Appendix 6.2:
EIA Scoping Opinion

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Energy Consents Unit

Scoping Opinion On Behalf Of Scottish Ministers Under The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Shepherds' Rig Wind Farm
SETT Wind Development Ltd

15 November 2024

CONTENTS

1. Introduction

1.1 This scoping opinion is issued by the Scottish Government's Energy Consents Unit ("the ECU") on behalf of the Scottish Ministers to SETT Wind Development Limited, a company incorporated under the Companies Acts with company number 10988810 and having its registered office at 16 West Borough, Wimborne, Dorset, United Kingdom, BH21 1NG ("the Company"). It has been issued in response to a request made by ITPEnergised Ltd on behalf of the Company dated 14 June 2024 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed variation of Shepherds' Rig Wind Farm ("the proposed Development"). The request was accompanied by a scoping report.

1.2 The Site of the proposed variation of the Development remains the same as the Consented Development and is located approximately 5 kilometers ("km") to the east of Carsphairn and 10 km north of St John's Town of Dalry, in northern Dumfries and Galloway

1.3 The proposed varied Development would have a total generating capacity in excess of 50 megawatts ("MW") and is anticipated to comprise of up to 13 wind turbines with a maximum tip height of 200m,

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

- turbine foundations;
- crane hard standings;
- a battery energy storage facility;
- on-site access tracks between turbines and from the point of access to the turbines;
- on-site substation and maintenance building with welfare facility and associated
- communications equipment;
- on-site electrical cabling between the turbines and the substation and battery energy storage system;
- a temporary construction compound;
- a temporary concrete batching plant;
- two borrow pits to provide aggregate for the construction of the development; and
- habitat enhancement areas including peatland restoration and native planting.

1.5 The Company has indicated that the proposed Development would be decommissioned after an operational life of 40 years and the site restored in accordance with the decommissioning and restoration plan.

1.6 The proposed Development is solely within the planning authority of Dumfries & Galloway Council.

1.7 The Consented Development 'Shepherds' Rig Wind Farm' was granted Section 36 consent by Scottish Minsters in August 2023 following the Public Inquiry. The applicant is now seeking to vary the development under Section 36C of the Electricity Act 1989 (as amended). The Cleugh Site of Special Scientific Interest

(SSSI), is located approximately 3.5 km to the south of the proposed Development and is designated for its unimproved lowland neutral grassland. Additionally, Dundeugh Wood, to the south of the Site, is listed in the Ancient Woodland Inventory. The Scheduled Monument Craigengillan, cairn is located within the north-eastern part of the proposed Development, and Stroanfreggan Craig fort is located approximately 300 m from the south-east boundary of the site.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between ITPEnergised Ltd and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 26 July 2024. The consultation closed on 16 August 2024. Extensions to this deadline were granted to Dumfries & Galloway Council, NatureScot, Historic Environment Scotland ("HES"), Defence Infrastructure Organisation and Transport Scotland. The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Directorate - Science Evidence Data and Digital (MD-SEDD) - has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 36 of the Electricity Act 1989. All consultation responses received, and the standing advice from MD-SEDD, are attached in **ANNEX A Consultation responses and ANNEX B MD-SEDD Standing Advice.**

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

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

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

- Civil Aviation Authority – Airspace;
- Crown Estate Scotland;
- Galloway Fisheries Trust;
- John Muir Trust;
- Mountaineering Scotland;
- Scottish Rights of Way and Access Society ("ScotWays");
- Scottish Wildlife Trust;
- Scottish Wild Land Group ("SWLG");
- Visit Scotland;
- Woodland Trust Scotland; and
- Carsphairn Community Council

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

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

3. The Scoping Opinion

3.1 This scoping opinion has been adopted following consultation with Dumfries & Galloway Council, within whose area the proposed Development would be situated, NatureScot (previously "SNH"), Scottish Environment Protection Agency ("SEPA") and HES, 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 The Scottish Ministers adopt this scoping opinion having taken into account the information provided by the Company in its request dated 14 June 2024 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 Dumfries & Galloway Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

3.4 The 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 The Scottish Ministers are satisfied with the scope of the EIA set out in the scoping report.

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

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

- the scale of the development (dimensions of the wind turbines, solar panels, battery storage)

- components required for each generating station

- minimum and maximum export capacity of megawatts and megawatt hours of electricity for battery storage

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

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

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

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

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

3.13 The Scottish Ministers consider that where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), the assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best

Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at http://www.gov.scot/Publications/2017/04/8868, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures. Where a PLHRA is not required clear justification for not carrying out such a risk assessment is required.

3.14 The scoping report identified viewpoints in chapter 6.6 (table 6.1) to be assessed within the landscape and visual impact assessment. Additional viewpoints were requested by Dumfries & Galloway Council.

3.15 The noise assessment should be carried out in line with relevant legislation and standards as detailed in chapter 14 of the scoping report. The noise assessment report should be formatted as per Table 6.1 of the IOA "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise.

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

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

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

3.19 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.

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

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

- underground cables;
- water pipes;
- telecommunications links

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

3.22 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 provided by the Company in their 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 Company 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 scoping opinion.

5.3 Without prejudice to that generality, it is recommended that advice regarding the requirement for an additional scoping opinion be sought from the Scottish Ministers in the event that no application has been submitted within 12 months of the date of this scoping 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. The 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 ECU at the pre-application stage and before proposals reach design freeze.

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

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

6. Pre application

Applicants are encouraged to engage with officials at the ECU at the pre-application stage and before proposals reach design freeze.

In advance of an application for consent under section 36 of the Electricity Act being submitted, the Company should liaise with the ECU with regards to statutory arrangements that will have to be made. For example, the provision of hard copies of the EIA report and supporting documentation to the Scottish Ministers and to consultees will have to be discussed and agreed as will public notices and public viewing requirements.

Nicola Ferguson

Energy Consents Unit
15 November 2024

ANNEX A

Consultation

List of consultees who provided a response

- Dumfries & Galloway Council; A1-A22
- Historic Environment Scotland; A23-A28
- SEPA; A29- A39
- NatureScot; A40-A41
- Aberdeen Airport; A42
- British Horse Society Scotland; A43-A45
- BT; A46
- Defence Infrastructure Organisation; A47-A49
- Edinburgh Airport; A50
- Fisheries Management Scotland; A51
- Glasgow Airport; A52
- Glasgow Prestwick Airport; A53
- Highland and Islands Airports Limited (HIAL); A54
- Joint Radio Company; A55-A57
- NATS Safeguarding; A58-A66
- Oban Airport; A67
- Office for Nuclear Regulation; A68
- RSPB Scotland; A69-A70
- Scottish Forestry; A71-A73
- Scottish Water; and A74-A76
- Transport Scotland A77-A79

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland, Scottish Forestry and Marine Scotland (in the form of standing advice from Marine Scotland Science or bespoke advice from Marine Scotland Science)

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

Proposal: CONSULTATION REQUEST FROM SCOTTISH MINISTERS IN CONNECTION WITH REQUEST FOR SCOPING OPINION UNDER ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2017 FOR REVISED WIND FARM PROPOSAL COMPRISING ERECTION OF 13 WIND TURBINES UP TO 200 METRES FROM BASE TO TIP, ACCESS TRACKS AND ANCILLARY DEVELOPMENT

Location: Proposed Shepherds Rig Wind Farm Site, Near Carsphairn

Application type: Scoping Opinion

Ref. 24/1563/ENQ

1. This Scoping request from the Scottish Government Energy Consents Unit relates to a proposal to construct and operate a wind farm with associated elements as described. The applicant at this point is Sett Wind Development Limited Ltd, agent ITP Energised Ltd.

2. The estimated capacity of the Proposed Development has been identified as potentially up to 81MW. The application site lies within the Dumfries and Galloway Council area, and as the expected output of the wind farm will be in excess of 50 MW, the proposed works will be determined by Scottish Ministers.

3. The Planning Service consulted the following departments of Dumfries and Galloway Council: (i) Council Roads Planning Team Leader; (ii) Council Archaeologist; (iii) Council Wind Farms Landscape Architect; (iv) Council Countryside Access Officer; (v) Council Environmental Health Officer. To date, responses have been received from the following:

4. Council Roads Planning Team Leader:

4.1 Road: A713 Castle Douglas – Ayr; B729 Dumfries to Carsphairn

4.2 Comments:
This request for scoping opinion proposes the erection of 13 no. wind turbines of maximum height to blade tip of up to 200m along with associated infrastructure at proposed Shepherds Rig wind farm site, near Carsphairn. Development of a similar area for up to 19 turbines of up to 149.9m to blade tip was previously conditionally consented under 18/1936/S36 (ECU00000735), my report dated 28 January 2019 refers.

4.3 It is noted that the 'Scoping Report' submitted with this application identifies that:-

(i) The turbines will have an overall height from base to tip not exceeding 200 metres.

(ii) Access to the site appears to be via the A713, B729 and private internal access tracks

(iii) The above roads will be used by construction traffic and Abnormal Indivisible Loads and as such accommodation works for overrun and oversail will be required.

(iv) No information on anticipated traffic generation or abnormal loads associated with the wind turbine components have been provided.

(v) A Construction Traffic Management Plan (CTMP) which will seek to promote the safe and efficient transportation of components and materials to the site will be agreed with the Council, Transport Scotland and the Police.

4.4 Whilst I have no objections in principle to the proposal and have no issues with the proposed assessment scope or methodology outlined in the Scoping Report, I would offer the following observations that should be considered and addressed by any future submission/ES:-

(i) It would be appropriate that Transport Scotland be consulted with regard to any access route utilising the Trunk Road network.

(ii) The B729 west of Moniaive is restricted in width and geometry and for the purposes of timber haulage, has been identified as a “Severely Restricted” route. However, west of the access serving Wether Hill Wind Farm, it was improved with additional passing opportunities for that development. Given the restricted nature of the road network at Moniaive, I would not be in favour of any windfarm related HGV traffic accessing the site using the B729 between the U141s junction and Moniaive.

(iii) Full details of the design and layout of the access and any other accommodation works should be submitted and agreed by the Planning Authority in consultation with the Roads Authority. These should be supported by swept path analysis.

(iv) Formation of the site access on the B729 public road and any accommodation works on the public road will require the issuing of a permit under Section 56 of The Roads (Scotland) Act 1984.

(v) Routes leading to the site cross a number of bridges/structures, many of which may be unsuitable for heavy HGVs and larger AILs, and that have limitations on safe axle loadings and/or restricted parapet widths. Where a proposed access route crosses bridges and culverts, the applicant will require to get approvals and safe axle loadings (in respect of those structures) from the Council’s Engineering Services (Bridges and Structures) unit.

(vi) The Council’s Bridges and Structures unit have advised that Abnormal Loads require to be assessed on an individual basis, proposed axle load configurations should be supplied and agreed at earliest opportunity. Any proposal or requirement

to carry out amendments to any bridge or culvert will require to be addressed via an AIP process.

(vii) It would be appropriate that any future application confirm the access route(s) and identify the full extent of proposed off-site road accommodation and mitigation works including passing place provision, carriageway strengthening, widening and alterations to road boundaries all along any proposed access route(s) necessary to permit 2-way construction traffic and the passage of cranes and component delivery vehicles (this may require land outwith the public road boundary and a separate planning consent may be required in respect of these works).

(viii) Proposals for access routes, site access and all accommodation works must be supported by swept path analysis.

(ix) All accommodation works must be designed and constructed to the satisfaction of the Planning Authority in consultation with the Roads Authority and will require appropriate permits and consents to have been issued.

(x) Where public road boundaries are to be altered either for the formation of temporary accesses or for accommodation works, these should be reinstated in their original position at the conclusion of construction works (unless prior agreements have been secured with the Planning and Road Authorities).

(xi) The TMP should include a programme of delivery types/numbers by month, details of all proposed mitigation measures to minimise the impact on local communities and businesses, agreed and excluded access routes and details of measures that will be implemented to ensure that (a) no stacking of delivery vehicles occur on any part of the public road network (b) the safety of the public using ‘core’ paths is maintained; and is to be agreed in writing with the Police, Transport Scotland and Dumfries and Galloway Council Roads Authority prior to any works commencing on site. Access and excluded routes should be identified and agreed for all types of vehicles and a system of visible vehicle tagging/badging employed to ensure compliance with agreed routes and driver behaviour standards which should be supported by a Driver Code of Conduct.

(xii) Whilst it is accepted that the intention is that normal and abnormal loads will take access and egress via an ‘agreed’ route, there is likely to be some increase in traffic using other minor roads. There is also the possibility of other unrelated windfarm projects being constructed in the vicinity concurrently with this project. Therefore, it would be appropriate that the TMP acknowledge that co-ordination phasing may be required to mitigate against the cumulative traffic impact.

(xiii) Any future submission/ES should include worst-case (100%) details of tonnages and vehicle movements so that the potential impact of importing aggregate from elsewhere via the public road network be assessed.

(xiv) In the event that suitable and sufficient aggregate not be available from on-site Borrow Pits, any future submission/ES/TMP should also identify worst case scenario that 100% of the aggregate required for construction shall be imported to site and identify the potential number of movements in that event .so that the potential impact of importing aggregate from elsewhere via the public road network be assessed.

(xv) Creation of windfarm access tracks and turbine placements will likely generate accelerated timber extraction. All extracted timber must only travel agreed haulage routes.

(xvi) The B729 between the A713 and the C35s by Smittons Bridge is a well trafficked timber haulage route and therefore it would be appropriate that there should be consultation with nearby forest managers and timber hauliers through the office of the South of Scotland Timber Transport Officer to co-ordinate timber haulage operations that may use the access route during the construction period to minimise the cumulative impact on communities and road users.

(xvii) The developer will be held responsible for the immediate execution of any repairs and will be required to meet the cost of above average maintenance to the public road network arising from the concentration of heavy traffic associated with this development. This to be secured by legal agreement (Section 96)

(xviii) The installation of the grid connection will have an impact upon public roads where the route follows a road, crosses a road or crosses a bridge on the road. The proposed grid connection has been identified as the Harker substation at Carlisle.

4.5 I trust the above information, which is given without prejudice to any future decision of the Council, is of assistance.

5. Council Environmental Health

5.1 We have no objections in principle. However, until a site-specific noise impact assessment has been carried out following the principles detailed in the Assessment & Rating of Noise from Wind Farms ETSU Report ETSU-R-97, 1996 we would be unable to comment fully as to the expected impacts.

5.2 The site-specific assessment should be carried out following the principles detailed in the Assessment & Rating of Noise from Wind Farms ETSU Report ETSU-R-97, 1996.

5.3 We additionally suggest that a method statement for the construction project should be provided within the EIA for approval by Dumfries & Galloway Council. This should include an assessment of potentially noisy operations and outline the noise mitigation measures proposed. This will also include a programme and phases for each stage of work.

A5

6. Council Wind Farms Landscape Architect:

6.1 Please refer to attached Appendix 1 (detailed advice from the consultee).

7. To date, this is the extent of consultation responses received. It is acknowledged that it would be beneficial if the outstanding advice from other internal consultees could be provided and we will endeavour to add to this initial Scoping Response when we are able to obtain such advice; we also note the comprehensive Scoping Report which sets out relevant matters in adequate detail.

8. The EIA should provide detail of proposed biodiversity enhancement and improvement of the landscape as mitigation. This could include inclusion of planting/forestry plans.

9. The Residential Visual Amenity Assessment should include visualisations for properties within 2km which would encounter a potentially moderate to major visual impact from the proposed wind farm; aerial photography identifying the arc of viewing from each property to the turbine area should be included as part of the RVAA.

10. We would require visualisations relating to all scheduled monuments within 2km of the proposed development.

11. Consideration should be given to inclusion of a viewpoint within the Archaeological Sensitive Area (ASA) around Polharrow Burn, a little to the west of Polmaddy. Grid reference 575 872 is an approximate location of a cairn at around 180m AOD within the ASA, although potentially Craigknuckle (just to the west) would provide a better alternative position. The reason for this is to represent the ASA, but also because there is a gap in coverage from the south-west, whereas from the south and west views towards the site are represented well. Wirelines may be acceptable to identify intrinsic and cumulative landscape and visual effects from this location.

12. Consideration should also be given to inclusion of Blackcraig Hill (Grid reference 648 063) to the north of the site as a full viewpoint, at 700m AOD, from which it seems 5 to 7 hubs would be visible. It is acknowledged that this is within a neighbouring authority, although no scoping response has been submitted to the Energy Consents Unit from that authority.

13. With regard to cumulative/other schemes, please note that both Divot Hill and Manquhill are now consented (Appeal Allowed). Furthermore, all of the proposed turbines at Glenshimmeroch are consented to 200m tip height.

A6

14. You should also interrogate the ECU website with regard to Cornharrow, which has been the subject of recent appeal decisions. Troston Loch may also have received consent for turbines with a greater tip height than 149.9m.

A7

Memo

To John Hiscox
Copied Robert Duncan
From Janet Swailes

Date 7 October 2024

24/1563/ENQ

Shepherds Rig 2: Landscape Scoping Advice – Viewpoint selection

13 turbines, at 200 m tip height

Background

The existing consented scheme at Shepherds Rig is for a total of seventeen turbines, 15Ts x 149.9m and 2 Ts at 125m. The current proposals for turbines, 13Ts x 200m are in the same general area as the consented layout, with five turbines, Ts 1, 2, 3, 5, and 10 within / on the border with the Galloway Hills Regional Scenic Area; five turbines of the consented scheme would be within the designation.

Previous landscape advice

DGC has provided the following landscape advice on the original Shepherds Rig application:

- Landscape scoping opinion in response to consultation 18/0416/SCO, 1 May 2018, with respect to a thirty turbine scheme, 30Ts x 149.9m.
- Interim consultation advice in response to planning application 18/1939/FUL, 22 August 2019, with respect to a nineteen turbine scheme, 17Ts x 149.9m and 2Ts x 125m.
- Final landscape consultation response in response to the Section 36 application 18/1939/S36, 31 March 2020, with respect to a seventeen turbine scheme, 15Ts x 149.9m and 2Ts x 125m.

DGC also responded to an appeal, providing landscape and visual evidence leading up to a Public Inquiry, August 2021.

Landscape advice

There is currently significant pressure on landscape resources and the focus of time will be on planning application casework. Any landscape preapp and scoping input that can be made will primarily be based on a desk exercise, and any existing familiarity with the area.

I have not been able to make a site visit for the current Shepherds Rig 2 Wind Farm proposals, although I am reasonably familiar with the proposed representative viewpoints in D&G, and the general area, from dealing with other casework, particularly the original Shepherds Rig scheme.

This initial advice on viewpoint selection has been provided to facilitate application development and is interim in status and in advance of full scoping consideration. **There may be further representative viewpoints, assessment and visualizations required, as the scheme progresses.**

For ease of reference the original scoping opinion has been appended to this interim response as it usefully points to the range of landscape and visual receptors, as well as likely concerns and siting and design issues anticipated, in terms of wind energy development at this site.

The landscape advice provided is without prejudice to future advice and opinion, or any decision which the Council as planning authority may choose to make in respect of any future planning application. Furthermore, it should not be assumed that every issue which might impact on any such application has been addressed in this report; other issues may come to light because of consultation with other relevant bodies, or in relation to any future planning application. One landscape opinion only will be provided to schemes at scoping, and all further enquiries are to be referred directly to the planning case officer.

Initial comments

See previous DGC Landscape advice, including the Main Report 31 March 2020, Grounds for Recommended Refusal 1.4; and excerpted for convenience below key landscape and visual issues of the consented scheme, which are anticipated to be similar to concerns for the Proposed Varied Development:

> ***Issues of development scale and landscape context;*** *I consider Shepherd's Rig to be an inappropriately scaled development in a sensitive location. Whilst occupying for the most part a less sensitive landscape character type, LCT 19a, the Ken unit of the Southern Uplands with Forest, the scheme would be slightly within, bounding, or immediately adjacent to more sensitive neighboring landscapes. The Ken unit of Narrow Wooded Valley (LCTs 4), the Upper Glenkens unit of Upper Dale (LCT 9), and the Carsphairn unit of Southern Uplands (LCT 19) are all assessed in the DGWLCS as being more sensitive to development than the main host unit, and this has been verified through site assessment:*
>
> • *The Cairnsmore and other Carsphairn Hills (LCT 19); which backdrop the landscapes around about, forming an important part of the visual composition generally, are of noted sculptural and scenic quality, as well as being important regional landmark, and an important component of the Galloway Hills RSA.*
>
> • *The Head of Ken Valley (LCT 4); which is a smaller scale LCT, more sensitive to wind farm development, and is a notably distinctive and attractive local landscape.*
>
> • *The Upper Glenkens (LCT 9) between Carsphairn and Dalry; which is an area of notable scenic quality, within the Galloway Hills RSA, and form the setting of the higher hills around about.*
>
> *The scale of the turbines and the spread of the wind farm are fundamentally problematic to these relationships and Shepherd's Rig would have a poor fit to these landscape character types / units; as well as being of overbearing scale in relation to the local landscape features: the River Ken, MarscallochHill, Stroanfreggan Crag, and Smittons Farm.*
>
> *A case can also be made that the local landscape character of the site over Marscalloch and Craigengillan Hills, is not typical of LCT 19a. Whist forested these hills are distinctly lower elevation than the surrounding uplands and appear more as 'foothills' topography edging the Upper Glenkens and Ken Valley, along with some of the other lower hills around the Stroanfreggan area, such as Stroanfreggan Crag and Culmark Hill. Also the south and southwest faces of Marscalloch Hill lie within LCT 9, so although effects of turbines 13, 16-19 are technically indirect on LCTs 4 and 9, they directly impose on the skyline and landmark focus of the hill, which is an important feature in local valley views.*
>
> ***Cumulative effects;*** *Adverse and complex significant cumulative effects would arise from Shepherd's Rig Windfarm in addition to the committed (operational and consented) cumulative baseline, which of most relevance now includes operational Windy Standard 1 and 2, Wether Hill and Blackcraig; and the consented Torr turbines, Knockman Hill, Windy Rig, Lorg, Benbrack, and Glenshimmeroch schemes.*
>
> *Shepherd's Rig would also carry the burden for the potentially intensified cumulative effects on the local landscape and appreciated in wider views, were undetermined scheme of Windy Standard 3 to proceed. It is likely that Windy Standard 3 will be determined in advance of Shepherd's Rig. Margree is now withdrawn. Troston Loch entered the planning system after Shepherd's Rig and would take the cumulative burden for any cumulative interactions, as would Cornharrow, which having been refused at Appeal is now resubmitted.*
>
> *Significant cumulative landscape effects on the strategic wind farm pattern, landscape character and landscape value are anticipated; as well as significant cumulative in combination and sequential visual effects.*
>
> ***Strategic cumulative effects;*** *There would also be significant strategic cumulative landscape effects in relation to the wind farm pattern; Shepherd's Rig would be at odds with the established cluster of wind farms, which is currently set back from the 'front-facing' (south) slopes of the Carsphairn Hills. As a lower elevation scheme edging the Upper Glenkens it is more similar to the recently approved*

Glenshimmeroch, and the other Stroan Foothills wind farms further south (operational Blackcraig, consented Knockman Hill and Mochrum Fell). However, in relation to these schemes, it would be of greater prominence due to its larger scale, and siting.

Balance of consideration; *Not withstanding the predominantly cumulative context for Shepherd's Rig, and complex nature of potential cumulative interactions within a rapidly evolving development scenario, for the most part it is not the cumulative landscape and visual effects per se that are the key issue for the proposals. Regardless of other schemes, it is the development scale and landscape context of Shepherd's Rig that are central to DGC's landscape recommendation of objection.*

That said the cumulative context in the Upper Glenkens is a concern and Shepherd's Rig would be a significant addition for a number of highly sensitive landscape and visual receptors.

Proposed Scoping Report viewpoint selection, with DGC comments

Viewpoint Name / Distance to nearest turbine Emboldened text indicates an assessment of significant effects for the consented scheme.	**DGC comments on visualisations**
VP 01 Stroanfreggan bridge, B729 2.23km (T17)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios. Include sequential assessment for B729; see below.
VP 02 Stroanfreggan Crag 1.42km (T17)	Agree full / photomontage. Requires 360 photomontage visualization – include operational schemes with wirelines for all consents and in-planning scenarios.
VP 03 Guttery Glen, B729 3.46km (T17)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios. Include sequential assessment for B729; see below.
VP 04 Smitton's Bridge 1.32km (T17)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios. Include sequential assessment for B729; see below.
VP 05 Stroanfreggan Cairn 2.07km (T17)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios. Include sequential assessment for SUW; see below.
VP 06 Head of Ken Valley 4.05km (T3)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios.
VP 07 SUW, Culmark Hill 3.68km (T19)	Agree full / photomontage. Requires 360 photomontage visualization – include operational schemes with wirelines for all consents and in-planning scenarios. Include sequential assessment for SUW; see below.

VP 08 Minor road S of B729 6.40km (T17)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios.
VP 09 High Bridge of Ken 2.24km (T19)	Wireline only required. Include operational schemes, all consents and in-planning scenarios.
VP 10 SUW, Striding Arch, Benbrack 5.43km (T3)	Agree full / photomontage. Requires 360 photomontage visualization – include operational schemes with wirelines for all consents and in-planning scenarios. Include sequential assessment for SUW; see below.
VP 11 B70000, East Arndarroch 3.12km (T19)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios.
VP 12 Dundeugh Hill-views 2.87km (T19)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios.
VP 13 Benniner 2.05km (T1)	Agree full / photomontage. – include operational schemes with wirelines for all consents and in-planning scenarios
VP 14 Cairnsmore of Carsphairn 3.42km (T1)	Agree full / photomontage. Requires 360 photomontage visualization – include operational schemes with wirelines for all consents and in-planning scenarios.
VP 15 Craig of Knockgray 4.55km (T16)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios.
VP 16 Alhang 5.88km (T1)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios.
VP 17 SUW, Waterside Hill 10.44km (T19)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios. Include sequential assessment for SUW; see below.
VP 18 A713, Stroangassel 5.84km (T19)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios. Include sequential assessment for A713; see below.
VP 19 A713, S of Carsphairn 3.80km (T16)	Agree full / photomontage.

	Include operational schemes with wirelines for all consents and in-planning scenarios. Include sequential assessment for A713; see below.
VP 20 Woodhead Mines 8.54km (T16)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios.
VP 21Corserine, Hennessey's Shelter 12.38km (T16)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios.
VP 22 Carsphairn War Memorial 4.55km (T16)	Agree full / photomontage. Include operational schemes with wirelines for all consents and in-planning scenarios. Include sequential assessment for B729; see below.

JS additional VP requests for visualisations

With respect to the DGC landscape scoping it is recommended that three further representative VPs are included for full photomontage visualisation and assessment, where the views of the Cairnsmore of Carsphairn are known to be striking from sensitive receptors. The impacts on these require to be assessed. Please include representative VPs from:

- the SUW / minor road approaches to Butterbole Bridge, GR: 63 8 87 5.
- A712 New Galloway western approach, approximately GR: 62 5 77 9.
- A762 north from New Galloway, approximately GR: 63 0 79 0.

Further to scoping and with respect to consideration of the cumulative ZTVs, it is recommended that longer range viewpoint/s is/are taken in. It s suggested these might include from the A75 Castle Douglas bypass, from the Barstobrick Monument, from the A713 / A726 opposite / near Kenmure. The main concern is any potential impacts on views of the Cairnsmore of Carsphairn from these areas. It is anticipated wirelines may be sufficeint, although a sample photomontage may be useful.

360 cumulative wirelines requirements

- A full 360 context is not a priority for VPs 6, 11, 12, 13, 21, although wider frame full visualisations are relevant to take in the relevant cumulative context.
- Larger scale 360 cumulative visualisations (full showing baseline, photomontage with scheme, and wireline with other committed and in-planning schemes) should be produced for the following VPs: VP 7 Culmark Hill and VP 10 Benbrack, and usefully also VP2 Stroanfreggan Crag, and VP 14 Cairnsmore of Carsphairn.

Cumulative sequential visual assessments

Cumulative sequential visual assessments are required to be undertaken in the LVIA for the following important routes:

- SUW
- B729
- A713
- A762

More feedback can be provided on the proposed assessment method and suggested length of these routes to be covered, but it is anticipated that it be informed by the ZTV and areas of theoretical visibility within the 20km study area, potentially further to the south.

The recent Loganhead S36 application has good examples of sequential assessments, with detailed ZTVs and visualisations provided from points of reveals and visibility along the routes.

Other comments

- See Scoping Report 6.2.1: The DGWLCS, or updated LSS if available should be the main source of reference and categorization for the landscape character assessment. It is a more detailed grain than the 2019 NatureScot assessment.
- 20km study area acceptable, although some longer range views to the south merit assessment given the prominence of the Cairnsmore of Carsphairn as a landmark feature, and need to assess potential impacts on this from sensitive visual receptors.

Appendix: Landscape scoping opinion for the original Shepherds Rig scheme

DGC Landscape scoping opinion

A landscape scoping opinion was provided by DGC 30 April 2018, with respect to a thirty turbine scheme, 30Ts x 149.9m. This is appended below for ease of reference. It includes the anticipated range of landscape and visual receptors, as well as likely siting and design issues in terms of wind energy development at this site, relevant to the scheme now coming forwards for consideration for environmental assessment through an Environmental Statement / LVIA.

Updates to policy and guidance

The comments relating to the DGWLCS and application of LDP2 policy are still relevant, although the DGWLCS is under review to update it and make it current as a Landscape Sensitivity Study, as part of LDP3 process. The LVIA must reflect the DGC policy and guidance as current at the time of preparation.

NPF4 is now the overarching national planning policy, replacing SPP in February 2023. The most relevant policies in NPF4 covering landscape and visual issues potentially arising at Shepherds Rig are:

- 4 Natural Places, which relates to OP1, NE2, IN2, and potentially ED11.
- 11 Energy, which relates most strongly to IN2, OP1, and IN1.
- 14 Place and Placemaking, which relates most strongly to OP2, but is also relevant for OP1 and IN2.
- 29 Rural Development, which relates to OP1, OP2, IN2, and potentially ED11.

Other relevant national guidance to consider in preparing the LVIA is:

- GLVIA3, the LVIA should be undertaken in accordance with GLVIA3 (2013).
- NatureScot guidance; The following should also be referenced, as relevant for the case, in terms of the landscape, visual and cumulative assessments in the LVIA:
    - Siting and Designing Wind Farms in the Landscape V3 (2017).
    - General pre-application and scoping advice for onshore wind farms (May 2020), particularly with reference to Annex 2 advice on the scope of landscape and visual assessment for turbine lighting.
    - Visual Representation of Windfarms (SNH, 2017).
    - Spatial Planning for Onshore Wind Energy Development (2015).
    - Cumulative Effects of Windfarms (SNH, 2005).
    - Assessing the cumulative impact of onshore development (SNH, 2012).
    - Landscape Character Assessment for Dumfries and Galloway (2019) is the updated NatureScot LCA for the region, and should be used alongside the DGWLCS, which provides more detail descriptions and guidance.
    - Assessing Impacts on Wild Land Areas: Technical guidance (September 2020); and the Wild Land Areas map and descriptions (2014), with reference to 01 Merrick, and 02 Talla-Hart Fell.
    - Landscape Character Assessment, Guidance for England, and Scotland (Countryside Agency & SNH, 2002), and including Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity
- Onshore Wind Policy Statement, Scottish Government, most recent version.
- Visual Representation of Development Proposals, Landscape Institute (September 2019).

The cumulative context has changed since the original Shepherds Rig scheme, and the LVIA must reflect the changed context and status of wind energy development in both baseline assessments, the LVIA, and the cumulative LVIA.

Memo

To	Chris McTeir	Copied	Robert Duncan
From	Janet Swailes		
Date	30 April 2018		

18/0416/SCO

Landscape scoping advice, DGC
Shepherd's Rig – 18/0416/SCO
30 no. x 149.5m turbines

Landscape advice
There is ongoing pressure on landscape resources and the focus of time will be on planning application casework. Any landscape scoping input that can be made will primarily be based on a desk exercise, and existing familiarity with the area. There will not necessarily be the opportunity to undertake site verification at the scoping stage.

The landscape advice provided is without prejudice to future advice and opinion, or any decision which the Council as planning authority may choose to make in respect of any future planning application. Furthermore, it should not be assumed that every issue which might impact on any such application has been addressed in this report; other issues may come to light as a result of consultation with other relevant bodies, or in relation to any future planning application.

One landscape opinion only will be provided to schemes at scoping, and all further enquiries are to be referred directly to the planning case officer.

1 Policy and guidance

DGC Policy; The development plan for the area currently comprises the Dumfries & Galloway Local Development Plan, adopted September 2014 and this Plan takes primacy in the determination of planning applications, and is a key material consideration in the determination of applications at this time. On 29 January 2018, the Council published its Proposed Plan for LDP2. The Proposed Plan therefore is also a material consideration in the determination of this proposal, albeit one of limited weight at this stage.

In respect of windfarm applications the key relevant policies (Policies IN1 and IN2) and proposals remain substantially unaltered from those in the adopted Plan. However, in respect of the new Spatial Framework (Map 8 within the Proposed Local Development Plan), given the absence of Spatial Framework compliant with the terms of SPP (June 2014) in the existing Local Development, it is considered that the version presented in the Proposed LDP be given more weight than would otherwise be the case. However, it must be noted that the contents of the Proposed Plan may be subject to change during the next stages of the LDP2 process before it is adopted. Accordingly, the appropriate weight and consideration should be given to the current status of the Proposed Plan.

The following lists relevant policies in the LDP (2014).

- Policies OP1c and OP 2 are overarching policies with special relevance for landscape issues.
- Policy IN2 is the main policy for wind energy development (WED). The Examination Report recommendations resulted in LDP policy wording that split Policy IN2 in to 2 parts. Part 1 of Policy IN2 deals with Development Management considerations that apply to the assessment of all wind energy proposals, and Part 2 deals with the Spatial Framework. Following the Examination Report and revisions to SPP, the Spatial Framework maps in policy IN2 in the LDP have an interim status only, and are being revised as part of the next LDP.
- Supplementary Guidance, Part 1 WED: Development Management Considerations (2017) supports IN2.

- Dumfries and Galloway Landscape Assessment (1998).
- The Technical Paper: Wind Energy Interim Spatial Framework Maps. The mapping that appears in the LDP is being revised as part of the next LDP preparation process, which is underway. The Technical Paper para. 4.11 sets out criteria for cumulative strategic issues. See paras 4.91 - 4.95 of the LDP for further guidance.
- Other policies may apply on a case by case basis, in relation to designated landscapes (NE1, NE2, HE6), conservation areas (HE2), forestry and woodland (NE6), trees and development (NE7, NE8), and undeveloped coast (NE9).
- With respect to RSAs, DGC's Technical Paper on Regional Scenic Areas is a key reference, although the DGWLCS provides updated information on landscape character in relation to WED, and should be referenced alongside the RSA Technical Paper. Parts 1, 2, and 3 of the Technical paper are of relevance and should be considered in the LVIA.

Dumfries and Galloway Landscape Capacity Study (DGWLCS); The DGWLCS (2017) is a key material consideration, embedded in the wording of the LDP policy IN2, and forms Appendix C of the recently updated 2017 WED Supplementary Guidance. The current 2017 DGWLCS importantly provides up-dated position with respect to a changed baseline, and guidance for Very Large (>150m turbines) not available in the 2012 version.

National policy and guidance;

- An LVIA should be undertaken in accordance with GLVIA3 (2013) and with particular reference to, SHN's Siting and Designing Wind Farms in the Landscape (2017) and their updated Visual Representation of Windfarms (SNH, 2017).
- Check Scottish Government and other national publications: ETSU report, The Cumulative Effects of Wind Turbines (2000), current SPP, PAN 45, Cumulative Effects of Windfarms (SNH, 2005), and Assessing the cumulative impact of onshore development (SNH, 2012)
- Landscape Character Assessment, Guidance for England and Scotland (Countryside Agency & SNH, 2002), and including Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity
- SNH Policy Statements: No. 02/02: Guidance on Onshore Renewable Energy (2009), and No. 02/03: Wildness in Scotland's Countryside (2002), and
- SNH's most recent work, Assessing impacts on Wild Land Areas (2017 technical guidance currently being consulted on)
- Photography and photomontage in landscape and visual impact assessment (Landscape Institute, 2011).

Wind farm typology and policy fit

- With respect to the DGWLCS (2017) the proposals are sited entirely within the Ken unit of the Southern Uplands with Forestry (LCT 19a).
- In terms of development typology the Shepherd's Windfarm proposals need to be considered in the Large (80-150m), and also the Very Large category (>150m) given the closeness of proposed turbine size to the threshold.
- Under the current LDP Spatial Framework Shepherd's Rig would fall within an *Area of Greatest Potential* for Large (>150m) typologies.
- The updated DGWLCS (2017) indicates the host landscape character unit, Ken (LCT 19a) is categorized as High-medium sensitivity for Very Large turbines >150m, and Medium for the Large typology (80-150m).
- Under the DGWLCS Key findings, there would be limited opportunities to accommodate Very Large turbines due to scale issues with the receiving landscape and / or cumulative issues; and the Ken unit (LCT 19a) is noted as one with potential scope for Large turbines albeit limitied in relation to cumulative issues, sensitive skylines and proximity to smaller scale landscapes.
- Under Concentrations of existing development, the Stroan / Ken area specific reference is made to the the constraints of the setting and views to and from the landmark hill of the Cairnsmore of Carsphairn, and more sensitive well-defined hills lying on the outer edges of the landscape. Cumulative effects on views from the Cairnsmore are also noted.

2 Landscape

Study area
The detailed study area should be 15km taking in: the Upper Glenkens and western edge of the flooded valley; Galloway Forest Park including the Rhinns of Kells; the Carsphairn Hills, and the watershed ridges towards Nithsdale; foothills and uplands around Moniaive. The grain of assessment should be of landscape units, as set out in the DGWLCS. Beyond this (including the Lowther Hills and eastern Nithsdale; and from the Castle Douglas area and isolated summits and upper slopes of the coastal granite uplands, effects are likely to be visual only. The LVIA should address:

Landscape receptors
An assessment of landscape effects deals with the effects of change and development on landscape as a resource. The concern … is with how the proposal will affect the elements that make up the landscape, the aesthetic and perceptual aspects of the landscape and its distinctive character. …. The area of the landscape that should be covered in assessing landscape effects should include the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant manner. GLVIA3, 5.1 & 5.2 (2013)

Summary, with details set out below:
- Host landscape character unit: LCT 19a Southern Uplands with Forest, Ken.
- Local landscape characteristics and any aspects of local distinctiveness, including any direct impacts and indirect on setting and experience.
- Forestry and woodland areas, including any future plans for forestry within the proposed wind farm site.
- Surrounding LCTs / LCUs within 15km, as covered by the DGWLCS (2017).
- The setting, value and experience of designated landscapes, notably Regional Scenic Areas (RSAs) and designed landscapes (IDLs and NIDLs).

Host LCT / LCU
The host Landscape Character Unit for Shepherd's Rig Windfarm proposals is the Southern Uplands with Forestry (LCT 19a) Ken unit. Direct landscape and visual effects are anticipated for this unit and should be fully assessed, based on the guidance in the 2017 DGWLCS and also a local landscape character assessment at a more detail grain. The site lies at on a ridge of forested land at short range with more sensitive landscape character types / units: the Narrow Wooded Valley (4) Ken unit, the Upper Dales / Valleys (LCT 9) Ken unit, and the Southern Uplands (LCT 19) Carsphairn unit. There may be potential for significant indirect landscape effects with all these highly sensitive landscape units.

Relevant excerpts from the DGWLCS (2017) for the Ken unit of LCT 19a:

Summary of sensitivity:
Within the wider landscape character type of Southern Uplands with Forest (LCT 19a), characterized by an expansive gently undulating upland plateau of smoothly rounded hills, and extensive forest cover the Ken unit is noted as having a greater proportion of open ground, and being: *… more intercut by valleys and features a number of smaller scale local landscapes and dramatic corries at the heads of glens.*

Sensitivity would be High-medium for the Very Large typology (turbines 150m+) and Medium for the Large typology…. And whilst Landscape values overall are Medium-low for the LCT, a higher sensitivity is noted for the Ken unit, due to the SUW, core paths and promoted heritage trails.

Cumulative issues:
Wind farm development is noted as a key feature of the Ken unit, and cumulative effects are noted as being more likely to arise within the Ken and Carsphairn units, associated with Wether Hill, Windy Standard, Hare Hill, and other consented schemes in upper Nithsdale. Relevant key cumulative effects may include:
- *The potential creation of a concentrated band of wind farm development visually linking wind farms located in the Ken unit with the Blackcraig and Mochrum wind farms located in the Stroan unit…(18a) to the south.*
- *Additional development located in the Ken unit which could exacerbate impacts on adjacent Narrow Wooded Valleys (4) and Upland Glens (10) and effects on the SUW and other recreational routes.*
- *While the sparsely settled nature of the southern uplands with forest (19a) reduces visual sensitivity, cumulative effects would arise on more elevated views from popularly accessed hills such as Cairnsmore of Carsphairn and from the rhinns of Kellsas well as from the SUW and the striding arches in the Ken unit.*
- *Effects on the …..setting and views to the landmark hill of Cairnsmore of Carsphairn in combination with the operational and consented wind farms which already have an effect on these features.*

Constraints:

- *The arc of hills which includes Benbrack, Cairn and Blackcraig which form a key focus at the head of the Upper glen (10) of the Dalwhat Water within the ken unit. The presence of the SUW and the landmark sculptures of the Striding Arches add to the sensitivities of this area.*
- *The proximity of the dramatic sculptural hill of Cairnsmore of Carsphairn to parts of the Ken….unit.*
- *Potential for cumulative effects to arise with additional wind farm development sited within the Ken….unit(s).*

Opportunities:

- *The sparsely settled nature….and its distance from more populated lowland areas.*
- *Extensive commercially managed forestry which covers the majority of the character type which precludes a strong sense of wilderness.*

Guidance on development:

Cumulative effects with other operational and consented wind farms and effects on adjacent glens and landmark hills are key constraints to this typology in the ….Ken unit(s).

Capacity for additional development is likely to be very limited within the Ken unit, although some scope for re-powering and / or small extensions to operational wind farms may be possible provided that effects on promoted recreational routes and on more sensitive glens are minimised.

Local landscape character

With respect to the Shepherd's Hill proposals, whilst occupying a forested area, the Large size of the turbines, and their position in relation to more sensitive landscape areas (LCTs 4, 9 and 19), the SUW and Striding Arches, other existing and committed wind farm developments, and the existing cohesive wind farm pattern associated with upper slopes, would potentially give rise to significant local and strategic impacts.

A local landscape character assessment should be undertaken to assess and mitigate against potential landscape and visual impacts on the local landscape and setting of features, which contribute to its sense of place and local distinctiveness.

- The setting of the Cairnsmore of Carsphairn as a landmark and focus to the range of shapely / sculptural Carsphairn Hills, including most notably Benniner and Moorbrock summits and slopes.
- The setting of Mascalloch Hill as a local landscape feature.
- The setting of and approach to the Stroanfreggan area and associated landscape (and historic) features, the Crag and Iron Age hill fort, and Smitton's Bridge.
- The setting and character of the Dundeugh Hill and High Bridge of Ken area, including the picnic site by the river.
- The setting and character of the upper water of Ken Valley, as appreciated from the minor Head of the Ken road, and including Smitton's Bridge.
- Access and other design aspects of the commercial forestry.

Other LCTs

Within 15 km the ZTV also indicates visibility: along the Narrow wooded Valley (LCT 4) Ken unit, across to the west and down south of the Glen Kens, including Upper Valley (LCT 9) Upper Glenkens unit, Foothills with Forest (LCT 18a) Rhins of Kells unit, Southern Uplands (LCT 19) Carsphairn unit, Rugged Granite Uplands (21) and with Forest (21a) Rhins of Kells units.

Indirect landscape and visual effects are anticipated in these units, and reference to the DGWLCS should be made in terms of detailed assessments for landscape context and visual sensitivities.

Regional Scenic Area designation

The proposals lie immediately to the east of the Galloway Hills RSA and 7km to the west of the Thornhill Uplands RSA. There are no direct landscape effects on the RSA areas, but there may be indirect landscape effects on the setting and context, particularly in relation to the Carsphairn (LCT 19) unit, and / or visual effects in terms of important views, such as from the Cairnsmore of Carsphairn and the Rhinns of Kells. Under IN2 the proposals should be assessed against the potential impacts on the objectives of the RSA designation and demonstrate the extent to which these can be addressed. They should also be assessed against policy NE 2 with respect to the landscape character and scenic interest for which the area has been designated.

Designed Landscapes
The proposals should be assessed against policy HE6, with respect to any theoretically visible Inventory / Non Inventory Designed Landscapes at short range.

3 Visual

Study area
The ZTV takes in a study area of 40km, but from the pattern of theoretical visibility any significant effects are not expected beyond 15km, and views taking in wind farm pattern and cumulative context would be likely to fall within the upper Glenkens, and potentially the Galloway Hills / Rhinns of Kells lying to the west. 15km is suggested in this instance as an outer limit of visual interest for full visualisations, although wirelines could usefully be provided beyond this to pick up particularly sensitive visual receptors.

Visual receptors
An assessment of visual effects deals with the effects of change and development on the views available to people and their visual amenity. The concern … is with assessing how the surroundings of individuals or groups of people may be specifically affected by changes in the content and character of views. … Scoping should identify the area that needs to be covered in assessing visual effects, the range of people who may be affected by these effects and the related viewpoints in the study area that will need to be examined. GLVIA, 6.1 & 6.2 (2013)

Within DG the ZTV indicates a pattern of visibility: along the Narrow wooded Valley (LCT 4) Ken unit, across to the west and down south of the Glen Kens, including Upper Valley (LCT 9) Upper Glenkens unit, Foothills with Forest (LCT 18a) Rhins of Kells unit, Southern Uplands (LCT 19) Carsphairn unit, Rugged Granite Uplands (21) and with Forest (21a) Rhins of Kells units. The LVIA should address:

Residential receptors:
- Local properties within 2km.
- Possibly other dispersed properties within 5km.
- Villages: New Galloway, Carsphairn, Dalry.

Recreational receptors
Walkers:
- SUW long distance route / key tourist route; between Benbrack (Striding Arches) and Shield Rig, and including, Culmark Hill, Butterbole Bridge, and Waterside Hill.
- Other core paths, footpaths, and heritage trails; Stroanfreggan Heritage Trail (route to fort), Dundeugh Hill, Forrest Lodge forest walks, core paths around Carsphairn, including Garryhorn Mine, and Bardennoch Heritage Trails.
- Galloway Hill RSA popular summits; Cairnsmore of Carsphairn / Benniner, Corserine.

The quiet recreation afforded by the character and scenery, network of quiet country roads and associated sites:
- Views and amenity from the network of country roads, B729, minor Fingland to Butterbole Bridge.
- B7000 around the Bridge of Ken, and picnic site.
- RSA areas east of Loch Ken.
- RSA views from the valleys accessing the Rhinns of Kells and Clatteringshaws.

Travelers and visitors:
- A712 key Galloway Forest Park tourist route and RSA views from the New Galloway area.
- A762 key RSA and tourist route up Loch Ken.
- A713 key RSA tourist route and northern approach.

Others
Any key views from Non Inventory Designed Landscapes (NIDL).

Representative viewpoints / sequential visual assessments

Rep.	Receptors	VP Review

Viewpoints		WCS – worst case scenario
	Scoping viewpoints	
1	Straonfreggan Bridge, B729	Y - site check for WCS
2	Stroanfreggan Craig and Fort	Y – also amenity asset – heritage path
3	Guttery Glen, B729	Y
4	Smitton's Bridge (also proxy-residential for Smittons)	Y - also proxy-residential for Smittons
5	Stroanfreggan Cairn	Y
6	Carroch Hill	Y – unsure of public access - lower priority?
7	Culmark Hill	Y
8	NCR, minor road S of B729	Y
9	High Bridge of Ken, B7000	Y
10	SUW W of Benbrack	Y
11	B7000	Y
12	Dundeugh Hill	Y
13	Benniner	Y
14	Cairnsmore of Carsphairn	Y
15	Craig of Knockgray	Y – consider Carsphairn village War Memorial as well / instead
16	Alhang	Y
17	Mulwhanny	? possibly VP 10 adequate – omit / wireline only
18	Stroangassal, A713	Y – site check
19	Bardennoch Hill	Y – consider the layby on A713 as well / instead – GR: 58 0 91 4
20	Woodhead Mines	Y – consider Garryhorn instead if WCS
20	Corserine	Y
	Additional / alternative requested viewpoints	
	Residential	proximity &/or cumulative
GR: 63 6 94 9	Craigengillan	
GR: 62 9 96 7	Moorbrock	
GR: 65 2 96 6	Auchrae	
GR: 59 7 93 3	Marbrack	
GR: 61 8 91 1	Muirdrochwood	
GR: 62 5 90 5	Bridgemark	
GR: 60 3 92 3	Furmiston	
GR: 62 5 90 5	Bridgemark	
	Others	
GR: 60 8 82 0	Waterside Hill, SUW	
GR: 62 5 77 9 / GR: 62 9 79 9	A712 New Galloway W approach, and / or A 762 N of New Galloway	Choose WCS
GR: 65 7 97 8 / GR: 64 2 95 5	Minor road, Head of Ken Water: Corlae area, and / or S of Strahanna,	Both, or choose WCS - also proxy-residential for Corlae and Strahanna
GR: 63 9 87 7	SUW, Butterbole Bridge	
	Burnfoot Bridge, B729	Also a proxy residential
	Cumulative / sequential visual assessments	
	SUW, Benbrack - Dalry / Shields Rig – Dalry.	National LDR / key tourist route
	B729, Carsphairn - High Bridge of Ken – Carrock / Knockhaughley – Guttery Glen	Scenic drive and route for cyclists, between the
	A713 from Carsphairn - Dalry	Key tourist route
	A762 from Mossdale - Dalry	Key tourist route

Visualisations: please provide following for the above to meet SNH (2017) and LI (2011) guidance:

- Cumulative wirelines, with other existing, consented, in-planning windfarms / wind turbines labeled / numbered
- Photomontage / cumulative photomontage, with existing and consented windfarms / wind turbines labeled / numbered

Site work for DGC landscape input is limited at scoping due to resources. The viewpoint lists provided reflect interpretation of a variety of data bases, as well as interpretation of the ZTV and OS maps. The total number of

viewpoints recommended varies from scheme to scheme and reflects sensitive receptors, the topographic complexity of the landscape and associated visual inter-relationships, and anticipated cumulative issues. Recommended types of visualisations reflect their use and likely stakeholder interest. The balance of representation across distance ranges is determined by the sensitivities of an area and anticipated significant effects. Inclusion of representation for highly sensitive receptors may be recommended, even where effects are not anticipated to be significant, for demonstration purposes.

Please note the following general points regarding proportionality of approach with respect to viewpoint selection:

- The viewpoint list provided by DGC represents the range of anticipated receptors for a scheme and it is anticipated that the Developer would refine this list, given the more in depth site knowledge their own work entails.
- Where two viewpoints are close together, it may be that one of these is a worst case scenario (wcs), and is chosen to represent both. Alternatively both may have a role for different functions; as representative, specific, or illustrative, or sequential viewpoints.
- Inclusion of private residential properties is recommended by DGC within 2km of schemes, and possibly more where specific cumulative issues are anticipated. This is considered appropriate given much of the rural area is characterized by a dispersed settlement pattern, which at times can be quite dense. Limiting representative viewpoints to designated settlements would not always provide the Authority or local people the opportunity to understand potential / likely effects.
- The visual effects assessments are sometimes carried out as part of a residential amenity assessment, in which case this will supplement the normal LVIA for a project.
- Residential properties can also provide representation for the minor road and core path networks, and the wider public amenity. More distant residential receptors can be included as a focus for representation of such other interests.
- It is recommended that the Developer review all the identified viewpoints and decide on the most appropriate to do full assessments and visualisations for. In order to do this all the viewpoints should be site checked to help determine the most representative and worst case scenarios. This initial assessment could form an Appendix in the ES, and baseline photographs usefully provided to illustrate the key points.
- *Visual receptors, and views that have been identified as unlikely to experience significant visual effects either at scoping or in establishing the baseline should not be included in the detail reporting but should be noted, with reasons given for their exclusion.* GLVIA 3, 6.24 (2013)

4 Cumulative

Cumulative context

The eastern Glenkens is an area with a dynamic baseline in terms of wind farm development, and the ES will need to address the range of existing, consented, in-planning, and where *absolutely necessary* scoping schemes (as per GLVIA3, paras. 7.14). It is noted that Shepherd's Rig is one of five current scoping schemes at short range from each other in this area of the Glenkens (Glenshimmeroch, Troston Loch, Cornharrow, Stroanshalloch, and Shepherds Hill). Given the proximity of these schemes, and the fact that a number of them lie immediately adjacent to each other and / or also other in-planning schemes, it is considered necessary that all these schemes are included in the cumulative assessment. As these schemes are coming through planning at the same time as Shepherd's Rig it is also likely that they will be in-planning schemes at the time of this scheme's application.

The potential for adverse effects are complex and in order to assess when the capacity of the area is reached the assessment should address the different potential scenarios of development:

- Committed schemes: existing and consented.
- Committed schemes and the different scenarios of in-planning schemes.
- Committed schemes with and without in-planning and scoping schemes.
- Committed schemes with / without each of the immediately adjacent in-planning and scoping schemes and the differing scenarios of each.

The LVIA should fully assess all scenarios of potential cumulative effects under policy IN2, and with reference to the DGC SG WED (2017), and SNH cumulative (2012) and siting and design (2017) guidance. In the current situation, the main concerns are:

- The cumulative impacts of the proposals in addition to Windy Rig would be the main cumulative interaction, and potentially in-planning Lorg, and at-appeal Longburn. Shepherd's Rig would occupy a ridge between Windy rig and the other two proposals, and fall within short range of all of

them. It would introduce a different siting and design rationale, as well as being of discernibly much greater scale of turbines and wind farm footprint.
- In relation to the wider cumulative context to the east of the Glenkens: Wether Hill and it's in-planning extension.
- In relation to the wider cumulative context to the north of the Glenkens: the rest of the emerging cluster of development around Windy Standard to the north, including of most relevance in-planning Windy Standard 3.
- In relation to the wider cumulative context to the south, also in the Glenkens: Blackcraig, Torrs Hill (unknown status), consented Knockman Hill Windfarm, and in-planning Margree would potentially give rise to interactions, and sequentially also Mochrum Fell further south.

Shepherd's Rig lies in between three smaller schemes, consented Windy Rig and two in-planning schemes; and is part of an emerging cluster of committed, in-planning and scoping schemes in the northeastern Glenkens. Given the potential for extension of *wind farm development as a key / defining characteristic* throughout the eastern Glenkens between Blackcraig and the Windy Standard cluster; and potential other local scale effects; the scenarios of development must be fully assessed. In terms of GLVIA3 (7.14) it is recommended that the the large cluster of scoping schemes between Wether Hill and Margree are included in the cumulative assessment, most notably Cornharrow, but also Stroanshalloch, Troston Loch and Glenshimmeroch

There are changes to the design detail of approved schemes, with a number in DGC returned for revisions, most commonly increases in turbine height / rotar diameter. The up to date, and potential picture should be reflected in the LVIA, and a willingness to amend visualization material, at least with wirelines, to enable assessment.

Cumulative impacts
Given the complex potential scenarios of development, there are a range of cumulative impacts that can be anticipated to arise that should be tested through the LVIA. The contribution of Shepherd's Rig in addition to other schemes, in relation to:
- CLI (*strategic*) – the relationship of Shepherd's Rig to the cohesive wind farm pattern, which currently relates to the uplands and with clear set back from sensitive valleys and more scuptural hill slopes.
- CLI (*landscape character*) – the change of landscape character of the Ken unit, in terms of the degree of influence of wind farms.
- CLI (*landscape character*) – the influence of wind energy development (WED) directly on the landscape character of the more sensitive surrounding landscape types (LCTs 4, 9, 19), and associated,
- CVI (*combined visibility* and *sequentially*) – visual dominance of WED from sensitive visual receptors (residents, SUW and other walkers, people enjoying quiet recreation, scenic drivers, cyclists, the Striding Arch sculptures, B729.
- CLI (*setting issues*) – effects on the setting of the sensitive (LCT 19 and key RSA summit) of the Cairnsmore of Carsphairn and CVI (in combination with Windy Rig and potentially Longburn) – effects on views to and from the landmark summit.
- CLI (*setting issues*) – effects on the scale, character and setting of the sensitive (LCT 4) Head of the Ken Valley and, CVI (in combination with potentially Longburn and Lorg) – extent of WED along both sides of the valley backdrop / skyline.
- CLI (*setting issues*) – effects on the setting the sensitive (LCT 9 and RSA landscape) of Dundeugh Hill, Kendoon Loch and the Upper Glenkens and CVI (in combination with Windy Rig and potentially Longburn) – effects on views and the scenic composition on the Glenkens mid slopes.
- CLI (*setting issues*) – effects on the setting of the sensitive (LCT 4) Stroanfreggan area and associated landscape features and, CVI (in combination with Wether Hill and potentially Longburn) – extent of WED around the backdrop / skyline.
- CVI (*sequential*) – the contribution of Shepherd's Rig to sequential impacts, when seen in combination with WED to the eastern Glenkens and Carsphairn area, as might be experienced from the SUW, B729 and potentially key tourist routes A712, A713, A762.

5 Design issues

To ensure that mitigation by design is optimized through the design process it is recommended that the following iterations are tested through the LVIA process.

Turbine size
It is anticipated that the turbines would have potential for least good fit / greatest impacts with the receiving landscape, and specifically the more sensitive landscape types and areas that lie immediately adjacent to the site:

- The more sensitive open Southern Uplands (LCT 19) landmark Cairnsmore of Carsphairn and notable *'dramatic sculptural peaks'* of RSA designated scenic quality. In some views such impacts would be in addition to consented Windy Rig.
- The more sensitive Narrow Wooded Valley (LCT4) of the Upper Ken; potentially in addition to Longburn.
- The more sensitive Upper Glenkens Valley (LCT 9) around Dundeugh Hill; potentially in addition to Longburn.
- The sensitive local Stroanfreggan landscape area (LCT 4 and LCT 19a); potentially in addition to Longburn.

It is recommended that comparative wirelines are produced of the scenario with turbines resized from key representative viewpoints, to 110m, and 130m. These will need to be checked in the field to fully appreciate issues of landscape fit and scale.

Lighting issues
The proposed turbines just avoid hub height visible aviation lighting. Should the turbines be up-sized:

- The effects of any required lighting should be visualized and assessed from appropriate representative viewpoints in the Galloway Dark Sky Park, its buffer zones, and any other sensitive viewpoints.
- Alternatives should be explored with respect to potential lighting options. For example radar activated lighting.

Forestry
Most of the proposed scheme lies within an established area of forestry. The LVIA should address the assessment of effects in relation to the Forest Plan, detail forestry proposals, including any potential mitigation by design / compensatory mitigation. Photomontage visualisations should show the proposals, including forest cover.

Access
Access to and within the site should be assessed in terms of impacts; along with the Abnormal Loads Route / options, indicating any requirements in terms of road upgrades at corners, boundary and verge treatments, bridges, tree works and access points etc, along with detail design proposals for these. Photomontage visualisations should show any such proposals.

Other infrastructure
Other compounds, substations, site offices, batching plants, borrow pits etc should be assessed in terms of impacts; indicating any requirements in terms of architectural and engineered structures or ground works, boundary treatments, tree works, proposed screening etc, along with detail design proposals for these. Photomontage visualisations should show proposals.

A23

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email: econsents_admin@gov.scot

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

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300027181
Your ref: ECU00005137
27 August 2024

Dear Scottish Government Energy Consents

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Shepherds Rig Wind Farm Variation Scoping

Thank you for you consulting us on this Environmental Impact Assessment (EIA) scoping report, which we received on 26 July 2024. We have reviewed the details in terms of our historic environment interests. This covers World Heritage Sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and Historic Marine Protected Areas.

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

Proposed development

We understand that the revised proposed development comprises 13 turbines up to 200m in height, plus associated infrastructure, at Shepherd's Rig, in northern Dumfries and Galloway. This is a revision of a consented scheme, which was for 19 turbines up to 149.5m in height.

Scope of assessment

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

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

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Where assessment of an asset's setting indicates that there could be significant impacts from the proposed development, wireframes should be produced to help assess those impacts. Where the impacts are identified as significant, photomontages should be produced to illustrate the impacts.

We would welcome consultation with the applicants, particularly in relation to visualisations, as the EIA progresses.

Further information

Decisions that affect the historic environment should take the Historic Environment Policy for Scotland (HEPS) into account as a material consideration. HEPS is supported by our Managing Change guidance series. In this case we recommend that you consider the advice in the Setting guidance note.

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

Yours sincerely

Historic Environment Scotland

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

ANNEX

The Scoping Report

Cultural Heritage is considered at chapter 9 of the scoping report, supported by a gazetteer of historic environment assets, Appendix 9.1. We welcome that a data gap analysis and setting assessments have considered whether additional historic environment assets will be affected by the increase in height of the proposed turbines over the consented scheme (para 9.1.5). We are content for A-listed buildings, and Inventory Gardens & Designed Landscapes to be scoped out of further assessment.

We note, however, that neither **Stroanfreggan Craig, fort, Smittens Bridge SM1095,** nor **Stroanfreggan Bridge, cairn SM1043** are mentioned in Appendix 9.1; in the interests of clarity, the gazetteer should list all the historic environment assets that were considered and provide written justification for those that have been scoped out of further assessment.

Stroanfreggan Bridge, cairn SM1043 is also not mentioned in the Cultural Heritage chapter of the Scoping Report. We are, therefore, unclear why the cairn has been scoped out of further assessment. Given the increased height of the turbines, we request that impacts to its setting from the revised scheme should be assessed.

Our Interests

Craigengillan, cairn (SM2238)

The monument consists of a large, circular prehistoric cairn measuring approximately 24 metres in diameter and surviving about 3 metres high, situated on the shoulder of a broad ridge on the southern slopes of Craigengillan Hill.

The cairn lies on a steep southeast-facing slope, and views to and from the east and southeast are likely to be significant elements in the setting of the monument. These views are likely to be re-established as part of tree restocking work. Apart from the visual element of the setting, the monument is located in a relatively isolated upland landscape, and this also contributes to the setting of the monument.

The commercial forestry which surrounds the cairn is presently being felled. Proposals for replanting include establishing a wider buffer zone around the cairn which would open up views to and from the monument, especially to the south and east, downslope of the cairn.

We are concerned that turbine 4 (as shown on Figure 3.3 Proposed Varied Development Layout) could have a significant impact on views to the north from the cairn, and views of the cairn from the east and southeast. Photomontages of views from the cairn, and towards the cairn with the development behind, would be required for us to be able to properly assess the impact of the increased size of this turbine.

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Stroanfreggan Craig, fort, Smittens Bridge (SM1095)
We have highlighted the potential negative impacts on this monument of earlier design iterations. At the time of the 2019 EIA report, our objection was partially based on the impact on **Stroanfreggan Craig, fort, Smittens Bridge (SM1095).** However, following the 2020 EIA Addendum we were content that, although there would be an adverse effect on the setting of Stroanfreggan Craig fort, this would not be of such a level that we would object to the scheme on this basis.

The changes since 2020 to produce the current layout have seen the size of the turbines increase. It is probable, therefore, there would be an adverse effect on the setting of the monument, despite the reduction in turbine numbers. Visualisations from this monument looking towards the development would be helpful in confirming the severity of the impacts of the proposed scheme.

Stroanfreggan Bridge, cairn (SM1043)
This large circular cairn and cist is situated at the edge of a bank on low-lying ground by Stroanfreggan Burn. The monument is a low circular cairn of stones *c*. 24m in diameter and features a burial cist on the eastern side of the cairn. Such cairns were designed to be visible from adjacent farmland and routeways, and to have reciprocal views outwards.

The location of this cairn on a gentle slope leading southwards towards the Stroanfreggan Burn suggests that the key element in the setting of the cairn consists of views to the east and west along the watercourse, and that distant views from the cairn to the north and south are subsidiary elements in this setting. However, given the topography of the surrounding land, and the relative heights of the two assets, it is probable that there was intervisibility between this cairn and Craigengillan cairn SM2238 to the north-north-west. Views towards Craigengillan cairn are likely to form part of the setting of the monument. The impacts of the increased turbine heights of the proposed development on the setting of this cairn should therefore be assessed, and wireframe visualisations on the approach to the cairn from the south-east, looking towards the location of Craigengillan Cairn SM2238 should be part of this assessment.

Historic Environment Scotland
27 August 2024

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HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email to: Colin.Abernethy@gov.scot

Colin Abernethy
Case Manager
Energy Consents Unit
The Scottish Government

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

HMEnquires@hes.scot
0131-668-8716

Our case ID: 300027181

12 November 2024

Dear Colin Abernethy

Shepherds Rig Wind Farm – Revised Scoping Advice

Thank you for getting in touch to check whether we had received the previously omitted Historic Environment Impact Assessment information (parts of Appendix 9.1) relating to the Shepherds Rig Wind Farm. We can confirm that we have done so, and we have had a meeting with the applicants and their historic environment advisors to discuss its contents. As a result of these discussions, we would like to revise our earlier scoping advice.

Revised Advice
The applicant has now provided a full copy of Appendix 9.1 Gazetteer of Heritage Assets including their justification for scoping out further detailed assessment of **Stroanfreggan Bridge, cairn (SM1043)**. Considering their assessment, we have reviewed our position regarding this monument. We have now determined that there is no intervisibility between Stroanfreggan Bridge cairn and Craigengillan, cairn (SM2238). Therefore, we agree with the applicant's assessment that the key aspects of the setting of this monument relate to the valleys of the Water of Ken and the Stroanfreggan Burn, and their confluence to the west of the cairn.

Potential impacts on these and other aspects of the setting of this monument have been assessed in previous applications for the consented development. At the time of the 2019 submission, we were content for Stroanfreggan Bridge, cairn (SM1043) to be scoped out of further assessment. Although the current design changes may lead to an increase in the magnitude of impacts on the setting of the cairn, we do not anticipate this resulting in a level of impact on the monument such that we would raise significant concerns. Consequently, we are content for Stroanfreggan Bridge, cairn (SM1043) to be scoped out of further detailed assessment.

We are content that **Craigengillan, cairn (SM2238)** and **Stroanfreggan Craig, fort, Smittens Bridge (SM1095)** have been scoped in for detailed assessment. We note that photomontages will be produced of the views from these monuments towards the development. We further welcome the proposed additional photomontage showing the

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

view from the Water of Ken across Craigengillan, cairn (SM2238) towards the development.

Please contact us if you have any questions about this letter. The officer managing this case is Dr Mary MacLeod Rivett who can be contacted by email at mary.macleod@hes.scot.

Yours sincerely

Historic Environment Scotland

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Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Nicola Ferguson
Planning Department
ECU Council

By email only to: Econsents_Admin@gov.scot

Our Ref: PCS-20002458
Your Ref: ECU00005137

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

13 August 2024

Dear Nicola Ferguson,

Electricity Act 1989 - Section 36
ECU00005137
Request for Scoping Opinion for Proposed Section 36C Application
Shepherds Rig Wind Farm, St John's Town of Dalry

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

Our position and advice, given below, is based on the determining authority ultimately determining that the proposal is classed as development that could be supported for the purposes of assessment under Policies 5 and 22**,** as defined in National Planning Framework 4. If this is not the case, please advise so we can re-consider our position and advice.

SEPA
Unit 6
4 Parklands Avenue
Holytown
Motherwell
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

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Advice for the planning authority / determining authority

We understand that this consultation is related to a new proposal for the wind farm as a result of the following proposed changes:

• Removal of four turbines and associated crane hard standings;
• Increase in the maximum blade tip height of the remaining 13 turbines to 200 m;
• Relocation of three turbines slightly beyond the micrositing allowance;
• Amendments to part of the track layout to reflect turbine removal and relocation (as outlined above).

We previously provided comments to the Shepherds' Rig Wind Farm on the 27 January 2020 (our ref: PCS/169102) where we had no objection to the latest submission and provided the following advice:

a) I would refer you to SEPA's previous response, 27 August 2019 (PCS/166896) regarding a change in turbine positions to which we offered no objection.
b) It is our understanding that in addition to a change in turbine locations, the substation has also been relocated to a site approximately 250m to the north east alongside the track between T8 and T10.
c) The applicant should confirm that the new position for the substation is still out with buffers of any GWDTE's found on site and other ecologically sensitive areas.
d) While peat depths at the new substation site are not more than 1m, the peat management plan should be updated to reflect new peat totals for excavation and re-use. SEPA welcomes the applicant's on-going efforts to reduce peat excavation across the site.

1. Site specific comments

1.1 Paragraph 10.4.3 of the scoping report says: "*SEPA originally objected to the Consented Development due to the lack of information on the impact on peat, however the objection was withdrawn after the turbine locations were adjusted away from peat.*" We assume the consented development reflected the comments we provided in our last response in January 2020, and therefore the only locations for SEPA to consider now are the ones where there has been a change in position in the new application, which we understand are for T2, T3 and T7 (from the scoping report, table 3.2 proposed turbine locations).

1.2 We request that the EIAR addresses the advice from our last response - see points c) and d) above.

1.3 Raising the height of the turbines often results in changes in the foundations. Therefore, for the higher turbines which have not been moved, we have no additional comments unless there is a bigger footprint for the turbine base or laydown areas for ones on peat >1m. If there is the applicant should confirm additional volume of peat disturbed in the EIAR and how this will be reused.

1.4 For T2, T3 and T7 (and any other turbines that have been moved from our previous response – see point 1.1 above) and for the amendments to part of the track layout, please see the advice in Appendix 1 of this letter. Please note that this reflects the National Planning Framework (NPF4) requirements.

2. Regulatory advice for the applicant

2.1 Details of regulatory requirements and good practice advice, for example in relation to engineering works in the water environment and waste management, 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 .

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

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Yours sincerely,

Silvia Cagnoni
Senior Planning Officer
Planning Service

Ecopy to: nicola.ferguson@gov.scot

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

Appendix 1: Detailed scoping requirements

Please note that some of the planning guidance referenced in this response is being reviewed and updated to reflect the National Planning Framework 4 (NPF4) policies. For example the Flood Risk Standing Advice and Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems. It still provides useful and relevant information, but some parts may be updated further in the future.

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

1. Site layout

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

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

1.3 A comparison of the environmental effects of alternative locations of infrastructure elements may be required.

2. Water environment

2.1 The proposals should demonstrate how impacts on local hydrology have been minimised and the site layout designed to minimise watercourse crossings and avoid

other direct impacts on water features. Measures should be put in place to protect any downstream sensitive receptors.

2.2 The submission must include a set of drawings 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) A map showing the location, size, depths and dimensions of all borrow pits overlain with all lochs and watercourses within 250m and showing a site-specific buffer around each loch or watercourse proportionate to the depth of excavations. The information provided needs to demonstrate that a site specific proportionate buffer can be achieved.

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.

3. Flood risk

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

3.2 Crossings must be designed to accommodate the 0.5% annual exceedance probability flows (with an appropriate allowance for climate change), or information provided to justify smaller structures.

3.3 If it is considered the development could result in an increased risk of flooding to a nearby receptor, then a flood risk assessment (FRA) must be submitted. Our Technical Flood Risk Guidance for Stakeholders outlines the information we require

to be submitted in an FRA.

4. Peat and peatland

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

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

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

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

b) Peat depth survey showing interpolated peat depths;

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

4.4 The detailed series of layout drawings above should clearly demonstrate that development proposals avoid any near natural peatland and that all proposed

excavation is on peat less than 1m deep.

4.5 The layout drawings should also demonstrate that peat excavation has been avoided on sites where this is possible. On other sites where complete avoidance of peat and carbon rich soils is not possible then it should be clearly demonstrated that the deepest areas of peat have been avoided and the volumes of peat excavated have been reduced as much as possible, first through layout and then by design making use of techniques such as floating tracks.

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

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

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

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

d) Suitable evidence that the use of peat in making good areas disturbed by development, including borrow pits, is genuine and not a waste disposal operation, including evidence on the suitability of the peat and evidence that the quantity used matches and does not exceed the requirement of the proposed use. If peat is to be used in borrow pits on site, SEPA will require sections and plans including the phasing, profiles, depths and types of material to be used;

e) Use of excavated peat in areas not disturbed by the development itself is now not a matter SEPA provides planning advice on. Please refer to Advising on peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot 2023, and the Peatland ACTION – Technical Compendium which provides more detailed advice on peatland restoration techniques. Unless the excavated peat is certain to be used for construction purposes in its natural state on the site from where it is excavated, it will be subject to regulatory control. The use of excavated peat off-site, including for peatland restoration, will require the appropriate level of environmental authorisation. Excavated peat will be waste if it is discarded, or the holder intends to or is required to discard it. These proposals should be clearly outlined so that SEPA can identify any regulatory implications of the proposed activities. This will allow the developer and their contractors to tailor their planning and designs to accommodate any regulatory requirements. Further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

5. GWDTE and existing groundwater abstractions

5.1 Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas.

5.2 A National Vegetation Classification (NVC) survey should be submitted which includes the following information:

a) A set of drawings demonstrating all GWDTE and 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. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. 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.

5.3 Please note that due to discrepancies in habitat definition and ambiguity in correspondence with NVC types we do not accept the use of The UK Habitat Classification System (UKHab) as an alternative to NVC.

6. Forest removal and forest waste

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

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

7. Pollution prevention and environmental management

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

8. Life extension, repowering and decommissioning

8.1 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.

8.2 The discarding of materials as waste should be avoided. However, if there is an intention to discard materials then further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

A40

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

By e-mail only to: Econsents_Admin@gov.scot

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

29 August 2024

Our ref: CPA176592
Your ref: ECU00005137

Dear Ms Ferguson,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION

Thank you for your consultation dated 26 July 2024 in relation to this proposal and for granting an extension to our response deadline until 6 September 2024.

The proposed variation includes the intention to:

- Reduce the number of turbines and associated crane hard standings from 17 to 13
- Increase the maximum blade tip height of the remaining 13 turbines from either 125m or 149.9m to 200m
- Relocate 3 turbines slightly beyond the micro-siting allowance
- Make changes to track layout on site to reflect turbine removal and relocation

NatureScot Advice

We are broadly content that the information included within the scoping report is sufficient to inform the Environmental Impact Assessment (EIA) report. Please see our response to the relevant "Scoping Questions to Consultees" below.

1. Landscape and Visual

We are supportive of the intentions, as described in the scoping report, to undertake a new Landscape and Visual Impact Assessment (LVIA) as part of the EIA with regard to the proposed varied development. Please see Annex 2 of our general pre-application and scoping guidance for our advice on assessing the effects of turbine lighting. We are in agreement that the proposed scope of this section of the assessment is appropriate.

2. Ecology

We are broadly in agreement with the proposed scope of the surveys within this section of the assessment and the intention to scope out certain protected areas and species from the EIA due to a lack of connectivity, or other factor. We have no comments to make at this stage with regard to proposed survey areas or methodologies for species-specific surveys, or the 100m micro-siting areas of the turbines. The proposed significant biodiversity enhancements measures, as required under NPF4 and as stated in Section 7.8.4, should be expanded on as part of the EIA. Please refer to our pre-application guidance for onshore windfarms for further information on wind farm biodiversity enhancement in relation to NPF4.

3. Ornithology

We are supportive of the intentions, as stated within the scoping report, to re-assess and update the previous collision risk modelling and are in agreement that it is the only impact requiring detailed consideration within the EIA with respect to this chapter. We are in agreement that Loch Ken and River Dee Marshes Special Protection Area (SPA) can be scoped out of the EIA given the lack of connectivity. We have no comment to make at this stage with regard to the updated baseline survey methods and level of survey effort.

Concluding Remarks

I trust these comments are satisfactory; please do not hesitate to get in touch should you require any further information or clarification at this stage.

Yours sincerely,

Ian Park
Operations Officer - South

From: #ABZ Safeguarding
To: Econsents Admin
Subject: RE: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION
Date: 29 July 2024 10:06:18
Attachments: image001.png
image230423.png
image590220.png
image901812.png
image366646.png
image882675.png
image744621.png
image951723.png
image207394.png
image971556.png

This proposal is location outwith the consultation area for Aberdeen Airport. As such we have no comment to make and need not be consulted further.

Kind regards
Kirsteen

Aberdeen International Airport EST. 1934

#ABZ Safeguarding
abzsafeguard@aiairport.com
www.aberdeenairport.com
Aberdeen International Airport Limited, Dyce, Aberdeen, AB21 7DU

2023 UK NTA NATIONAL TRANSPORT AWARDS 2023
WINNER: TRANSPORT HUB OF THE YEAR 2023

A43

Patron His Majesty The King

Bringing horses and people together

The British Horse Society Scotland
Suite A3
Stirling Agricultural Centre
Stirling FK9 4RN

Email catriona.davies@bhs.org.uk
Website www.bhs.org.uk
Tel 02476 840749
Mob 07757 258712

By email to: Econsents_Admin@gov.scot

13th August 2024

Dear Sir/Madam,

Re: Request for scoping opinion for proposed Shepherds Rig Wind Farm variation ECU00005137

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

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

Although there are no designated core paths within the site, it is likely the public take access on paths and tracks within the site and in the surrounding area. Forestry tracks are often ideal routes for equestrians. Consideration should therefore be given to how access will be managed both during the construction phase and when the wind farm is operational. The creation of tracks within wind farms can be an opportunity to improve outdoor access and provide the local community with additional amenity, especially if tracks can offer circular routes for walkers, cyclists, horse riders and others. Obstructions to access like cattle or deer grids and locked gates with no side gate should be avoided.

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

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

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

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

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

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

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

Kind regards,

REDACT

Catriona Davies
Scotland Access Officer
The British Horse Society

Guidance to Drivers of Large Vehicles

The British Horse Society Scotland

Horses are normally nervous of large vehicles, particularly when they do not often meet them. They can run away in panic if they are really frightened. Whilst their riders will do all they can to prevent this, should it happen, it could cause a serious accident for other road users, as well as for the horse and rider.

In such a situation, the main factors causing the fear are:

- Being approached by something which is unfamiliar to them and intimidating
- A large moving object, especially if it is noisy
- Lack of space between the horse and the vehicle
- The sound of the vehicles air brakes
- Anxiety on the part of the rider

How can you help?

- On seeing a rider, or riders, approaching – please slow down and be prepared to stop if necessary.
- Be aware that the sound of your airbrakes may spook the horse.
- If the horse, or horses, show signs of nervousness as you get closer, please turn the engine off and allow them to pass.
- Please don't move off again until the riders are well clear of the rear end of the vehicle.
- If you are approaching riders and wishing to overtake them, please approach slowly, or even stop to give the rider's time to find a gateway, or other place off the road, where they can take refuge and create sufficient space between the horse and vehicle. Horses are very aware of things coming from behind, due to the position of their eyes.
- Please be patient. Most riders will do their best to reassure their horses even though they may be feeling a high degree of anxiety themselves.
- Note: the safest place for the rider's hands is on the reins, so if they are anxious, they may only be able to nod their thanks to you – but please do be assured that they will be very, very grateful for your consideration of their situation.

THE BRITISH HORSE SOCIETY IS VERY GRATEFUL TO ALL DRIVERS WHO ARE WILLING TO FOLLOW THESE GUIDELINES.

A46

OUR REF:- WID13507

We have studied the amended proposed windfarm development 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.

A47

Defence Infrastructure Organisation

Stefany Alves Veronese
Assistant Safeguarding Manager
Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Telephone [MOD]: 07977 726 851

E-mail: stefany.alvesveronese100@mod.gov.uk

Your Reference: ECU00005137

Our Reference: DIO18347

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

By email only

22 August 2024

Dear Nicola,

Application reference:	ECU00005137
Site Name:	Shepherd's Rig Wind Farm
Proposal:	ELECTRICITY ACT 1989 THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION.
Site address:	10km north of St John's Town of Dalry, in northern Dumfries & Galloway.

Thank you for consulting the Ministry of Defence (MOD) in relation to the Scoping through your communication dated 26 July 2024.

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

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

The proposal concerns a development of 13 turbines with maximum blade tip heights of 200 metres above ground level. The proposed development has been assessed using the location data (Grid References) below provided in EIA Scoping Report dated May 2024.

Turbine no.	Easting	Northing
1	261952	595637
2	262306	595375
3	261572	595111
4	262475	594930
5	261915	594785
6	261986	593849
7	262447	593709
8	261740	593414
9	262667	593305
10	261438	592978
11	262482	592799
12	261690	592707
13	262045	592403

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

Physical Obstruction

In this case the development falls within Tactical Training Area 20 (TTA 20), 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.

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

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

As a minimum the MOD would require that the perimeter turbines are fitted with infra-red (IR) light.

Summary

The MOD has concerns with this proposal for the following reasons:

- Potential to create a physical obstruction to air traffic movements.

The MOD must emphasise that the advice provided within this letter is in response to the information detailed in the developer's document titled 'EIA Scoping Report' dated May 2024. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

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

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

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

Yours sincerely,

REDACTED

Stefany Alves Veronese
Assistant Safeguarding Manager
DIO Safeguarding

A50

From: Safe Guarding
To: Econsents Admin
Cc: Safe Guarding
Subject: ECU00005137 - Shepherds Rig Wind Farm
Date: 07 August 2024 11:56:14
Attachments: image001.png

Good morning,

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

Edinburgh Airport
Where Scotland meets the world

Our values

t: +44 (0)131 344 3845 m: 07771 842927
My working hours are Monday-Friday
www.edinburghairport.com

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

From:	Brian Davidson
To:	Econsents Admin
Cc:	REDACTED
Subject:	RE: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION
Date:	01 August 2024 10:24:39
Attachments:	image001.png

Dear Nicola,

Thank you for your correspondence concerning the proposed Shepherd's Rig wind farm variation.

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

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

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

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

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

Kind regards,

Brian

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

A52

GLASGOW AIRPORT

FAO Nicola Ferguson
Energy Consents Unit
By Email

12th August 2024

Dear Nicola

Re: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION
Our reference: GLA4514

I refer to your request for scoping opinion received in this office on 26th July 2024.

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

- The site is outwith the obstacle limitation surfaces and radar consultation area for Glasgow Airport;
- It is within the instrument flight procedures safeguarding areas and may impact. Detailed assessments will be required.

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

Yours sincerely
REDACT

Kirsteen MacDonald
Safeguarding Manager
Glasgow Airport
REDACT
Kirsteen.MacDonald@agsairports.co.uk

From:	Ian Hutchinson
To:	Econsents Admin
Cc:	Safeguarding
Subject:	RE: External - REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION
Date:	29 July 2024 11:34:23
Attachments:	image001.png

Hi Nicola,

On behalf of Glasgow Prestwick Airport, I have reviewed the information available on the ECU Portal for the proposed variation of consent for Shepherd's Rig Wind Farm.

The site remains heavily terrain shielded from the Primary Surveillance Radars at GPA, and well below any protected surfaces or Instrument flight Procedures. Consequently, we would have no comment or valid objection to make to the proposed variation.

Kind regards,

Ian

Logo

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

Ian Hutchinson
Aerodrome Safeguarding Manager

T: (+44) 01292 511038
M:

ihutchinson@glasgowprestwick.com

www.glasgowprestwick.com

From:	Safeguarding
To:	Econsents Admin
Subject:	RE: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION
Date:	02 August 2024 12:25:43
Attachments:	image001.png

OFFICIAL

Your reference: ECU00005137
Our reference: 2024/207/CAL

Dear Sir/Madam,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION

Location: 10km north of St John's Town of Dalry, in northern Dumfries & Galloway

Highlands and Islands Airports Limited has been consulted on the above proposed development, received by this office on 26 July 2024.

This proposal is located out-with our safeguarding consultation zone. As such we have no comment to make and need not be consulted further.

Best regards,

Safeguarding Team
Highlands and Islands Airports Limited
safeguarding@hial.co.uk

A55

From:	JRC Windfarm Coordinations Old
To:	Econsents Admin
Cc:	Ferguson N (Nicola); Wind SSE
Subject:	SHEPHERDS RIG WIND FARM VARIATION [WF860824]
Date:	06 August 2024 15:01:56
Attachments:	image.png

Dear econsents_admin,

A Windfarms Team member has replied to your co-ordination request, reference **WF860824** with the following response:

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

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 Nicola,

***Planning Ref**:*

ECU00005137

***Name/Location**:*

Shepherds Rig Wind Farm

***Site Centre/Turbine(s) at NGR**:*

Easting	Northing	
1	261952	595637
2	262306	595375
3	261572	595111
4	262475	594930
5	261915	594785
6	261986	593849
7	262447	593709
8	261740	593414
9	262667	593305
10	261438	592978
11	262482	592799
12	261690	592707
13	262045	592403

***Development Radius**:*

***Hub Height**: 118.5m **Rotor Radius**: 40.75m*

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

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

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

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

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.

Regards

Wind Farm Team

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

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.

https://breeze.jrc.co.uk/tickets/view.php?id=33796

From:	NATS Safeguarding
To:	Econsents Admin
Cc:	NATS Safeguarding
Subject:	RE: [SG26361] REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION
Date:	30 July 2024 13:28:11
Attachments:	image002.png image003.png image004.png image006.png image007.png image008.png image009.png SG26361 Shepherds Rig (TOPA - Issue 3).pdf

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 SG36361

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

In the event that any recommendations made by NATS are not accepted, local authorities are 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 Safeguarding

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

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

A59

Technical and Operational Assessment (TOPA)

For

Windfarm Development

Shepherds' Rig

Issue 3

NATS reference: SG26361

Publication history

Issue	Month/Year	Changes in this issue
Issue 1	July 2018	Pre-planning submission
Issue 2	January 2019	Full planning submission
Issue 3	July 2024	Re-submission

Contents

1. Background

1.1. En-route Consultation

NATS 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 radars, 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 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 2.

2. Application details

SETT Developments Limited submitted a request for a NATS technical and operational assessment (TOPA) for the development at Shepherds' Rig as detailed in the table below.

Turbine	Lat	Long	East	North	Hub (m)	Tip (m)
1	55.2356	-4.1725	261952	595637	130	200
2	55.2333	-4.1668	262306	595375	130	200
3	55.2307	-4.1782	261572	595111	130	200
4	55.2294	-4.1639	262475	594930	130	200
5	55.2279	-4.1726	261915	594785	130	200
6	55.2195	-4.171	261986	593849	130	200
7	55.2184	-4.1637	262447	593709	130	200
8	55.2155	-4.1747	261740	593414	130	200
9	55.2148	-4.1601	262667	593305	130	200
10	55.2115	-4.1792	261438	592978	130	200
11	55.2102	-4.1627	262482	592799	130	200
12	55.2092	-4.1751	261690	592707	130	200
13	55.2066	-4.1694	262045	592403	130	200

Table 1 – turbine coordinates and height

3. Assessments Required

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

Radar	Lat	Long	nm	km	Az (deg)	Type
Clee Hill Radar	52.3983	-2.5975	177.8	329.2	342.4	CMB
Great Dun Fell Radar	54.6841	-2.4509	67.1	124.3	299.2	CMB
Lowther Hill Radar	55.3778	-3.7530	16.4	30.4	236.7	CMB
Perwinnes Radar	57.2123	-2.1309	137.0	253.8	210.5	CMB
Tiree Radar	56.4556	-6.9230	118.5	219.4	127.4	CMB
Nav	**Lat**	**Long**	**nm**	**km**	**Az (deg)**	**Type**
New Galloway	55.1774	-4.1686	1.8	3.3	171.1	NDB
AGA	**Lat**	**Long**	**nm**	**km**	**Az (deg)**	**Type**
None						

Table 2 – Impacted Infrastructure

3.1. En-route radar technical assessment

3.1.1. Predicted impact on Lowther Radar

Using the theory as described in Appendix A and the turbine specific propagation profiles it has been determined that apart from turbines 6 and 7 the terrain screening available will not adequately attenuate the signal, and therefore the remaining 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.

3.1.2. Predicted impact on Great Dun Fell Radar

Using the theory as described in Appendix A and the turbine specific propagation profiles it has been determined that for all the turbines the terrain screening available will not adequately attenuate the signal, and therefore they 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.

3.1.3. 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**

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.

3.2. En-route navigational aid assessment

3.2.1. Predicted impact on navigation aids.

No impact is anticipated on NATS's navigation aids.

3.3. En-route radio communication assessment

3.3.1. Predicted impact on the radio communications infrastructure.

No impact is anticipated on NATS's radio communications infrastructure.

4. Conclusions

4.1. 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 $\mathbf{P_t}$ 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 $\boldsymbol{G_t}$ 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 **σ**, this can be treated as if the object re-radiates the pulse with a gain of **σ** 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, $\mathbf{A_e}$, 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 $\boldsymbol{G_t}$ is the Radar antenna's receive gain in the direction of the object and **λ** 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 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 $\mathbf{r_t}$ and $\mathbf{r_r}$ 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.

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

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.

Appendix B – Diagrams

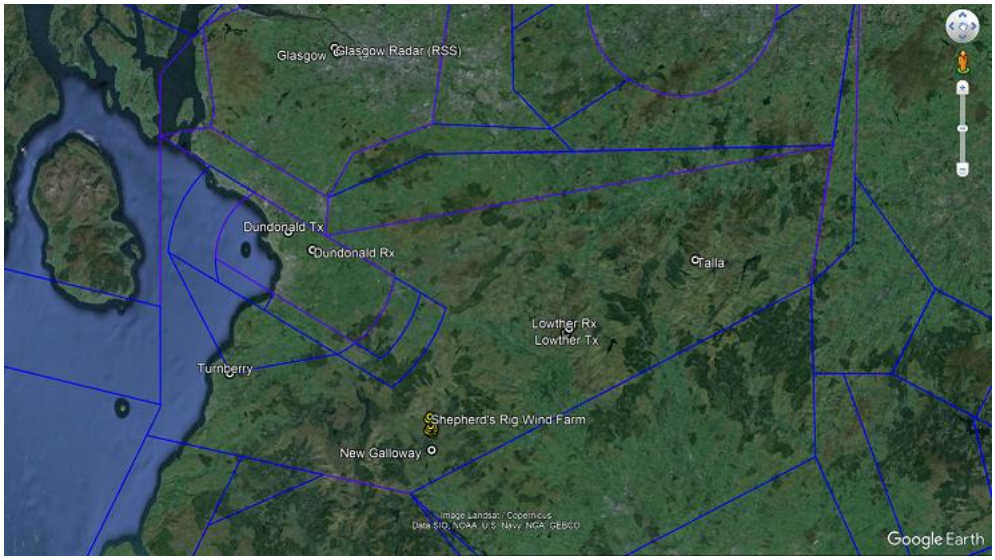

Figure 1: The development location shown on an airways chart

From:	obanairport
To:	Econsents Admin
Subject:	RE: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION [NOT PROTECTIVELY MARKED]
Date:	26 July 2024 20:33:34
Attachments:	image001.png

Classification: NOT PROTECTIVELY MARKED

Good Evening,

This site is out with the airport area of concern.

Kind Regards,

Jon

Jonathan Ireland

Station Manager
Oban & The Isles Airports
North Connel
Argyll, PA37 1SW

t. 01631 572912
m. 07760 990784

Oban & The Isles Airports

A68

From:	ONR Land Use Planning
To:	Econsents Admin
Subject:	ONR Land Use Planning - Application ECU00005137 - Shepherds Rig Wind Farm
Date:	29 July 2024 15:34:00
Attachments:	image001.png image001.png

Dear Sir/Madam,

With regard to planning application ECU00005137 - Shepherds Rig Wind Farm, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

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

Kind regards,

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

A69

Nicola Ferguson
Energy Consents Unit
The Scottish Government
Sent by email to: Econsents_Admin@gov.scot

15th August 2024

Dear Nicola,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION

Many thanks for consulting RSPB Scotland on the Request for Scoping Opinion for the Shepherds Rig Wind Farm Variation (ECU00005137). We have made the following comments in response to the questions set out in the Scoping Report.

Section 8 – Ornithology

Q1 – Do the consultees agree that the Loch Ken and River Dee Marshes Special Protection Area can be scoped out of the EIA given the lack of connectivity?

We agree that effects on this SPA can be scoped out.

Q2 – Are the consultees content with and/or have any comments on the updated baseline survey methods and level of survey effort, taking into consideration current guidance, the proposed scale and location of the Proposed Varied Development?

We note that the bird survey data from the initial EIA for this site is now more than five years old and is therefore older than NatureScot's recommendation for assessing the impacts of wind farms on birds[1]. Our data confirms lekking Black Grouse c.500m from the site boundary in 2020, and c.1.4km away in 2019, as well as a female recorded c.800m away also in 2019. We are also aware of the nearby proposed Quantans Hill Wind Farm (ECU00003399), where surveys picked up two lekking males in 2018, and where

[1] NatureScot (2017) Recommended bird survey methods to inform impact assessment of onshore wind farms. https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms

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

Tel: 01556 670 464
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rspb.org.uk/Scotland

we have raised issues due to impacts on Black Grouse. Due to the location of Shepherds Rig in relation to this data, the suitability of the surrounding habitat for both lekking and nesting Black Grouse, and the fact that data collected for the previous EIA is now out of date, **we strongly recommend that updated survey work is carried out to identify any Black Grouse leks within 1.5km of the site boundary**, and that the effects of disturbance and displacement of Black Grouse during construction and operation are taken into account in the EIA. Depending on the results of these surveys, a cumulative impact assessment may also be required.

As two occupied Red Kite nests were located within 2km of the development in 2017, and, taking into account the increasing Red Kite population in Dumfries & Galloway, additional Red Kite nests or roosts may now be located within or close to the boundary of this development. Therefore, we recommend that the D&G Raptor Study Group is contacted for updated data on Red Kite nest sites in proximity to this development to allow a full assessment of the potential impacts of this development on this species.

Q3 – Do the consultees agree that collision risk is the only impact requiring detailed consideration within the EIA?

We recommend that the impact of disturbance and displacement on birds should also be considered in the EIA. Black Grouse is red-listed on the UK Birds of Conservation Concern (BoCC) and a UKBAP species, and the population across Southern Scotland is in a state of ongoing decline. The most significant threat to Black Grouse from wind farms is the impact of disturbance and displacement during lekking and breeding, rather than from collision with turbine blades. **Therefore, we recommend that the EIA considers disturbance and displacement of target species during both the construction and operational phases, alongside updated collision risk assessments.**

We note that the grid connection for Lorg wind farm has not been included in the cumulative assessment in Table 6.2, although the current location of this overhead line appears to pass directly through Shepherds Rig. We recommend that this should also be included in the cumulative assessment of impacts in the EIA.

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

Yours Sincerely,
REDACT

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

A71

South Scotland Conservancy
Greystone Park
55/57 Moffat Road, Dumfries
DG1 1NP
Southscotland.cons@forestry.gov.scot

Email: scottish.forestry@forestry.gov.scot
Tel: 0131 370 6500

Conserevator: Neil Murray

Mr Smith
Scottish Government
Onshore Electricity, Strategy and Consents

by email: Nicola.ferguson@gov.scot

Date: 02.10.2024

Dear Nicola.

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36c APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION.

Thank you for consulting Scottish Forestry on the Scoping Report for this proposed development. Scottish Forestry is the Scottish Government agency responsible for policy, support and regulation of the forestry sector in Scotland. As such we comment on the potential impact of development proposals on forests and woodlands.

The first consideration for all woodland removal decisions should be whether the underlying purpose of the proposals can reasonably be met without resorting to woodland removal. Scottish Government's Policy on Control of Woodland Removal clearly sets out a strong presumption in favour of protecting Scotland's woodland resources.
https://forestry.gov.scot/support-regulations/control-of-woodland-removal

In line with Scottish Government's wider objective to protect and expand Scotland's woodland cover, applicants are expected to develop their proposal with minimal woodland removal. Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits.

The following criteria for determining the acceptability of woodland removal should be considered relevant to this application –

- ***Woodlands with a strong presumption against removal***
  Only in exceptional circumstances should the strong presumption against woodland removal be overridden. Proposals to remove these types of woodland should be judged on their individual merits and such cases will require a high level of supporting evidence. Where woodland removal is justified, the Compensatory Planting (CP) area must exceed the area of woodland removed to compensate for the loss of environmental value.

- ***Woodland removal with a need for compensatory planting***
  Design approaches that reduce the scale of felling required and/or converting the type of woodland to another type (such as from tall conifer plantation to low-height, slow growing woodland), must be considered from the earliest stages, rather than removing the woodland completely. The purpose of any required CP is to secure, through new woodland on site (replanting) or off site (on appropriate sites elsewhere), at least the equivalent woodland-related net public benefit embodied in the woodland to be removed.

National Planning Framework 4 - Policy 6 Forestry, Woodlands and trees identifies several themes that should be considered relevant to this application –

b) Development proposals will not be supported where they will result in:
i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Broader general comments in relating to proposals involving forests and woodlands.

Scottish Government's policy on control of woodland removal: implementation guidance February 2019 https://forestry.gov.scot/support-regulations/control-of-woodland-removal provides guidance on the level and detail of information Scottish Forestry will expect within the EIA Report, to help us reach an informed decision on the potential impact of the proposed development. Detailed information on any compensatory planting proposals should also be provided.

All felling, restocking and compensatory planting proposals must be compliant with the UK Forestry Standard. https://forestry.gov.scot/sustainable-forestry/ukfs-scotland

The applicant should note that any compensatory planting required as a result of the proposed development, may also need to be considered under The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017. https://forestry.gov.scot/support-regulations/environmental-impact-assessment and should follow the process for preparing a woodland creation proposal, as set out in our guidance booklet: Woodland Creation Application Guidance. https://forestry.gov.scot/support-regulations/woodland-creation

Any additional felling which is not part of the planning application will require permission from Scottish Forestry under the Forestry and Land Management (Scotland) Act 2018 (the Act). For areas covered by an approved Long Term Forest Plan (LTFP), the request for additional felling (and subsequent restocking) areas needs to be presented in the form of LTFP amendment. https://forestry.gov.scot/support-regulations/felling-permissions

Please don't hesitate to contact me if you have any questions regarding Scottish Forestry's response.

Yours sincerely

Neil Murray

Conservator
South Scotland Conservancy

A74

Sunday, 11 August 2024

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

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

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

Follow Us

Dear Customer,

Shepherds Rig Wind Farm, Near Carsphairn, DG7 3UE
Planning Ref: ECU00005137
Our Ref: DSCAS-0114744-33T
Proposal: The Proposed Varied Development will comprise up to 13 wind turbines, each up to 200 m blade tip height, as well as associated infrastructure including a battery energy storage system. The total generating capacity will be in excess of 50 MW.

Please quote our reference in all future correspondence

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

Drinking Water Protected Areas

A review of our records indicates that the proposed activity falls 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 Carsfad catchment 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 the intake that it is likely to be low risk, however care should be taken, and water quality protection measures must be implemented. No PFAS should be present in any of the material used for this development and we require confirmation of this.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if

there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm

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

It would be useful for us to get sight of the CEMP detailing the Water Quality Protection Measures once this has been development.

The fact that this area is located within a drinking water catchment should be noted in documentation. Also anyone working on site should be made aware of this during site inductions and we would also like to take the opportunity, to request that 3 in advance of any works commencing on site, Scottish Water is notified at protectdwsources@scottishwater.co.uk so we can make our operational teams aware there will be activity taking place in the catchment and make an assessment on whether a site visit from our Catchment Liaison Officer may be useful.

Surface Water

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

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

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

Next Steps:

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

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

Yours sincerely,

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

Scottish Water Disclaimer:

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

Supplementary Guidance

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

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

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

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

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

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

Development Management and Strategic Road Safety
Roads Directorate

George House 36 North Hanover St Glasgow G1 2AD
Direct Line: 0141 272 7593
lain.clement@transport.gov.scot

A77

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

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

econsents_admin@gov.scot

Your ref:
ECU00005137

Our ref:
GB01T19K05

Date:
16/08/2024

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR SHEPHERDS RIG WIND FARM VARIATION

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

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

Proposed Development

We note that consent was granted by Scottish Minsters in August 2023 to construct and operate Shepherds' Rig Wind Farm which comprises 17 turbines (15 turbines with a maximum blade tip height of 149.9m and two turbines with a maximum blade tip height of 125m. Transport Scotland was consulted on the EIAR for this original application and responded in a letter dated 2nd February 2019, with further responses to Additional Information being sent by email on 20th January 2020 and 25th May 2021.

We understand that the applicant now intends to apply for consent under Section 36C to vary the existing Consent, with the proposed variation application comprising up to 13 wind turbines, each up to 200m blade tip height. The site location remains as previous, approximately 5km to the east of Carsphairn and 10km north of St John's Town of Dalry. The nearest Trunk Roads to the site are the A75(T) located approximately 30km to the southeast and the A77(T), located approximately 40km to the northwest.

Assessment of Environmental Impacts

Chapter 13 of the SR presents the proposed methodology for the assessment of Traffic and Transport. This states that the assessment will be carried out in accordance with the Institute of Environmental Management and Assessment (IEMA) Guidelines entitled Environmental Assessment of Traffic and Movement (July 2023). The thresholds as indicated within these new Guidelines will be used as a screening process for the assessment. These specify that road links should be taken forward for further assessment where the following two rules are breached:

> Rule 1: Include road links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%)
>
> Rule 2: Include road links of high sensitivity where traffic flows have increased by 10% or more.

The proposed study area for the assessment is identified as:

- A713 between Dalmellington and St Johns Town of Dalry; and
- B729 between the Site access junction and its junction with the A713.

Transport Scotland would state that in the event that the route proposed for construction related HGVs involves the trunk road, a screening assessment will be required to determine if the above thresholds will be exceeded.

The SR states that baseline traffic data for the A713 and B729 will be obtained from the new Automatic Traffic Count (ATC) surveys, with wider area data being obtained from the Department for Transport (DfT) road traffic database. Transport Scotland considers this appropriate, but we would ask that “estimated” data from the DfT site is not used. We would add that an alternative source of traffic data is Traffic Scotland’s National Traffic Data System.

We note that National Road Traffic Forecast (NRTF) Low Traffic Growth assumptions will be used to provide a common future year baseline to coincide with the expected construction traffic peak. This is considered appropriate.

Abnormal Loads Assessment

The SR indicates that a Route Survey Report (RSR) for abnormal indivisible loads (AILs) will be produced. In addition, detailed swept path analysis will be undertaken for the main constraint points on the route from the port of entry (assumed to be King George V Docks in Glasgow at this time) through to the site access junction to demonstrate that the turbine components can be delivered to site and to identify any temporary road works which may be necessary. This is considered appropriate, and we would add that any proposed changes to the trunk road network must be discussed and approved (via a technical approval process) by the appropriate Area Managers.

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

Yours faithfully

REDACT

Iain Clement

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.

ANNEX B

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

July 2020 updated September 2023

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

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

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

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

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

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

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

MD-SEDD provision of advice to ECU

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

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

Scoping

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

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

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

Gate check

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

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

EIA Report

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

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

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

Post-Consent Monitoring

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

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

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

Planning Conditions

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

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

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

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

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

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

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

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

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

Sources of further information

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

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

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

Annex 1 (revised September 2023)

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

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

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

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

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

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