to Air Radio Navigation Equipment(s) performance in the vicinity of the proposed South Kyle II windfarm.

These concerns will require to be considered as part of the overall full Technical Safeguarding Assessment.

#### **Secondary Surveillance Radar (SSR)**

6. The Airport also has concerns that the cumulative impact and proliferation of windfarms in the vicinity of this proposed development may have an impact on the low level coverage that the Airport currently enjoys from the SSR data feed it receives from the NATS Lowther Hill SSR.

These concerns will require to be considered as part of the overall full Technical Safeguarding Assessment.

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### **ATC Operational Impact Assessment (Preliminary)**

7. A preliminary ATC Operational Assessment indicates that this proposed development lies on the edge of Glasgow Prestwick Airport's Controlled Airspace and in an area where the Airport's ATC regularly provide an air traffic service, and as such if some (or all) of the turbines are confirmed visible to the Airport's primary surveillance radar then mitigation will be required, together with a review of any impact on our flight procedures or aeronautical charts as published in the UK Aeronautical Information Publication (AIP) for Glasgow Prestwick Airport (EGPK).

### **Cumulative Impact**

8. The Airport also raises concerns in respect of the cumulative impact, due to other operational, consented and proposed windfarms in the vicinity of the proposed South Kyle II Windfarm and the impact that this cumulative proliferation of windfarms may have on the Airport's Communications, Navigation and Surveillance (CNS) equipment(s), together with the potential for ATC operational impact in having such a cluster of windfarms in the vicinity of the aerodrome in an area of airspace that is operationally significant to ATC.

### **Conclusions**

9. The Airport believe the scope of the Aviation Assessment Section of the full Environmental Impact Assessment (EIA) for the proposed South Kyle II Windfarm needs to fully consider the points raised in sections 2) to 8) above - specifically for Glasgow Prestwick Airport.
10. In line with CAP764 – '*Policy & Guideline on Wind Farms*', the Airport has welcomed the early dialogue and engagement with the Developer in a collaborative effort to address the aviation concerns raised above – which will allow a full ATC Operational Impact Assessment to be conducted against the proposed development, together with a full Technical Safeguarding Assessment against all Communications, Navigation and Surveillance (CNS) equipment(s) installed at the Airport.

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11. Consequently, until such times as the aviation safety matters as detailed above are appropriately addressed, should the proposed South Kyle II Windfarm come forward as a full Section 36 Planning Application, it is likely that the Airport would be minded to **object** to the development.

Yours faithfully

Steve Thomson  
Manager Air Traffic Services  
For and on behalf of Glasgow Prestwick Airport Limited

**Glasgow Prestwick Airport Ltd**

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**From:** [Rosie Simpson](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Subject:** RE: South Kyle II Wind Farm  
**Date:** 25 April 2022 10:52:29  
**Attachments:** [image001.png](#)

---

Good Morning Vicki,

Thank you for this reminder email. I can confirm we do not expect to send a response nor require an extension to the deadline.

Yours sincerely,  
Rosie

---





**From:** [JRC Windfarm Coordinations](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Cc:** [ScotlandGas Networks](#); [Scottish Power](#)  
**Subject:** South Kyle 2 - Request for Scoping Opinion South Kyle II [WF551477]  
**Date:** 05 April 2022 11:15:18

---

Dear victoria,

A Windfarms Team member has replied to your co-ordination request, reference **WF551477** with the following response:

*Please do not reply to this email - the responses are not monitored.*

*If you need us to investigate further, then please use the link at the end of this response or login to your account for access to your co-ordination requests and responses.*

---

Dear Victoria,

**Site Name:** South Kyle II (ECU00003429)

**Turbine at NGR:**

1 252380 607120  
 2 253104 607599  
 3 253208 605395  
 4 254646 609159  
 5 254472 608671  
 6 254864 608279  
 7 252590 605927  
 8 254114 606746  
 9 252816 608035  
 10 251805 606345  
 11 253391 605892  
 12 252363 606632  
 13 253173 606354  
 14 253696 605256  
 15 254045 605752  
 16 253862 606223  
 17 254585 607861

**Max Tip Height:** 220m

*(working calculations using: Hub Height: 130m Rotor Radius: 90m)*

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

**Scottish Power and Scotia Gas Networks**

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

*support of their regulatory operational requirements.*

*In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided.*

*However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal. Please note that due to the large number of adjacent radio links in this vicinity, which have been taken into account, clearance is given specifically for a location within the declared grid reference (quoted above).*

*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, you are advised to seek re-coordination prior to submitting a planning application, as this will negate the possibility of an objection being raised at that time as a consequence of any links assigned between your enquiry and the finalisation of your project.*

*JRC offers a range of radio planning and analysis services. If you require any assistance, please contact us by phone or email.*

*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.*

*Registered in England & Wales: 2990041*

*[About The JRC | Joint Radio Company | JRC](#)*

***We maintain your personal contact details in accordance with GDPR requirements for the purpose of 'Legitimate Interest' for communication with you. However, you have the right to be removed from our contact database. If you would like to be removed, please contact [anita.lad@jrc.co.uk](mailto:anita.lad@jrc.co.uk).***

We hope this response has sufficiently answered your query.

If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email by clicking on the link below or login to your account** for access to your co-ordination requests and responses.

**From:** [Allott, Tim](#) on behalf of [metofficesafeguarding](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Cc:** [Keyes K \(Kirstin\)](#)  
**Subject:** RE: Request for Scoping Opinion South Kyle II  
**Date:** 01 April 2022 09:47:11  
**Attachments:** [image001.png](#)

---

Dear Vicki,

Thanks for consulting the Met Office about the proposal at South Kyle II Wind Farm. The nearest Met Office weather radar is approx. 74km distant and not in any of our consultation zones. More info is available at: <https://www.metoffice.gov.uk/services/business-industry/energy/safeguarding>

Therefore we have no objections and do not need to be consulted further.

Kind regards,

Tim Allott

Upper Air Observations

**Met Office**, FitzRoy Road, Exeter, Devon, EX1 3PB, United Kingdom

E-mail: [metofficesafeguarding@metoffice.gov.uk](mailto:metofficesafeguarding@metoffice.gov.uk)

Web: <https://www.metoffice.gov.uk/services/business-industry/energy/safeguarding>

**From:** [Davie Black](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Subject:** RE: South Kyle II Wind Farm  
**Date:** 28 April 2022 14:11:47  
**Attachments:** [image002.png](#)  
[image006.png](#)

---

Dear Ms Bonner,  
Mountaineering Scotland has no comments to make on this proposal at this time.

With kind regards

Davie Black  
**Access & Conservation Officer**

T: 07555 769325

Mountaineering Scotland  
The Granary, West Mill Street  
Perth, PH1 5QP



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**From:** [.box.assetprotection](#)  
**To:** [Econsents Admin](#)  
**Cc:** [Bonner V \(Victoria\)](#)  
**Subject:** RE: [EXTERNAL] Request for Scoping Opinion South Kyle II  
**Date:** 05 April 2022 15:16:19  
**Attachments:** [image001.png](#)

---

Hi,

Thank you for your email.

Regarding planning application for South Kyle II there are no National Grid assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with [www.lsbud.co.uk](http://www.lsbud.co.uk). Additionally, if the location or works type changes, please raise an enquiry.

Kind regards

**Hayley White**

Asset Protection Assistant  
Operations Support  
Gas Transmission  
**nationalgrid**

Working Near Our Assets?

<https://www.nationalgrid.com/uk/gas-transmission/land-and-assets/working-near-our-assets>

**Tel mobile: 07855148652**

[hayley.white@nationalgrid.com](mailto:hayley.white@nationalgrid.com)

National Grid House, (Floor D3), Warwick Technology Park, Gallows Hill, Warwick,  
CV34 6DA

[nationalgrid.com](http://nationalgrid.com) | [Twitter](#) | [LinkedIn](#)

Please consider the environment before printing this email.

**From:** [NATS Safeguarding](#)  
**To:** [Econsents Admin](#)  
**Cc:** [Keyes K \(Kirstin\)](#); [Bonner V \(Victoria\)](#)  
**Subject:** RE: Request for Scoping Opinion South Kyle II [SG33103]  
**Date:** 21 April 2022 14:07:49  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[SG33103 South Kyle II Wind Farm - TOPA Issue 1.pdf](#)

---

Our Ref: SG33103

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 SG33103.

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**  
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NATS Public

---

Prepared by:  
NATS Safeguarding Office



# Technical and Operational Assessment (TOPA)

For South Kyle II  
Wind Farm Development

NATS ref: SG33103

Scottish Gov ref: ECU00003429

Issue 1

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## Publication History

Issue	Month/Year	Change Requests and summary
1	April 2022	Scoping Opinion

## Document Use

External use: Yes

## Referenced Documents

## 1. Background

### 1.1. En-route Consultation

NATS en-route plc is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility it has a comprehensive infrastructure of RADAR's, communication systems and navigational aids throughout the UK, all of which could be compromised by the establishment of a wind farm.

In this respect NATS is responsible for safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control (ATC).

In order to discharge this responsibility NATS is a statutory consultee for all wind farm applications, and as such assesses the potential impact of every proposed development in the UK.

The technical assessment sections of this document define the assessments carried out against the development proposed in section 3.

## 2. Scope

This report provides NATS En-Route plc's view on the proposed application in respect of the impact upon its own operations and in respect of the application details contained within this report.

Where an impact is also anticipated on users of a shared asset (e.g. a NATS RADAR used by airports or other customers), additional relevant information may be included for information only. While an endeavour is made to give an insight in respect of any impact on other aviation stakeholders, it should be noted that this is outside of NATS' statutory obligations and that any engagement in respect of planning objections or mitigation should be had with the relevant stakeholder, although NATS as the asset owner may assist where possible.

### 3. Application Details

Scottish Government submitted a request for a NATS technical and operational assessment (TOPA) for the development at South Kyle II Wind Farm. It will comprise turbines as detailed in Table 1 and contained within an area as shown in the diagrams contained in Appendix B.

Turbine	Lat	Long	East	North	Hub (m)	Tip (m)
1	55.3359	-4.3289	252380	607120	220	220
2	55.3404	-4.3177	253104	607599	220	220
3	55.3207	-4.3149	253208	605395	220	220
4	55.3549	-4.2942	254646	609159	220	220
5	55.3504	-4.2967	254472	608671	220	220
6	55.3470	-4.2904	254864	608279	220	220
7	55.3252	-4.3249	252590	605927	220	220
8	55.3331	-4.3014	254114	606746	220	220
9	55.3442	-4.3225	252816	608035	220	220
10	55.3288	-4.3375	251805	606345	220	220
11	55.3252	-4.3123	253391	605892	220	220
12	55.3315	-4.3289	252363	606632	220	220
13	55.3293	-4.3160	253173	606354	220	220
14	55.3196	-4.3072	253696	605256	220	220
15	55.3241	-4.3019	254045	605752	220	220
16	55.3283	-4.3051	253862	606223	220	220
17	55.3432	-4.2945	254585	607861	220	220

**Table 1 – Turbine Details**

### 4. Assessments Required

The proposed development falls within the assessment area of the following systems:

En-route Surv	Lat	Long	nm	km	Az (deg)	Type
Great Dun Fell Radar	54.6841	-2.4509	74.6	138.2	302.1	CMB
Lowther Hill Radar	55.3778	-3.7530	18.5	34.2	262.5	CMB
Perwinnes Radar	57.2123	-2.1309	133.0	246.4	213.8	CMB
Tiree Radar	56.4556	-6.9230	110.3	204.4	126.3	CMB
En-route Nav	Lat	Long	nm	km	Az (deg)	Type
None						
En-route AGA	Lat	Long	nm	km	Az (deg)	Type
None						

**Table 2 – Impacted Infrastructure**

## 4.1. En-route RADAR Technical Assessment

### 4.1.1. Predicted Impact on Lowther RADAR

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

### 4.1.2. Predicted Impact on Great Dun Fell RADAR (T3 and T14)

Using the theory as described in Appendix A and turbine specific propagation profiles it has been determined that the terrain screening available for turbines T3 and T14 will not adequately attenuate the signal, and therefore these turbines are likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

### 4.1.3. En-route operational assessment of RADAR impact

Where an assessment reveals a technical impact on a specific NATS' RADAR, the users of that RADAR are consulted to ascertain whether the anticipated impact is acceptable to their operations or not.

Unit or role	Comment
Prestwick Centre ATC	Unacceptable
Military ATC	Acceptable

*Note: The technical impact, as detailed above, has also been passed to non-NATS users of the affected RADAR, this may have included other planning consultees such as the MOD or other airports. Should these users consider the impact to be unacceptable it is expected that they will contact the planning authority directly to raise their concerns.*

## 4.2. En-route Navigational Aid Assessment

### 4.2.1. Predicted Impact on Navigation Aids

No impact is anticipated on NATS' navigation aids.

## 4.3. En-route Radio Communication Assessment

### 4.3.1. Predicted Impact on the Radio Communications Infrastructure

No impact is anticipated on NATS' radio communications infrastructure.

## 5. Conclusions

### 5.1. En-route Consultation

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be unacceptable.

## Appendix A – Background RADAR Theory

### Primary RADAR False Plots

When RADAR transmits a pulse of energy with a power of  $P_t$  the power density,  $P$ , at a range of  $r$  is given by the equation:

$$P = \frac{G_t P_t}{4\pi r^2}$$

Where  $G_t$  is the gain of the RADAR's antenna in the direction in question.

If an object at this point in space has a RADAR cross section of  $\sigma$ , this can be treated as if the object re-radiates the pulse with a gain of  $\sigma$  and therefore the power density of the reflected signal at the RADAR is given by the equation:

$$P_a = \frac{\sigma P}{4\pi r^2} = \frac{\sigma G_t P_t}{(4\pi)^2 r^4}$$

The RADAR's ability to collect this power and feed it to its receiver is a function of its antenna's effective area,  $A_e$ , and is given by the equation:

$$P_r = P_a A_e = \frac{P_a G_r \lambda^2}{4\pi} = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4}$$

Where  $G_r$  is the RADAR antenna's receive gain in the direction of the object and  $\lambda$  is the RADAR's wavelength.

In a real world environment this equation must be augmented to include losses due to a variety of factors both internal to the RADAR system as well as external losses due to terrain and atmospheric absorption.

For simplicity these losses are generally combined in a single variable  $L$

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4 L}$$

## Secondary RADAR Reflections

When modelling the impact on SSR the probability that an indirect signal reflected from a wind turbine has the signal strength to be confused for a real interrogation or reply can be determined from a similar equation:

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r_t^2 r_r^2 L}$$

Where  $r_t$  and  $r_r$  are the range from RADAR-to-turbine and turbine-to-aircraft respectively. This equation can be rearranged to give the radius from the turbine within which an aircraft must be for reflections to become a problem.

$$r_r = \sqrt{\frac{\lambda^2}{(4\pi)^3}} \sqrt{\frac{\sigma G_t G_t P_t}{r_t^2 P L}}$$

## Shadowing

When turbines lie directly between a RADAR and an aircraft not only do they have the potential to absorb or deflect, enough power such that the signal is of insufficient level to be detected on arrival.

It is also possible that azimuth determination, whether this done via sliding window or monopulse, can be distorted giving rise to inaccurate position reporting.

## Terrain and Propagation Modelling

All terrain and propagation modelling is carried out by a software tool called ICS Telecom (version 11.1.7). All calculations of propagation losses are carried out with ICS Telecom configured to use the ITU-R 526 propagation model.







# New Cumnock Community Council

**Vicki Bonner**  
 Consents Caseworker,  
 Energy Consents Unit,  
 The Scottish Government  
 Email: [Victoria.Bonner@gov.scot](mailto:Victoria.Bonner@gov.scot)

**Subject: Scoping South Kyle 2 Wind Farm**

Dear Victoria,

Thank you for the request for a scoping response to the repowering of windy standard. New Cumnock Community Council (NCCC) would like to request the following specific requests are given due consideration for assessment by the community.

1. **Viewpoints**. NCCC has prepared a guidance document for developers for viewpoint locations, so that a standardised approach is taken by all developers, particularly as we are subject to many simultaneous applications. This document is attached, (updated 2021) and we encourage the developers to use this where practically possible. It is not a definitive listing, and it is therefore possible that alternative or additional viewpoints may be sought.
2. **Project specific Photomontages**. We request that photomontages are produced showing worst case scenario visual impacts and avoid washed out and over exposed turbine representations.
3. **Cumulative impact photomontages**. As New Cumnock is currently subject to 5 existing wind farms, 1 under construction, 6 that have been consented and 7 that are in the planning system, we request that cumulative photomontages are produced to allow residents to view the proposed project and how it sits in the wider landscape with the other windfarms, they having been consented or still in the planning stages. This will allow residents to view the development in the whole.
4. **Night time lighting**. As the proposed turbines are significantly higher than the consented South Kyle1. 150m, these will have to be visibly lit to comply with current CAA nighttime lighting regulations. We therefore request that cumulative nighttime photomontages are made available to allow residents to view the proposed project and how it sits in the wider landscape with the other windfarms, they having been consented or still in the planning stages.

05/05/2022

Ian Allan

Secretary, New Cumnock Community Council

Chair: Marie Walker  
 Secretary: Ian Allan  
 Email: [ncccgroupp@outlook.com](mailto:ncccgroupp@outlook.com)

# NEW CUMNOCK COMMUNITY COUNCIL PREFERRED VIEWPOINTS 2018



**Viewpoint 1:** A76 Southbound layby near Lochside Hotel. **Viewpoint 2:** Mansfield Rd, halfway along. **Viewpoint 3:** A76 northbound overlooking New Cumnock. **Viewpoint 4:** A76 centre of road over railway. **Viewpoint 5:** Burnside community. **Viewpoint 6:** Highest point along road linking Boig Rd and B741. **Viewpoint 7:** Covenanterns Memorial Cross viewing area. **Viewpoint 8:** B741 near Maneight Farm



**From:** board@river-nith.com <board@river-nith.com>  
**Sent:** 08 April 2022 16:58  
**To:** consultations@east-ayrshire.gov.uk  
**Cc:** Econsents\_Admin@gov.scot; law@walker-sharpe.co.uk  
**Subject:** 22/0001/S36SCP South Kyle II Wind Farm

Dear Sir/Madam

I write in response to your consultation regarding a Scoping Opinion for a proposed Section 36 application for South Kyle II wind farm on behalf of Nith District Salmon Fishery Board (NDSFB) the statutory body responsible for the management of migratory salmonid species of fish within the River Nith catchment. I can confirm that I have received all the relevant documentation and that I am familiar with the proposed site footprint at South Kyle II. NDSFB has conducted all the historic aquatic surveys relating to the original South Kyle site and continues to conduct these surveys within the Nith catchment.

The most relevant section of the scoping report for our Board is section 9 Ecology. In section 9.2.5 Freshwater surveys, NDSFB notes that it is planned to have a habitat suitability survey undertaken during 2022. In addition, we can confirm that Electrofishing and Macroinvertebrate sampling is currently being conducted within the Nith catchment, much of which is very relevant to this proposal. NDSFB considers that the “best evidence” gained from the factual data which has been collected already, outweighs the information gained from any walk over surveys and accordingly would advise against conducting the walk over survey of the River Nith sites upstream of Nith lodge.

There are some additional watercourses that it will be necessary to survey in relation to the South Kyle II proposals. These watercourses will need to be surveyed as part of the monitoring requirements for the South Kyle II project. NDSFB have been in discussions with the environmental consultants, Natural Power, acting on behalf of the South Kyle II project and we have made recommendations regarding appropriate monitoring locations that are not currently covered by the original South Kyle project. I attach a copy of that correspondence to Laura Shreeve from Natural Power, for your information.

Please do not hesitate to contact NDSFB should there be any further clarification required.

Kind Regards

Jim Henderson BSc (Hons), CEnv, MIFM

Director

Nith District Salmon Fishery Board

37 George Street, Dumfries, DG1 1EB

tel: 01387 740 043

mob: 07785 300 015

email: board@river-nith.com

web: www.river-nith.com

Please see our Privacy Notice for information on how we use and process your data - [www.river-nith.com/the-board/ndsfb-privacy-policy](http://www.river-nith.com/the-board/ndsfb-privacy-policy)

**From:** [board@river-nith.com](mailto:board@river-nith.com)  
**To:** [aurash@naturalpower.com](mailto:aurash@naturalpower.com)  
**Subject:** South Kyle II aquatic monitoring Nith catchment  
**Date:** 11 March 2022 09:48:56

---

Good Morning Laura

I have been past your correspondence regarding South Kyle II from Debbie Parke. You should be aware that Nith District Salmon Fishery Board (NDSFB), the statutory body responsible for the management of migratory salmonid species of fish within the River Nith catchment, deal with all planning issues relating to construction within the Nith catchment. We currently conduct all aquatic surveys relating to the current South Kyle development which is located within the Nith catchment. I have met with Peter Mathews on site previously when I have been electrofishing. (I ascertain that today is Pete's last day off to pastures new).

There is a large section of the proposed South Kyle II wind farm that is located within the River Nith catchment and accordingly within our jurisdiction. The proposed South Kyle II is fortunate in that some of the current survey work that is conducted to support the existing South Kyle development will be of use. There are some watercourse on the East and North of the proposed new land footprint that we currently do not survey, these include the Knockenlee Burn, the Peddinnan Burn, the Polmath Burn, the Knockburnie Burn and parts of the River Nith downstream from where we currently survey. Assuming that we would be continuing with the existing aquatic surveying regime for South Kyle which would be required for the South Kyle II I have plotted some additional monitoring sites on our GIS system, they are as follows:

Knockenlee Burn two sites (253512 609171) and (253181 608839)

Peddinnan Burn one site (253979 608357)

Polmath Burn one site (254436 609948)

River Nith one site (253866 611246)

Knockburnie Burn one site (256266 610394)

All of the above are obviously derived from a desktop exercise and would be subject to micro siting when in the field.

Please feel free to contact me further on any of the above information.

Kind Regards

Jim Henderson BSc (Hons), CEnv, MIFM  
 Director  
 Nith District Salmon Fishery Board  
 37 George Street, Dumfries, DG1 1EB  
 tel: 01387 740 043  
 mob: 07785 300 015

**From:** [Ochiltree Community Council - Beth Griffin](#)  
**To:** [Econsents Admin](#)  
**Cc:** [Bonner V \(Victoria\)](#)  
**Subject:** Re: Fwd: Request for Scoping Opinion South Kyle II  
**Date:** 25 April 2022 17:00:45  
**Attachments:** [image001.png](#)

---

Following the meeting of Ochiltree and Skares Community Council we have no comments to make on this scoping application

**From:** [Ed Tooth](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Subject:** RE: Request for Scoping Opinion South Kyle II  
**Date:** 25 April 2022 16:57:55  
**Attachments:** [image004.png](#)

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Dear Vicki,

Many thanks for consulting us on the scoping opinion for South Kyle II.

Our only comments are in relation to any potential Habitat Management Plan (HMP). The area surrounding South Kyle, and some areas of the forest, are key for Black Grouse in southern Scotland, particularly in maintaining connectivity between the populations in the east and west. As such, we would recommend that any proposed management as part of the HMP is targeted at improving habitats for Black Grouse. This could include ditch blocking, peatland restoration, low density native broad-leaved tree planting and removal of invasive non-native conifers from open habitats (where applicable).

If you have any further questions, please don't hesitate to get back to me.

All the best,

**Ed Tooth**

Conservation Officer – Scottish Lowlands and Southern Uplands (Dumfries & Galloway, East Ayrshire, Scottish Borders, South Ayrshire and South Lanarkshire)

**Please note** that I am currently working from home where mobile signal is very poor. Email is the best way to contact me at this time.

**Dumfries and Galloway Office** – RSPB, The Old Schoolhouse, Crossmichael, Castle Douglas, DG7 3AP  
**Mobile** 07823 553449

[rspb.org.uk](https://www.rspb.org.uk)

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The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

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Scottish  
Forestry  
Coilltearachd  
na h-Alba

A86

Greystone Park  
55/57 Moffat Road  
Dumfries DG1 1NP  
forestry.gov.scot

Email: southscotland.cons@forestry.gov.scot  
Tel: 0300 067 6500

Conservator: Neil Murray

Vicki Bonner  
Consents Caseworker  
Energy Consents Unit  
Scottish Government

31.03.2022

Dear Ms Bonner,

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

### **REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR South Kyle II**

Thank you for consulting Scottish Forestry regarding the South Kyle II windfarm. I note that this windfarm is located within existing forestry plantation and hence the following comments relate to how impact on forestry should be considered.

Scotland's woodlands and forestry are an economic resource, as well as an environmental asset, as stated in the third National Planning Framework (para4.23, page 48, published at [National Planning Framework 3 - gov.scot \(www.gov.scot\)](http://www.gov.scot))

There is a strong presumption in favour of protecting Scotland's woodland resources. For this reason the Scottish Government published a [policy](#) on control of woodland removal in (refer Scottish Planning Policy paragraph 218). The policy aims protect the existing forest resource in Scotland and supports woodland removal only where it would achieve significant and clearly defined additional public benefits. In some cases, including those associated with development, a proposal for compensatory planting may form part of this balance.

The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the policy on control of woodland removal. These should be taken into account when preparing the development plans for a wind farm proposal. Beyond this, applicants should refer to guidance documents issued by Scottish Forestry in relation to good forestry practice, sustainable forest management and associated environmental issues.

### **Woodland Management and tree felling**

The first consideration for the developer should be whether the underlying purpose of the proposals can reasonably be met without resorting to woodland removal. Design approaches which reduce the scale of felling required to facilitate the development should be considered and integration of the development with the existing woodland structure is a key part of the consenting process.



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

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

Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do chaoiltearachd

BRAVE values and behaviours are the roots that underpin our work.



Where a developer intends to construct a windfarm within a forest, partially within a forest, or that will affect the forest environment, it is important that pre-application discussions takes place with Scottish Forestry (SF), the planning authority and other relevant key agencies, at the earliest possible stage of the project, to ensure all parties have a shared understanding of the nature of the proposed development, information requirements and the likely timescale for determination. This collaborative approach will ensure that all forestry issues are identified and mitigated at the earliest opportunity.

The developer should consider the potential cumulative impact of the proposed development in respect to the local and regional context. This should include consideration of potential cumulative impact of proposed woodland removal, when considering existing development in the surrounding woodland. In particular consideration needs to be given to the implication of felling operations on such things as habitat connectivity, landscape impact, impact on timber transport network and forestry policies included in the local and regional Forestry and Woodland Strategies and local development plans.

The EIA Report should include a stand-alone chapter on 'Woodland management and tree felling' that describes and recognises the social, economic and environmental values of the forest and the woodland habitat and take into account the fact that, once mature, the forest would have been managed into a subsequent rotation, often through a restructuring proposal that would have increased the diversity of tree species and the landscape design of the forest. The chapter should describe the baseline conditions of the forest, including its ownership. This will include information on species composition, age class structure, yield class and other relevant crop information. The baseline should be prepared from existing records, site surveys and aerial photographs. The chapter should clearly indicate proposed areas of woodland for felling to accommodate new turbines, access roads and other infrastructure. Details of the area to be cleared around those structures should also be provided, along with evidence to support the proposed scale and phasing of felling. The chapter should describe the changes to the forest structure, the woodland composition and describe the work programme. The felling plan should clearly identify which areas are to be felled and when.

Trees cleared for turbine bases, access roads and any other wind farm related infrastructure must be replaced by replanted on-site or on an alternative site (compensatory planting). The restocking plan should show which areas are to be replanted and when during the life of the windfarm. The plan should clearly identify and describe the restocking operations including changes to the species composition, age class structure, timber production and traffic movements. Integration of the windfarm into future forest design plans is a key part of the development process. Applicants are therefore advised to prepare a Long Term Forest Plan, alongside their EIA Report, that provides a strategic vision to deliver environmental benefits through sustainable forest management and describes the major forest operations over a 20 years period. Such a plan should be presented to the planning authority, as a technical appendix as part of the EIA Report, for context.

SF is the main forestry consultee and should be consulted throughout the development of the proposal to ensure that proposed changes to the woodland are appropriate and address the requirements of the policy on control of woodland removal.

It should be made clear that both felling operations and compensatory planting (if relevant) must be carried out in accordance to good forestry practice as defined in the UK Forestry Standard (UKFS). The UKFS, supported by a series of guidelines, is the reference standard for sustainable forest management in the UK and provides a basis for regulation and

monitoring. The Scottish Government expects all forestry plans and operations in Scotland to comply with the standards. SF therefore expect for EIA Report developed for wind farms (and other projects that impact on forests) to clearly state that the project will be developed and implemented in accordance with the UKFS and associated guidelines. A key component of this is to ensure that even-age woodlands are progressively restructured in a sustainable manner: felling coupes should be phased to meet adjacency requirements and their size should be of a scale which is appropriate in the context of the surrounding woodland environment. Details of the proposed mitigation should not be left to post-consent Habitat Management Plans (or others) to decide and implement. The specifics of the proposed mitigation should be included in a Compensatory Planting Plan, appropriately described in the EIA Report, as they are vital in understanding the development in full.

**Scottish Forestry**

SF Is the Scottish Government agency responsible for forestry policy, support and regulations so has an interest in major developments that have the potential to impact on local forests and woodlands and/or the forestry sector.

Relevant discussion on forestry matters should take place prior to the submission of an EIA Report and developers and their consultants should allow sufficient time in their project plan to accommodate such advice. Developers should consult the local SF Conservancy office that can be accessed at: [Scottish Forestry - Contact](#)

Yours Sincerely

Neil Murray: Conservator  
South Scotland Conservancy.

Monday, 25 April 2022



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

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**South Kyle II Wind Farm, Dalmellington, KA6 7QU**  
**Planning Ref: ECU00003429**  
**Our Ref: DSCAS-0061949-4XG**  
**Proposal: A scoping opinion is requested on the proposed South Kyle II Wind Farm. The wind farm development proposes to install up to 17 turbines and is located in East Ayrshire.**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

### **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

## Drinking Water Protected Areas

A review of our records indicates that the proposed activity falls partly within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Carsfad Reservoir supplies Lochinvar Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified immediately using the Customer Helpline number **0800 0778 778**.

The activity is a sufficient distance from our intake that it is likely to be of low risk to water quality. Only turbines 3, 11, 14 and 15 are within the catchment and it may be advisable to consider if these can or should be moved out with the catchment.

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

We welcome receipt of this notification about the proposed activity within a drinking water catchment where a Scottish Water abstraction is located.

The fact that this area is located within a drinking water catchment should be noted in future documentation. Also, anyone working on site should be made aware of this during site inductions.

We would request further involvement at the more detailed design stages, to determine the most appropriate proposals and mitigation within the catchment to protect water quality and quantity.

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## Surface Water

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

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

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

**General notes:**

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

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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto: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."*

**From:** [Eleisha Fahy](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Subject:** RE: South Kyle II Wind Farm [06040]  
**Date:** 29 April 2022 18:42:40  
**Attachments:** [image001.png](#)

---

Hi Vicki,

Many apologies, this scoping request was misfiled without a Target Date and thus inadvertently overlooked. Having now picked it up, I can confirm that we do not intend submitting a response, so would not have required an extension.

I'm sorry to have be slow in letting you know.

Kind regards,  
Eleisha

Eleisha Fahy  
Senior Access Officer  
Scottish Rights of Way and Access Society (ScotWays)  
24 Annandale Street, Edinburgh EH7 4AN  
tel: 0131 558 1222  
web: [www.scotways.com](http://www.scotways.com)  
follow us on Twitter: @ScotWays  
find us on Facebook: ScotWays

Safeguarding Public Access in Scotland since 1845

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Company number 24243  
Registered office as above  
Scottish Charity number SC015460

*ScotWays will be closed on Monday 2<sup>nd</sup> May.*



**From:** [Browne, Adrian](#)  
**To:** [Bonner V \(Victoria\)](#)  
**Cc:** [Planning Submissions](#)  
**Subject:** RE: Request for Scoping Opinion South Kyle II  
**Date:** 21 April 2022 09:09:10  
**Attachments:** [image001.png](#)  
[FW Request for Scoping Opinion South Kyle II.msg](#)

---

Good Morning Victoria,

Thank you for the opportunity to comment on the scoping for the South Kyle II windfarm, located to the east of Dalmellington.

I am generally content with the scoping documentation but have some concerns over the reference to any 'scoping out' of assumed/asserted 'non-significant effects' (see reference to table 4.2 and following two paragraphs of the Scoping Report.

I am pleased to see reference to viewpoints at Brown Carrick Hill in South Ayrshire, but consider that a wireline from the Colonel Hunter Blair Monument would also be beneficial as a locally important landmark hill and walking route. (OS 239157 603962).

A final point I would wish to make is in relation to the haulage routes. Whilst these have yet to be fully investigated and established, consideration should be given to confirming the routes from chosen port and any associated implications/impacts arising, rather than from the A77 junction to the proposed development site.

Kind regards,  
Adrian Browne



**The Coal  
Authority**



INVESTOR IN PEOPLE



**RTPI**

Learning Partner

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Energy Consents

[By Email: [Econsents\\_Admin@gov.scot](mailto:Econsents_Admin@gov.scot)]

20<sup>th</sup> April 2022

Dear Ms Bonner

**RE: ECU00003429**

**17 wind turbines with a maximum tip height of 220m located in the planning authority area of East Ayrshire Council; South Kyle II, East Ayrshire**

Thank you for your notification received on the 30th March 2022 in respect of the above.

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

Our records indicate that only a very small part of the north western edge of the site falls within the defined Development High Risk Area (DHRA), where probable shallow coal workings may be present.

The layout of the windfarm does not indicate that the wind turbines and associated infrastructure are proposed within the DHRA. On the basis that the wind turbines and associated works are located within an area defined as low risk we would not expect the proposal to be supported by a Coal Mining Risk Assessment and would not require consideration of the recorded coal features.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

**Melanie Lindsley** *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*  
**Development Team Leader (Planning)**

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

5 May 2022

Victoria Bonner  
Energy Consents Unit  
Scottish Government

By email: [victoria.bonner@gov.scot](mailto:victoria.bonner@gov.scot)

Dear Victoria Bonner,

### **South Kyle II Wind Farm**

Thank you for giving VisitScotland the opportunity to comment on the above wind farm development.

Our response focuses on the crucial importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors.

#### Background Information

VisitScotland, as Scotland's National Tourism Organisation, has a strategic role to develop Scottish tourism in order to get the maximum economic benefit for the country. It exists to support the development of the tourism industry in Scotland and to market Scotland as a quality destination.

While VisitScotland understands and appreciates the importance of renewable energy, tourism is crucial to Scotland's economic and cultural well-being. It sustains a great diversity of businesses throughout the country. According to a recent independent report by Deloitte, tourism generates £11 billion for the economy and employs over 200,000 - 9% of the Scottish workforce. Tourism provides jobs in the private sector and stimulates the regeneration of urban and rural areas.

One of the Scottish Government and VisitScotland's key ambitions is to grow tourism revenues and make Scotland one of the world's foremost tourist destinations. This ambition is now common currency in both public and private sectors in Scotland, and the expectations of businesses on the ground have been raised as to how they might contribute to and benefit from such growth.

#### Importance of scenery to tourism

Scenery and the natural environment have become the two most important factors for visitors in recent years when choosing a holiday location.

The importance of this element to tourism in Scotland cannot be underestimated. The character and visual amenity value of Scotland's landscapes is a key driver of our tourism product: a large majority of visitors to Scotland come because of the landscape, scenery and the wider environment, which supports important visitor activities such as walking, cycling, wildlife watching and visiting historic sites.

The VisitScotland Visitor Experience Survey (2015/16) confirms the basis of this argument with its ranking of the key factors influencing visitors when choosing Scotland as a holiday location. In this study, over half of visitors rated scenery and the natural environment as the main reason for visiting Scotland. Full details of the Visitor Experience Survey can be found on the organisation's corporate website, here: <https://www.visitscotland.org/binaries/content/assets/dot-org/pdf/research-papers/scotland-visitor-survey-2015-16-full.pdf>

### Taking tourism considerations into account

We would suggest that full consideration is also given to the Scottish Government's 2008 research on the impact of wind farms on tourism. In its report, you can find recommendations for planning authorities which could help to minimise any negative effects of wind farms on the tourism industry. The report also highlights a request, as part of the planning process, to provide a tourism impact statement as part of the Environmental Impact Analysis. Planning authorities should also consider the following factors to ensure that any adverse local impacts on tourism are minimised:

- The number of tourists travelling past en route elsewhere
- The views from accommodation in the area
- The relative scale of tourism impact i.e. local and national
- The potential positives associated with the development
- The views of tourist organisations, i.e. local tourist businesses

The full study can be found at [www.scotland.gov.uk/Publications/2008/03/07113507/1](http://www.scotland.gov.uk/Publications/2008/03/07113507/1)

### Conclusion

Given the aforementioned importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland would strongly recommend any potential detrimental impact of the proposed development on tourism - whether visually, environmentally and economically - be identified and considered in full. This includes when taking decisions over turbine height and number.

VisitScotland strongly agrees with the advice of the Scottish Government –the importance of tourism impact statements should not be diminished, and that, for each site considered, an independent tourism impact assessment should be carried out. This assessment should be geographically sensitive and should consider the potential impact on any tourism offerings in the vicinity.

VisitScotland would also urge consideration of the specific concerns raised above relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

I hope this response is helpful to you.

Yours sincerely

Beth Thoms

**Government & Parliamentary Affairs Executive  
VisitScotland**

## **Marine Scotland Science advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.**

**July 2020 updated April 2022**

Marine Scotland Science (MSS) 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 MSS 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. MSS 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 MSS, 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, MSS 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, MSS 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.

MSS 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.

#### MSS provision of advice to ECU

- MSS should not be asked for advice on pre application and application consultations (including screening, scoping, gate checks and EIA applications). Instead, the MSS 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, MSS 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, MSS can be asked to provide advice on suitable wording, within a planning condition, to secure proposed monitoring programmes, should the development be granted consent;
- MSS 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, MSS should be contacted.

### **MSS Standing Advice for each stage of the EIA process**

#### Scoping

MSS 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 MSS generic scoping guidelines then ECU should be informed who will then co-ordinate a response from MSS.



### 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

MSS 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

MSS 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.

MSS 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

MSS 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 MSS is consulted on these programmes.

Wording suggested by MSS 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 Scotland Science and any such other advisors or organisations.
2. The WQFMP must take account of the Scottish Government's Marine Scotland Science's 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 Marine Scotland Science.
3. Thereafter, the WQFMP shall be implemented within the timescales set out to the satisfaction of the Planning Authority in consultation with Marine Scotland Science 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, MSS 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

### Marine Scotland Science advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.

July 2020, updated April 2022

#### MSS – 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:

MSS 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 MSS advice, please set out reasons.	ECU/MSS use - comments
1. A map outlining the proposed development area and the proposed location of: <ul style="list-style-type: none"><li>○ the turbines,</li><li>○ associated crane hard standing areas,</li><li>○ borrow pits,</li><li>○ permanent meteorological masts,</li><li>○ access tracks including watercourse crossings,</li><li>○ all buildings including substation, battery storage;</li><li>○ permanent and temporary construction compounds;</li><li>○ all watercourses; and</li><li>○ contour lines;</li></ul>				

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;				
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 MSS generic scoping guidelines and the joint publication “Good Practice during Wind Farm Construction” ( <a href="https://www.nature.scot/guidance-good-practice-during-wind-farm-construction">https://www.nature.scot/guidance-good-practice-during-wind-farm-construction</a> );				

6. Full details of proposed monitoring programmes using guidelines issued by MSS and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure (see wording suggested by MSS for planning conditions).				
7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations.				

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 MSS advice, please set out reasons.	ECU/MSS use - comments
8. Any designated area (i.e. SAC), for which fish is a qualifying feature, within and/or downstream of the proposed development area;				
9. The presence of a large density of watercourses;				
10. The presence of large areas of deep peat deposits;				
11. Known acidification problems and/or other existing pressures on fish populations in the area; and				
12. Proposed felling operations.				