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**The Scottish Government
Energy Consents Unit**

**Scoping Opinion on behalf of Scottish Ministers under the
Electricity Works (Environmental Impact Assessment) (Scotland)
Regulations 2017**

**Back Fell Wind Farm
E Power Ltd**

17 October 2023

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1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to E Power Ltd a company incorporated under the Companies Acts with company number 04625938 and having its registered office at 12 Stanhope Gate, London, United Kingdom, W1K 1AW (“the Company”) in response to a request by Green Cat Renewables on behalf of the Company dated 14 June 2023 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Back Fell Wind Farm (“the proposed development”). The request was accompanied by a scoping report.

1.2 The proposed development would be located within South Ayrshire, approximately 900m south of Straiton and is situated on uplands with a large area of commercial forestry.

1.3 The Proposed Development is anticipated to comprise up to 14 wind turbines with a tip height of approximately 200m.

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

- Crane hardstandings and laydown area adjacent to each wind turbine;
- Turbine foundations;
- Power cables, linking the wind turbines, laid in trenches underground, including cable markers;
- A control building including substation, parking, and a small storage compound;
- Battery storage compound, located adjacent to the substation compound;
- Permanent and temporary power performance assessment (PPA) anemometry mast;
- Health and Safety and other directional signage;
- New and upgraded access tracks, passing places and turning heads;
- Drainage works;
- Borrow pits;
- Temporary construction compound; and
- Aviation warning lights to comply with Article 222 of the UK Air Navigation Order.

1.5 The Company indicates the proposed development would be decommissioned after 35 years and the site restored in accordance with the decommissioning and restoration plan.

1.6 The proposed development is solely within the planning authority of South Ayrshire Council, with Dumfries & Galloway Council as a neighbouring Council.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Green Cat Renewables (acting as the Company's agent) and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 01 August 2023. The consultation closed on 22 August 2023. Extensions to this deadline were granted to South Ayrshire Council, NatureScot, Historic Environment Scotland, Defence Infrastructure Organisation, Crosshill, Straiton and Kirkmichael Community Council, and Dailly Community Council. The Scottish Ministers also requested responses from their internal advisors, Transport Scotland and Scottish Forestry. Standing advice from Marine Directorate - Science Evidence Data and Digital (MD-SEDD)- has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 36 of the Electricity Act 1989. All consultation responses received, and the standing advice from MD-SEDD, are attached in **ANNEX A Consultation responses** and **ANNEX B MD-SEDD Standing Advice**.

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

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

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

- Dumfries and Galloway Council;
- British Horse Society Scotland;
- Civil Aviation Authority – Airspace;
- Crown Estate Scotland;
- Ayrshire Rivers Trust;
- Stinchar DSFB;
- Galloway and Southern Ayrshire Biosphere;
- Galloway International Dark Sky Park;
- Girvan District Salmon Fishery Board;
- John Muir Trust;
- Scottish Wildlife Trust; and
- Visit Scotland

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

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

3. The Scoping Opinion

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

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 14 June 2023 in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to South Ayrshire Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

3.4 Scottish Ministers expect the EIA report which will accompany the application for the proposed development to consider in full all consultation responses attached in **Annex A and Annex B**.

3.5 Scottish Ministers are satisfied with the scope of the EIA set out 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 may include 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, other technologies)
- components required for each generating station (type of technologies)
- 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 Scottish Ministers request that the Company investigates the presence of any private water supplies which may be impacted by the development. The EIA report should include details of any supplies identified by this investigation, and if any supplies are identified, the Company should provide an assessment of the potential impacts, risks, and any mitigation which would be provided.

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

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

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

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

3.14 The scoping report identified viewpoints in Table 5.5.1 to be assessed within the landscape and visual impact assessment. Both South Ayrshire Council and

Crosshill, Straiton and Kirkmichael Community Council have requested additional viewpoints.

3.15 The noise assessment should be carried out in line with relevant legislation and standards as detailed in section 10 of the scoping report. The noise assessment report should be formatted as per Table 6.1 of the IOA "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise

3.16 As the maximum blade tip height of turbines exceeds 150m the LVIA as detailed in section 5 of the scoping report must include a robust Night Time Assessment with agreed viewpoints to consider the effects of aviation lighting and how the chosen lighting mitigates the effects.

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

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

3.19 The Company should take note of the requirements of Policy 3b of National Planning Framework 4 whereby biodiversity enhancements are to be provided in addition to any proposed mitigation. Information on predicted losses and proposed offsetting and delivery of positive effects on biodiversity should be clearly set out in the EIA report.

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

4. Mitigation Measures

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

5. Conclusion

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

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

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

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

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

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

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

Nicola Ferguson

**Energy Consents Unit
17 October 2023**

ANNEX A

Consultation

List of consultees who provided a response.

- South Ayrshire Council; A1-A6
- SEPA; A7-A13
- NatureScot; A14-A21
- Historic Environment Scotland; A22-A26
- Transport Scotland; A27-A29
- Scottish Forestry; A30
- BAA Aerodrome Safeguarding (Aberdeen); A31
- BT; A32
- Defence Infrastructure Organisation; A33-A35
- Edinburgh Airport; A36
- Fisheries Management Scotland; A37
- Glasgow Airport; A38
- Glasgow Prestwick Airport; A39-A44
- Highland and Islands Airports; A45
- Joint Radio Company; A46-A47
- NATS Safeguarding; A48
- RSPB Scotland; A49-A50
- Scottish Water; A51-A52
- Scottish Rights of Way and Access Society (ScotWays); A53-A61
- The Woodland Trust; A62-A63
- Crosshill, Straiton and Kirkmichael Community Council; and A65-A69
- Dailly Community Council A70-A71

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

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

Housing, Operations and Development Directorate**Service Lead – Planning and Building Standards: Craig Iles**

Planning Service, County Buildings, Wellington Square, Ayr, KA7 1DR

Tel: (01292) 616177

Email: alastair.mcgibbon@south-ayrshire.gov.uk

Our Ref: 23/00615/EIASCO

Your Ref: ECU00004830

Date: 15 September 2023

Nicola Ferguson
Energy Consents Unit
5 Atlantic Quay,
150 Broomielaw,
Glasgow
By email: Nicola.ferguson@gov.scot

Dear Nicola,

**The Electricity Works (Environmental Impact Assessment) (Scotland)
Regulations 2017 EIA Scoping Report (June 2023)****SITE ADDRESS** **Proposed Wind Farm U27 from B741 Junction at Cloyntie to U66 Junction at South Balloch, Maybole, South Ayrshire****PROPOSAL:** **Scoping opinion for proposed Section 36 application for erection of Back Fell Wind Farm**

Thank you for your email of 1 August 2023 inviting South Ayrshire Council's response as a consultee to the scoping opinion received by Scottish Ministers from Greencat Renewables on behalf of E Power Ltd.

In keeping with the breadth of environmental topics acknowledged within the applicant's Scoping Report, South Ayrshire Council has consulted both internally and externally with various departments and bodies whose respective remits pertain to those topics. The various responses to that intra council consultation and external consultation are contained in the enclosed Annex and to avoid duplication their collective content forms an integral part of South Ayrshire Council's scoping response. A response has yet to be received from the Ayrshire Roads Alliance and the West of Scotland Archaeology Service; however, I can confirm that these shall be forwarded on if/when available.

I trust the above feedback to be of assistance and note that notwithstanding the foregoing and attached, South Ayrshire Council's response at this juncture is confined to the technical parameters of the sufficiency of scope as regards EIA – and is strictly without prejudice to the authority's future consideration as to the actual merits of the proposal upon its anticipated consultation, in due course, at S36 application stage.

Yours faithfully

Mr Alastair McGibbon
Supervisory Planner

ANNEX

Carol Anderson Landscape Consultant (for the Council)

The Scoping Report dated June 2023 sets out the methodology and scope of the Landscape and Visual Impact Assessment (LVIA). We agree with the general methodology to be adopted for the LVIA and with the Study Area being defined as 45km from the proposal but with more detailed consideration of landscape and visual effects within approximately 20km (paragraph 5.2.1).

The proposed development appears to largely lie in an area of forest. Detailed consideration should be given to the landscape and visual effects of felling and restocking proposals (both adverse and beneficial) in the LVIA. Proposed forest felling areas should be shown in relevant visualisations from nearby LVIA viewpoints. A 'landscape scale' mitigation and enhancement plan should be drawn up to address the policies set out in NPF4 Policy 3 Biodiversity (which aims to deliver positive effects from development) and Policy 11 (particularly ix and xii which relates to mitigation and the quality of restoration plans). This should extend beyond the confines of the application site and should be ambitious in scope and include significant native woodland planting.

Strategic planning in relation to landscape matters outlined in paragraph 5.1.2 of the Scoping Report should also include consideration of NPF4 Policy 4d given the partial location of the proposal in the Water of Girvan Local Landscape Area.

In terms of landscape effects, we would advise that the assessment should be based on the Landscape Character Types considered in the South Ayrshire Landscape Wind Capacity Study (2018) rather than the broader NatureScot landscape character classification. We agree that the focus of the assessment of effects on landscape character should be 15km.

Paragraph 5.4.2 of the Scoping Report lists Local Landscape Areas with visibility of the proposal but does not confirm which of this will be subject to more detailed assessment or the methodology to be adopted for the assessment. This proposal would be partly located in the Water of Girvan Valley LLA and we consider that it is likely that significant adverse effects will occur on the character and qualities of this designated landscape. There is also potential for significant adverse effects to arise on some of the qualities of the High Carrick Hills LLA. Other LLAs within South Ayrshire are unlikely to be significantly affected due to their distance from the proposal and the nature of visibility. We would advise that the LVIA therefore focuses on assessing the effects on the character and qualities of the Water of Girvan Valley and High Carrick Hills LLAs as described in the South Ayrshire Local Landscape Designation Review (2018).

A detailed ZTV should be provided in the EIA-R based on an OS 1:50,000 scale map base within 15km of the proposal to allow more accurate appraisal of potential visibility. The representative viewpoints listed in Table 5.2 are mostly acceptable to the Council with the exception of the following:

- Viewpoint 2 Tairlaw is too confined by landform and woodland and an alternative viewpoint at Craig (GR238581 602491) should be selected to show likely worst-case effects from the upper Girvan valley (including cumulative effects with the Carrick and Knockronal wind farm proposals)

Additional viewpoints should be selected from:

- The B741 near Ruglen (GR 230135 604050) where the proposed turbines may be visible in the backdrop to Kilkerran House and its designed landscape.
- The B7045 Kirkmichael Road near Blairquhan (GR237182 606612)
- The B741 as it descends into Straiton from the east near Largs Farm (GR238690 605212)
- The B7023 north of Gartlea Farm (GR232293 607622) as this provides open views to the upland skyline of the *Foothills with Forestry and Wind Farms* LCT. This viewpoint may be similar to Viewpoint 7 listed in Table 5.2 and the final selection should be based on the greater openness of views looking south towards the proposal.
- Viewpoints should also be selected from the promoted footpaths lying close to Straiton (see below).

Paragraph 5.4.3.2 describes recreational routes in the study area. The LVIA should additionally assess effects on views from the promoted Straiton Walks, five promoted footpaths around the village [Straiton WalksTG \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk).

We note the list of wind farms set out in Table 5.2 and would comment that Clauchrie wind farm has recently been refused, the Knoweside wind farm was withdrawn and is not consented and the Kirk Hill wind farm comprising 8 turbines is consented. The Knockodhar wind farm has also recently been submitted as an application. Other proposed wind farm developments to be considered in the cumulative LVIA should be confirmed with South Ayrshire Council once an assessment cut-off date has been established. Our key concern is cumulative effects with the proposed Scienteuch wind farm which we consider are likely to be significant, principally affecting landscape character and views in the upper Girvan valley and around Straiton. The focus of the CLVIA should be on the Scienteuch wind farm together with the proposed Craiginmoddie, Carrick and Knockronal wind farms when seen together and sequentially with this proposal.

Section 5.6 of the Scoping Report briefly describes mitigation measures with these appearing to relate solely to the layout of the turbines. It is the Council's view that mitigation should also extend to consideration of turbine size.

South Ayrshire Council Environmental Health

The EH officer who deals with PWS states: I note in the scoping report in section 8.5.2 that the applicant refers to the previous application for Linfairn? Though from what I initially see is it is the old Knockskae application. No PWS identified. The applicant doesn't have a list of the correct legislation that EH work to as Regulators for PWS and dwell, as so many others do, on SEPA.

8.5.2

"It is not currently confirmed whether there are any private water supplies (PWS) located within the proposed 1.2km study area. However, an initial look at the previous Linfairn Wind Farm Environmental Statement (WIN-370- 1) suggested that there are several properties within the wider area of the Proposed Development where there were previously, and may still, be serviced by a PWS. Should any PWS be identified and confirmed, they will be classed as a sensitive receptor in the EIA Report."

No response was received to the consultation request from EH in respect of light and noise.

ACCON (Operational Noise Consultant)

7.1 Legislation, Policy and Guidance

For the assessment of operational wind turbine noise, this section appropriately identifies ETSU-R-97 and the IOA Good Practice Guide as the key methodologies. In relation to local planning policy, the Scoping Report notes the content of 'Wind Turbine Development: Submission Guidance Note' (SGN) issued by South Ayrshire Council Environmental Health.

To assess operational noise from the proposed Battery Energy Storage System (BESS), BS 4142:2014+A1:2019, Methods for rating and assessing industrial and commercial sound, is appropriately identified as the primary guidance.

For the consideration of construction noise, the Scoping Report states that BS 5228:2009+A1:2014 will be used.

ACCON consider that all the key relevant guidance documents to assess noise have been identified.

7.3 Methodology

7.3.1 Construction Noise

This section states that due to the large separation distances between the turbine locations and the nearest noise sensitive receptors (NSRs), relevant construction noise limits will be easily met. For access track construction higher noise levels may arise, but for durations shorter than one month and therefore effects are unlikely to be significant. It is therefore proposed that construction noise will therefore be controlled through a construction and environmental management plan (CEMP).

7.3.2 Operational Noise

Wind turbine noise: This section identifies an appropriate approach to determining noise limits for the Proposed Development operating in isolation. For the assessment of cumulative noise, the relevant operational wind farms and those in planning requiring consideration have been specified. The proposed approach to setting cumulative noise limits is the same as that used for the Carrick, Craiginmoddie, and Knockcronal wind farm planning applications. ACCON agree with the proposed approach.

Noise from the BESS: The report indicates that the assessment will be carried out in line with BS 4142. It is stated that: *"Where predicted operational noise levels are low, i.e. rating sound levels below about 35 dB LA90 it is considered that this is an indication of a low impact, and the impact will be determined to be not significant."* While ACCON agree this may be a suitable approach in many circumstances, previous background noise surveys carried out for the Knockskae wind farm proposal identified that at several NSRs daytime background noise levels were measured at below 25 dB LA90 at low wind speeds. These should be considered as are very low background noise levels. The guidance in BS 4142:2014+A1:2019 does not provide a definition of low operational noise levels or low background sound levels and indicates that these considerations should be taken account as part of the context of the assessment rather than a replacement for the initial BS 4142 method. In order that dwellings currently experiencing low background noise levels are not unduly impacted, ACCON recommend that for all NSRs the standard BS 4142 approach should be followed (by comparing the Rating Level with the Background Sound Level). ACCON therefore do not agree with the proposed cut-off of 35 dB. We note, however, for the assessment of night-time noise from the BESS, it would be appropriate to consider absolute noise levels, including the likely noise levels within the dwellings as part of the consideration of context suggested by BS 4142.

7.4 Baseline

The general approach outlined to obtaining baseline noise levels is acceptable. The report states that where existing baseline data is available from *"other wind farm planning applications, the existing data will be used if appropriate, so that baseline noise measurements are only undertaken at locations where existing baseline noise data is not available"*. ACCON agree that this approach is appropriate. We note, however, that existing data is likely to require corrections for wind shear to be applied to take account of height differences of the proposed turbine hub heights of the previous and current applications. Additional wind shear correction may also be required where the elevations of the wind farm sites above Ordnance Datum differs significantly.

Responses to Questions for Consultees

- Q7.1 Is it acceptable to scope out detailed construction predictions and for construction noise to be controlled through a construction and environmental management plan that will be prepared at the time of construction?
 - Yes, subject to confirmation in the EIA that any potentially significant construction noise effects would occur for less than one month duration.
- Q7.2 Can operational noise be scoped out where predicted operational noise levels from the Proposal in isolation are below 28 dB LA90?
 - Yes
- Q7.3 Are there any other wind turbine schemes that will need to be included in the cumulative noise assessment?
 - None that ACCON aware of. (Alastair- perhaps you can check if there have been any very recent proposals for wind farms within 5 km of the Proposed Development).
- Q7.4 Will the operational noise impact be considered to be acceptable where cumulative operational predicted noise levels are below the greater of plus 5 dB above background or 38 dB LA90 during the daytime, and 43 dB LA90 at night?
 - Yes

- Q7.5 Please can South Ayrshire Council provide the contact details for the Environmental Health Officer that will be dealing with the noise aspects of the planning application.
- The usual approach on matters of noise for wind farm applications is for the applicant's acoustic consultant to contact the SAC Planning Officer who will seek ACCON's advice as required.

The applicant's acoustic consultant should note in particular ACCON's comments about on the approach to the BS 4142 assessment for the proposed BESS.

South Ayrshire Council Access Officer

The site at Back Fell has several core paths, public rights of way and local paths in the area around it; and many are longer distance routes which connect to other settlements. (see attached plan showing some of these routes – core paths are red dashed, local paths are solid red lines and rights of way purple lines). Consideration must be given to provision of public access in the Back Fell site, with links to the adjacent existing public routes.

There are several windfarms in this area, which have an impact on the countryside, therefore there has to be some benefit returned to local communities to compensate for this. Provision and improvement in public access will attract tourists to the area, who will then help to support the local communities with their business.

Windfarms could offer excellent facility for public outdoor access. However, many of these are not giving that opportunity to the public, as there are various restrictions/ obstructions to that access, and the windfarms are also not linked (walking/ cycling/ riding access wise) to each other in any way.

It's vital that these opportunities are not ignored any longer, and windfarms provide public access on the roads & tracks within their sites. This would mean providing suitable access points, and signage, from public roads and existing routes. And ideally linking the different windfarms, via paths/ tracks suitable for walking/ cycling/ riding.

The windfarm companies often claim they provide various benefits to the local communities, but this does not seem to extend to outdoor access, in many cases.

The Land Reform (Scotland) Act 2003, permits public access to most land; this includes the land where this windfarm is situated.

Please include the provision for the public to walk/ cycle/ horse ride at Back Fell and to link to the surrounding area, in the plans for this windfarm.

South Ayrshire Council Ranger Service

Q9/1 Do you agree that no Habitats Regulations Appraisal is required for the Proposed Development, and there is no requirement to prepare any HRA documentation for submission with an application for planning permission?

No Habitats Regulations Appraisal is required.

● **Q9/2 Do you agree that the scope of desk study and ecological field survey described in this Section is sufficient to inform the Ecological Impact Assessment element of the EIA? Please advise if there are any further studies of surveys which you consider to be necessary.**

Red squirrel surveys have not been scoped in, there are records within 1km of the site boundary on NBN gateway. Freshwater aquatic ecology scoped out of the EIA, upper reaches of Water of Girvan are in good condition and a population of Freshwater pearl Mussels have been identified in the upper reaches of the catchment. With regard to the watercourses, the scoping report states that 'potential impacts upon them and the species they support can reliably be mitigated through standard good practice measures'. As accidents and pollution incidents may have a significant impact on the Water of Girvan, recommend that the Ayrshire Rivers Trust are a consultee for Freshwater ecology.

● **Q9/3 In the interests of identifying opportunities for the Proposed Development to deliver biodiversity enhancements, are there any suggestions that you may make as to how this may be best achieved in this case? Are you aware of any local projects to which the Proposed Development could contribute, for example?**

NPF4 places emphasis on strengthened nature networks, increasing connectivity between wildlife rich sites. Our non-designated wildlife sites although currently disconnected by conifer plantations from the site we would be looking for projects to create and enhance appropriate habitat restoration/creation that would help achieve that goal.

Central Scotland Green Network (CSGN), Habitat Networks and Opportunity Areas mapping tool, sets out Habitat connectivity for Woodland, Wetland and Grasslands as well as identifying opportunity areas. Proposed

development site is mapped for all three of these habitats on the CSGN tool as well as identifying opportunity areas.

Scottish Wildlife Trust have site near to proposed development area and have worked closely with landowners and both South and North Ayrshire Councils to create Nectar Networks, currently within 5km of coastline but they are looking to expand project.

Biosphere works closely with communities in the area to deliver biodiversity projects.

• **Q9/4 Is there a percentage level of BNG that is a minimum requirement**

Biodiversity Net gain is not used within Scottish Planning. NPF4 most significantly, Policy 3 plays 'a critical role in ensuring that development will secure positive effects for biodiversity. It rebalances the planning system in favour of conserving, restoring and enhancing biodiversity and promotes investment in nature-based solutions, benefiting people and nature.'

• **Q10/1 Do consultees agree that the scope of bird surveys and data sources is sufficient and appropriate for ornithology assessment purposes?**

I broadly agree with the proposed survey methods and mitigation. I am not a specialist in ornithology surveying so cannot really answer the specific question. Consultation with Southwest Scotland Environmental Information Centre (SWSEIC) would be beneficial to developer.

• **Q10/2 Are there any other relevant consultees who should be contacted, or other information sources to be referenced, with respect to the ornithology assessment?**

As previously mentioned SWSEIC, they're a local RSPB group and Raptor study groups.

• **Q10/3 Do consultees believe that there are further species that need to be considered in the assessment**

Area has a lot of ornithological interest; however, main species of concern are raptors and breeding moorland birds/waders which have been scoped into EIA.

South Ayrshire Council Built Heritage Officer

Having now had the opportunity to review the documentation, I am satisfied that the applicant has identified all of the designated and undesignated historic assets that are likely to be impacted in some way by the development. I am content with the scope of the proposed assessment, and I am satisfied that the proposed study areas and assessment methodology are appropriate. I would, however, like to see an additional viewpoint taken from Blairquhan Castle to understand what the impact of the proposed development would be on the castle itself and the wider Inventory Garden and Designed Landscape at Blairquhan.

Nicola Ferguson
Energy Consents Unit
The Scottish Government

Our Ref: 10014
Your Ref: ECU00004830

By email only to: Econsents_Admin@gov.scot

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

04 August 2023

Dear Nicola

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Scoping Opinion Back Fell Wind Farm, 2.6km south of Straiton**

Thank you for consulting SEPA for an EIA scoping opinion for the above project on 01 August 2023. We would welcome engagement with the applicant to discuss any of the issues raised in this letter.

Advice for the planning authority / determining authority

To **avoid delay and potential objection** the EIA must contain a scaled plan of sensitivities, for example peat, GWDTE, proximity to watercourses, overlain with proposed development. This is necessary to ensure the EIA process has informed the site layout to firstly avoid, and then reduce then mitigate significant impacts on the environment. We consider the issues covered in Appendix 1 below must be addressed to our satisfaction in the EIA process. This provides details on our information requirements and the form in which they must be submitted.

1. Site specific comments

- 1.1 National Planning Framework 4 (NPF4) has recently been published. The guidance referenced in this response is being reviewed and updated to reflect the new policies. It will still provide useful and relevant information but some parts may be updated further in the future. Please refer to our [website](#) for the most up to date information requirements.
- 1.2 We support the completion of a National Vegetation Classification survey to support the identification of GWDTEs but note there is no details regarding the peat surveys planned to inform the development design. These should follow the requirements of [Peatland Survey – Guidance on Developments on Peatland \(2017\)](#). Peat condition assessment is also required to identify peatland in near natural condition and to help identify areas where peatland restoration could be carried out.
- 1.3 We support the scoping of impacts on peat, watercourses, GWDTE and private water supplies into the EIA. Please note in relation to peat, the development must avoid peatland in near natural condition and peat > 1m depth so the assessment will need to focus beyond those areas identified as Class 1 peat on the Carbon and Peatland Map 2016.

- 1.4 While there is limited site specific advice we can offer at this stage on development design until survey work becomes available and the layout further developed, we note from Figure 8.1 – Hydrological Context Map that a number of wind turbines are proposed within the 50m watercourse buffer. We request that as the development design is progressed it be modified to remove infrastructure from these areas. We also note there are a number of existing access tracks across the site and request these are reused and / or upgraded wherever possible to minimise the extent of new works on previously undisturbed ground.
- 1.5 We would further pre-application engagement once initial peat probing and habitat survey work has been completed and the layout developed further as a result. Please refer to Appendix 1 enclosed for further advice on our information requirements.

2. Regulatory advice for the applicant

- 2.1 Details of regulatory requirements and good practice advice can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: SWS@sepa.org.uk.

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.

Kind regards,

Simon Watt
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/](http://www.sepa.org.uk/environment/land/planning/).

Appendix 1: Detailed scoping requirements

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

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

- 2.1 The site layout should be designed to minimise watercourse crossings and avoid other direct impacts on water features. The submission must include a map showing:
- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
 - b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works. Measures should be put in place to protect any downstream sensitive receptors.
- 2.2 Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).
- 2.3 Refer to our [Flood Risk Standing Advice](#) for advice on flood risk. 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. 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. Please also refer to [Controlled Activities Regulations \(CAR\) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities](#).

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

3.1 Where proposals are on peatland or carbon rich soils the following should be submitted to address the requirements of NPF4 Policy 5:

- a) layout plans showing all permanent and temporary infrastructure, with extent of excavation required, which clearly demonstrates how the mitigation hierarchy outlined in NPF4 has been applied. These plans should be overlaid on:
 - i. peat depth survey (showing peat probe locations, colour coded using distinct colours for each depth category and annotated at a usable scale)
 - ii. peat depth survey showing interpolated peat depths
 - iii. peatland condition mapping
 - iv. National Vegetation Classification survey (NVC) habitat mapping.
- b) an outline Peat Management Plan (PMP).
- c) an outline Habitat Management Plan (HMP)

3.2 We have included more detailed advice on these requirements below.

a) Development design in line with the mitigation hierarchy

3.3 In order to protect peatland and limit carbon emissions from carbon rich soils, the submission should demonstrate that proposals:

- Avoid peatland in near natural condition, as this has the lowest greenhouse gas emissions of all peatland condition categories;
- Minimise the total area and volume of peat disturbance. Clearly demonstrate how the infrastructure layout design has targeted areas where carbon rich soils are absent or the shallowest peat reasonably practicable. Avoid peat > 1m depth;
- Minimise impact on local hydrology; and
- Include adequate peat probing information to inform the site layout and demonstrate that the above has been achieved. As a minimum this should follow the requirements of the [Peatland Survey – Guidance on Developments on Peatland \(2017\)](#).

3.4 [The Peatland Condition Assessment](#) photographic guide lists the criteria for each condition category and illustrates how to identify each condition category. This should be used to identify peatland in near natural condition and can be helpful in identifying areas where peatland restoration could be carried out.

3.5 In line with the requirements of Policy 5d of NPF4, the development proposal should include plans to restore and/or enhance the site into a functioning peatland system capable of achieving carbon sequestration.

b) The outline PMP

3.6 In addition to the above the PMP should also include:

- Information on peatland condition.
- Information demonstrating avoidance and minimisation of peat disturbance.
- Excavation volumes of acrotelmic, catotelmic and amorphous peat. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes.
- Proposals for temporary storage and handling.
- Reuse volumes in different elements of site reinstatement and restoration.

- 3.7 Handling and temporary storage of peat should be minimised. Catotelmic peat should be kept wet, covered by vegetated turves and re-used in its final location immediately after excavation. It is not suitable for use in verge reinstatement, re-profiling/ landscaping, spreading, mixing with mineral soils or use in bunds.
- 3.8 Disposal of peat is not acceptable. It should be clearly demonstrated that all peat disturbed by the development can be used in site reinstatement (making good areas which have been disturbed by the development) or peatland restoration (using disturbed peat for habitat restoration or improvement works in areas not directly impacted by the development, which may need to include locations outwith the development boundary).
- 3.9 The faces of cut batters, especially in peat over 1m, should be sealed to reduce water loss of the surrounding peat habitats, which will lead to indirect loss of habitat and release of greenhouse gases. This may be achieved by compression of the peat to create an impermeable subsurface barrier, or where slope angle is sufficiently low, by revegetation of the cut surface.

c) The outline HMP

3.10 The outline HMP should include:

- Proposals for reuse of disturbed peat in habitat restoration, if relevant.
- Details of restoration to compensate for the area of peatland habitat directly and indirectly impacted by the development.
- Outline proposals for peatland enhancement in other areas of the site.
- Monitoring proposals.

3.11 To support the principle of peat reuse in restoration the applicant should demonstrate that they have identified locations where the addition of excavated peat will enhance the wider site into a functional peatland system capable of achieving carbon sequestration. The following information is required:

- Location plan of the proposed peatland re-use restoration area(s), clearly showing the size of individual areas and the total area to be restored.
- Photographs, aerial imagery, or surveys to demonstrate that the area identified is appropriate for peat re-use and can support carbon sequestration. This should include consideration of an appropriate hydrological setting and baseline peatland condition.

3.12 In addition, if any proposed re-use restoration areas are outwith the ownership of the applicant, information should be provided to demonstrate agreement in principle with the landowner, including agreed timescales for commencement of the works, and proposed management measures to ensure the restored areas can be safeguarded in perpetuity as a peatland.

3.13 NatureScot's [technical compendium of peatland restoration techniques](#) provides a useful overview of the procedural and technical requirements for peatland restoration.

4. Disruption to GWDTE and existing groundwater abstractions

- 4.1 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. A National Vegetation Classification survey which includes the following information should be submitted:
- a) A map 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. Forest removal and forest waste

- 5.1 If forestry is present on the site, we prefer a site layout which avoids 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. The submission must include a map 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](#).

6. Borrow pits

- 6.1 The following information should also be submitted for each borrow pit:
- a) A map showing the location, size, depths and dimensions.
 - b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250m. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks.
 - c) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.

7. Pollution prevention and environmental management

- 7.1 A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of Ecological Clerk of Works, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. 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 submission needs to state that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document [Is it waste - Understanding the definition of waste](#)



By email to Econsents_Admin@gov.scot

Nicola Ferguson
Case Officer - Energy Consents Unit
Onshore Electricity, Strategy and Consents
Directorate for Energy and Climate Change
Scottish Government - 5 Atlantic Quay, 150
Broomielaw, Glasgow G2 8LU

28 September 2023
Our ref: CDM171961

Dear Ms Ferguson,

**Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Request For Scoping Opinion for Proposed Section 36 Application for Back Fell Wind Farm
(ECU00004830).**

Thank you for consulting us on the scope of the environmental impact assessment (EIA) for the proposed Back Fell wind farm, 2.6km south of Straiton, and for allowing us additional time in which to submit our response. Our advice is based on the Back Fell Wind Farm EIA Scoping Report prepared by Green Cat Renewables for E Power Ltd, dated 12 June 2023.

The proposed development would comprise 14 wind turbines of up to 200m to blade tip, plus associated infrastructure and a 40MW battery energy storage scheme for a 35 year operating lifespan.

Summary

Key natural heritage considerations requiring consideration within the EIA are:

- Potential impact on the Ailsa Craig Special Protection Area (SPA)
- Potential impacts on Ailsa Craig and Auchalton Sites of Special Scientific Interest (SSSI)
- Landscape and visual impacts arising from the wind farm, including cumulative impacts with other wind farms in the wider area, and impacts from the visible aviation lighting that will be required due to turbine height.

Scoping Advice

In addition to the detailed advice given in Annex 1 of this letter, the applicant should refer to the September 2023 updated advice 'NatureScot pre-application guidance for onshore wind farms'¹. This provides guidance on the issues that developers and their consultants should consider for wind farm developments and includes information on recommended survey methods, sources of

¹ <https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms>

further information and guidance and data presentation. Attention should be given to the full range of advice included in the guidance note, which sets out our expectations of what should be included in the Environmental Impact Assessment Report (EIAR).

Concluding Remarks

Please note that while we are supportive of the principle of renewable energy, this advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if submitted for formal consultation as part of the EIA or planning process. This advice is provided by NatureScot, the operating name of Scottish Natural Heritage. I hope that you will find these comments helpful and please contact me should you wish to discuss this proposal further.

Yours sincerely,

By email

Ian Cornforth

NatureScot Operations Officer – West Central Scotland

Ian.Cornforth@nature.scot

Enc Annex 1- Key natural heritage interests requiring consideration within the EIA
Annex 2- NatureScot responses to Scoping Report's focused questions

Annex 1 – Back fell Wind Farm S36 Scoping Application

Key natural heritage interests requiring consideration within the EIA

1. Protected areas

1.1 Details of protected areas, including their conservation objectives / site management statements, can be found below. The applicant should assess the direct and indirect impacts of the proposed development on protected areas and their notified features in the context of their site management statements. The assessment should be for the proposal on its own and cumulatively with other plans or projects also affecting the protected areas.

Ailsa Craig Special Protection Area (SPA)

- 1.2 The proposal could affect the Ailsa Craig Special Protection Area (SPA), protected for its migratory gannet and lesser black-backed gull and its seabird assemblage. Information on the SPA can be found on the SiteLink pages of our website²
- 1.3 The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 apply. Consequently, Scottish Ministers will be required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). Advice on this process is available on our website³.
- 1.4 The scoping report notes that both lesser black-backed gull and herring gull (a component of the SPA's seabird assemblage) have been recorded during flight activity surveys which places them within the mean maximum foraging distance for these species from the SPA. A recent BTO research report provides up to date information relevant to this assessment⁴.
- 1.5 Our advice is that this proposal is therefore likely to have a significant effect on lesser black-backed gull and herring gull qualifying interests of site. Consequently, Scottish Ministers, as competent authority, will be required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we propose to carry out an appraisal to inform your appropriate assessment. To enable us to carry out this appraisal, the following information is required as part of the EIA Report:
- An assessment of potential collision risk for lesser black-backed and herring gulls and how this may affect the viability of the relevant species' SPA population. We advise that this information should include showing flight lines from Vantage Point watches.

Ailsa Craig Site of Special Scientific Interest (SSSI)

- 1.6 The proposed application site is within foraging distance of the Ailsa Craig SSSI. The relevant protected natural feature of the SSSI is the breeding bird assemblage which includes herring gull and lesser black-backed gull. Information on the SSSI can be found on the SiteLink pages of our website⁵. The assessment undertaken for the SPA can be used to assess impacts on the SSSI.

² <https://sitelink.nature.scot/site/8463>

³ <https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra>

⁴ BTO Desk-based revision of seabird foraging ranges used for HRA screening, Woodward et al 2019.

⁵ <https://sitelink.nature.scot/site/22>

Knockgardner and Blair Farm Sites of Special Scientific Interest (SSSI)

- 1.7 Knockgardner SSSI and Blair Farm SSSI are geological SSSIs and Geological Conservation Review Sites. Information on these sites can be found on the SiteLink pages of our website⁶

The Knockgardner SSSI is within the red line boundary for the proposal. The potential direct and indirect effects of construction, operation and decommissioning of the proposed development must be considered. Given the separation distance between any proposed infrastructure and the geological nature of the notified feature, we advise that this SSSI/GCR site can be scoped out of further assessment as the objectives of designation and the overall integrity of the area will not be compromised by the proposed development.

Blair Farm SSSI is approx. 850m west of the red line boundary. Given the separation distance and the geological nature of the SSSI we advise that this SSSI/GCR site can be scoped out of further assessment.

Auchalton Site of Special Scientific Interest (SSSI)

- 1.8 This SSSI is located approximately 870m south of the site boundary. The notified feature of the SSSI is Lowland neutral grassland and is hydrologically connected to the development site by the Balsagart Burn. Information on the SSSI can be found on the SiteLink pages of our website⁷.

As this SSSI is hydrologically connected to the proposal, consideration must be given to potential direct and indirect effects of construction, operation and decommissioning of the proposed development in relation to the notified feature of the SSSI.

2. Landscape and Visual Impacts

- 2.1 Landscape and visual impacts of the proposed development are a key consideration, including cumulative impacts with other wind farms in the wider area, and impacts from the visible aviation lighting that will be required due to turbine height.
- 2.2 This case does not meet our threshold for providing project specific scoping advice
- 2.3 NatureScot guidance on landscape and visual impacts of wind farms can be found on our website⁸. Further to the guidance documents listed at Section 5.1.1 of the scoping report there is now the refreshed version of our general pre-application and scoping guidance for onshore wind farms with updated turbine lighting advice at Annex 1⁹.
- 2.4 We recommend that this guidance, and also that given in the South Ayrshire Landscape Wind Capacity Study (2018) and South Ayrshire Local Landscape Designations Review (2018), as listed at Section 5.1.3 of the scoping report, is taken into account when you consider the landscape and visual impacts of this proposal.

3. Protected Species

- 3.1 We welcome the proposed protected species surveys outlined in the scoping report. If these surveys record any protected species activity then we advise that the relevant species should be scoped into the EIA for further assessment. If any

⁶ <https://sitelink.nature.scot/site/879> & <https://sitelink.nature.scot/site/224>

⁷ <https://sitelink.nature.scot/site/96>

⁸ <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/renewable-energy/onshore-wind-energy/wind-farm-impacts-landscape>

⁹ <https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms>

impacts are identified then mitigation measures should be outlined within a species protection plan. There is a range of standing advice for protected species on the NatureScot webpage¹⁰ which the applicant may find helpful.

- 3.2 The habitat and species surveys proposed and the approach to the assessment of impacts broadly appear appropriate.
- 3.3 In terms of freshwater pearl mussel, whilst we acknowledge there is a low likelihood of finding these in relation to the development proposal, we refer you to our scoping guidance¹¹ to ensure that your assessment in relation to this species is compatible with the guidance.
- 3.4 We note that freshwater aquatic ecology is proposed to be scoped out of the EIA (Scoping report section 9.0). We advise that Marine Scotland's 2018 guidance on Monitoring watercourses in relation to onshore wind farm developments is followed¹² in order to understand fish and freshwater pearl mussel habitat and populations alongside soil chemistry parameters and macroinvertebrate populations. This robust protocol is required in order to detect and rapidly remediate any changes brought about by the wind farm development.
- 3.5 Whilst the overall bat monitoring strategy is sound we suggest that opportunities to evaluate at height use of the site and its surroundings by bats are taken where appropriate.

4. Habitat Management Plan

- 4.1 We support the use of a Habitat Management Plan (HMP) to provide positive management and enhancement of habitats within the development site to benefit biodiversity and not just mitigate impacts. Development of the HMP should follow our guidance on *Planning for development: What to consider and include in Habitat Management Plans*¹³ and the plan should tie in with any relevant bog (and other) habitat restoration proposals for adjacent sites in the area.
- 4.2 The EIA Report should include an outline HMP that sets out broad measures to achieve this.

5. Peatland

- 5.1 Our detailed peatland advice for applicants is contained in our guidance on Advising on peatland, carbon-rich soils and priority peatland habitats in development management (June 2023). To help assess the quality of peatland across the site, we request that the template provided in Annex 1 of this peatland guidance is completed and included with the application.

¹⁰ <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>

¹¹ <https://www.nature.scot/doc/standing-advice-planning-consultations-freshwater-pearl-mussels>

¹² <https://www.gov.scot/publications/monitoring-watercourses-in-relation-to-onshore-wind-farm-developments-generic-monitoring-programme/>

¹³ https://www.webarchive.org.uk/wayback/archive/20221026161346mp_/https://www.nature.scot/sites/default/files/2019-01/Guidance%20-%20Planning%20for%20development%20-%20-%20What%20to%20consider%20and%20include%20in%20Habitat%20Management%20Plans.pdf

- 5.2 We note that the Carbon and Peatland 2016 map indicates the site is likely to be composed of class 3 and 5 peatland soils with two areas of nationally important of Class 1 peatland.
- 5.3 We welcome the broad approach to provide the necessary detail in relation to on peatland, carbon-rich soils and priority peatland habitats to help Proposals be designed and constructed in accordance with the mitigation hierarchy. We advise that a figure(s) is produced showing site infrastructure overlain onto peat depth and NVC maps.
- 5.4 If the surveys/assessment identify that the proposal may impact carbon rich soils and peatland habitats then we advise that opportunities to mitigate impacts through adherence to the NPF4 mitigation hierarchy are fully considered within the EIA report.
- 5.5 Opportunities to restore and compensate for any impacts on carbon rich soils should be taken in addition to significant biodiversity enhancements. Detail on the amount of compensation and enhancement expected can be found in our guidance. These measures should be set out in a sufficiently detailed outline Habitat Management Plan (HMP) submitted with the application

6. Construction Environmental Management Plan

6.1 We support the preparation and implementation of a Construction Environmental Management Plan (CEMP) and welcome the commitment to include a draft CEMP within the EIA Report.

7. Forestry

- 7.1 The location of the wind farm proposal within an area of commercial forestry means that felling will be required to accommodate it. We welcome that a wind farm forest design plan will be produced and we recommend opportunities to restructure the forest to benefit biodiversity and landscape are proposed in the EIA Report.

8. Grid Connection

- 8.1 We advise that the EIA consider the likely effects of the grid connection between the proposal site and the identified point of connection.

Annex 2- NatureScot responses to Scoping Report's focused questions

5 Landscape and Visual

Q5/1 Are consultees content with the proposed methodology for the LVIA?

- Q5/2 Are consultees content with the proposed approach to undertaking viewpoint photography and preparing visualisations?
- Q5/3 Are consultees in agreement with the proposed study areas, focus, and source data for the assessment of landscape effects?
- Q5/4 Are consultees in agreement with respect to the effects that are proposed to be scoped out?
- Q5/5 Are consultees content that the LVIA scope has identified the most important receptors to be assessed?
- Q5/6 Are consultees content with the proposed viewpoints identified in Table 5.1, and could they advise of any additional viewpoints they consider necessary to assess the effects of the Proposed Development or indeed any that you think are not required?
- Q5/7 Are consultees content with the proposed approach to the cumulative assessment and could they advise of any specific cumulative sites they consider should be included in the assessment?

We have no comment to make in relation to these questions. Please refer to our guidance.

8 Hydrology and Hydrogeology

- Q8/5: Do Consultees agree with scoping in sensitive watercourses, Class 1 peat, groundwater units, GWDTEs, and PWS?

We agree with scoping in these receptors. However we are concerned that the scoping report identifies class 3-5 peat and peat soils as having negligible sensitivity (table 8.2) and advise that this is reviewed.¹⁴

- Q8/6: Do Consultees agree with scoping out the Galloway and Southern Ayrshire Biosphere Reserve and the Knockgardner GCR and SSSI?

We agree with scoping out the Knockgardner GCR and SSSI

9. Ecology

Q9/1 Do you agree that no Habitats Regulations Appraisal is required for the Proposed Development, and there is no requirement to prepare any HRA documentation for submission with an application for planning permission?

We advise that information to help inform a Habitats Regulations Appraisal for Ailsa Craig SPA is provided.

- Q9/2 Do you agree that the scope of desk study and ecological field survey described in this Section is sufficient to inform the Ecological Impact Assessment element of the EIA? Please advise if there are any further studies of surveys which you consider to be necessary.

We advise that surveys to help understand the potential impact of the wind farm on aquatic ecology and freshwater quality are carried out.

- Q9/3 In the interests of identifying opportunities for the Proposed Development to deliver biodiversity enhancements, are there any suggestions that you may make as to how this may be best achieved in this case? Are you aware of any local projects to which the Proposed Development could contribute, for example?

*Opportunities to help restore degraded previously afforested peatland habitats should be taken
Opportunities to link into and enhance habitat and nature networks should be taken*

¹⁴ <https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management>

Opportunities to help restore black grouse populations should be taken

- Q9/4 Is there a percentage level of BNG that is a minimum requirement?

At present a Scottish metric for Positive Effects for Biodiversity-PEfB (similar to BNG) has not been produced.

The National Planning Framework (NPF4) Policy 3(b): states that “proposals for... major development... will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management.”

Our guidance¹⁵, developed in support of the Scottish Government’s work on securing positive effects for biodiversity contains a wide range of prescriptive measures which can help enhance the proposed development.

10 Ornithology

- Q10/1 Do consultees agree that the scope of bird surveys and data sources is sufficient and appropriate for ornithology assessment purposes?

Scope of surveys: two years are needed for the various breeding bird surveys and black grouse.

It is not clear what time of day the diurnal raptor and barn owl surveys were/are to be carried out.

Our advice is that some at least need to give a good chance of recording barn owl activity, not just field signs, therefore surveying at dusk is required.

- Q10/2 Are there any other relevant consultees who should be contacted, or other information sources to be referenced, with respect to the ornithology assessment?

See Box 2 of our guidance “Recommended bird survey methods to inform impact assessment of onshore wind farms”¹⁶ for a comprehensive list of suggestions.

Given the raptors seen already, consultees should at least include the local raptor study group and RSPB.

- Q10/3 Do consultees believe that there are further species that need to be considered in the assessment?

Yes, assessment to include relevant gull species in more detail given potential connectivity to Ailsa Craig SPA. This will include showing flight lines from VP watches. Would probably be helpful to add this into a revised Scoping report Table 10.1.

Ends

¹⁵ <https://www.nature.scot/doc/developing-nature-guidance>

¹⁶ <https://www.nature.scot/sites/default/files/2018-06/Guidance%20Note%20-%20Recommended%20bird%20survey%20methods%20to%20inform%20impact%20assessment%20of%20onshore%20windfarms.pdf>



By email to: Econsents_Admin@gov.scot

Nicola Ferguson
Case Officer
Energy Consents Unit

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

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

Our case ID: 300067444
Your ref: ECU00004830

05 September 2023

Dear Nicola Ferguson

[The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017
Back Fell Wind Farm, South Ayrshire
Scoping Report](#)

Thank you for your consultation which we received on 01 August 2023 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The South Ayrshire Council's archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed Development

We understand that the proposed development comprises up to 14 wind turbines with a tip height of c. 200m, together with associated infrastructure including a battery storage compound.

Scope of assessment

Scoping report

We welcome that cultural heritage issues are scoped into the assessment. We particularly welcome that consideration will also be given to designated heritage assets beyond 10km where long-distance views and intervisibility are an important aspect of their settings, and to designated heritage assets where there is no predicted visibility, but views from or across the asset are important factors contributing to its cultural significance. We are generally content with the assessment methodology outlined in the report, subject to our detailed comments in the **Annex** to this letter.

Potential direct impacts

We can confirm that there are no scheduled monuments, category A-listed buildings, inventory battlefields, gardens and designed landscapes or world heritage sites within the site boundary.

Potential impacts on the setting of assets

There are a number of nationally important historic environment assets within our remit in the vicinity of the proposed development whose settings have the potential to be significantly adversely impacted by it. We are particularly concerned with the potential impacts on **Knockinculloch, enclosures on E slope of, 600m NW of Glenalla (SM3357)** and **Blairquhan (LB19094) and its Inventory designed landscape (GDL00063)**. Our detailed comments are in the **Annex** to this letter. The list of assets highlighted should not be treated as exhaustive and is only intended as a reference of those assets which at this stage appear most likely to be significantly impacted.

Potential cumulative impact

Given the number of operational, consented and proposed wind farm developments in the vicinity, we would expect the upcoming EIA Report to assess the cumulative impacts on the historic environment. We are largely content with the proposed approach for assessing potential cumulative impact as mentioned in Section 6.3.4.4 of the scoping report, but we recommend that the cumulative impact assessment should also take into consideration the designated heritage assets beyond 10km which are scoped in as informed by an impact assessment.

We would welcome further early consultation on the assessment method and the heritage assets within our remit, so that we can provide advice at a useful and constructive stage in the iterative design development process, in regards the impacts on the assets, detailed requirements for visualisations, and mitigation by design if possible.

Further information

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

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Adrian Lee and they can be contacted by phone on 07500 579626 or by email on adrian.lee@hes.scot.

Yours sincerely

Historic Environment Scotland

Annex

Scoping Report

We welcome that Chapter 6 of the scoping report states that cultural heritage issues are scoped into the assessment. We understand that scheduled monuments, A-listed buildings, inventory gardens and designed landscapes and inventory historic battlefields, amongst others, where present within the blade tip height ZTV and within 10km of the outermost turbines, will be included in the assessment. We also understand that consideration will also be given to designated heritage assets beyond 10km where long-distance views and intervisibility are an important aspect of their settings, and designated heritage assets where there is no predicted visibility from or across the asset are important factors contributing to its cultural significance. We can confirm that we are content with this scoping approach. We also expect that the potential for direct physical, indirect physical and setting impacts from the proposed development on heritage assets in both the Inner Study Area and Outer Study Area will be considered, particularly when a detailed design for the proposed development has not been confirmed.

In regards the Significance of Effects matrix in Table 6.3, we would expect the applicant to set out in the EIA Report how the significance of the impacts on our historic environment interests has been derived and the basis of the judgements. This is to ensure that the cultural heritage impact assessment can provide sufficient and proportionate information to understand the cultural significance of the affected assets and the potential impacts upon them. Figure 6 of the [EIA Handbook](#) (page 75) has also provided an example of a matrix showing impact significance related to sensitivity and magnitude of change.

We have a few textual comments on Table 6.6.1 – Sensitivity of Heritage Assets, where “Scheduled Monuments” should also be included as a type of heritage assets with high sensitivity, and Table 6.2 – Magnitude of Impact, where the row should be titled as “Magnitude of Impact”.

Historic Environment Scotland’s interest

The following designated historic environment assets are in the vicinity of the development and have the potential to be impacted by it. The list of assets highlighted is not considered to be exhaustive. It is possible that additional assets in our remit may need to be assessed after further information is available from cultural heritage impact assessment. Any impacts to the settings of assets should be assessed appropriately using our [Managing Change Guidance Note on Setting](#) to determine whether these will be significant.

Scheduled monuments

From the information that has been provided so far, it appears that the proposed development has the potential to have a significant adverse impact on key views from **Knockinculloch, Enclosures On E Slope Of, 600m NW Of Glenalla (SM3357)**, which may raise issues of national importance. The proximity of the proposed development to this scheduled monument may lead to the turbines dominating and overwhelming the setting of the monument. Therefore, photomontages will be required at an early stage, showing the proposed development in views from the monument and a view from the west-south-west showing the proposed development backdropping the monument.

In addition, there are a number of scheduled monuments in the surrounding area which also have the potential to receive adverse effects to their setting:

- The Lady Chapel, 640m NE of Kilkerran (SM3358)
- Maxwellston Hill, fort (SM2201)
- Dalquharran Castle (Old Castle) (SM316)
- Drummochreen, house (SM5387)
- Kildoon, fort (SM2176)
- Maybole Collegiate Church (SM90212)
- Lyonston, standing stone 250m ESE of (SM5787)
- Dowan's Hill, dun, Dunree (SM2886)
- Waterside, miners' villages & mineral railways N of (SM7863)
- Laight Castle (SM7690)
- Munteoch, settlement and field systems (SM5200)
- Knockdon, enclosure 700m NE of (SM7491)
- Mote Knowe, motte, Kilkerran (SM2863)
- Crossraguel Abbey (SM90087)
- Dalnean Hill, farmstead and field system (SM4390)
- Bencallen Hill, chambered cairn (SM3890)
- Howmoor Quarry, dun (SM2193)
- Hollowshean Camp, fort (SM2194)
- Camregan Castle (SM5403)
- Roman Temporary Camp and prehistoric enclosure, 200m SW and 190m ENE of Girvan Mains farm (SM5596)
- Mote Knowe, dun, Monkwood (SM2865)
- Craigmuir Mote, dun (SM4866)
- Alloway, motte (SM2864)
- Lindston, moat (SM2932)

The scale of potential impacts of the proposed development on the settings of these monuments should be assessed.

Category A-listed buildings and inventory gardens and designed landscapes (GDL)

We agree that consideration should also be given to designated heritage assets where there is no predicted visibility from the asset but where views of or across the asset are important factors contributing to its cultural significance. This includes the following heritage assets that fall within the Outer Study Area but outwith the blade tip height ZTV:

A-Listed Building

- Kilkerran House (LB1114)
- Blairquhan (LB19094)
- Waterside Engine House, Dalmellington (LB1092)

For **Blairquhan (LB19094) and its Inventory designed landscape (GDL00063)**, which are located less than 1km to the north of the proposed development, there would be extensive views towards the wind farm from the Inventory site, including views towards the mansion house on approach from the north through the designed landscape. We would therefore expect the EIA Report to assess the impacts on the setting of both the A-listed House and designed landscape. This should include a visualisation showing the predicted view of the house in its designed landscape setting in views on the principal approach from the north in which the wind farm would be visible.

Historic Environment Scotland

05 September 2023

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

Your ref:
ECU00004830

Our ref:
GB01T19K05

Date:
18/08/2023

econsents_admin@gov.scot

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR BACK FELL WIND FARM

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

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

Proposed Development

The proposed development comprises a 14-turbine wind farm and associated Battery Energy Storage System (BESS) facility, located approximately 2.6km south of Straiton in South Ayrshire. The proposed turbines will have a maximum tip height of 200m. The nearest trunk road to the site is the A77(T) which lies approximately 12km to the northwest at Maybole.

Assessment of Environmental Impacts

Chapter 11 of the SR presents the proposed methodology for the assessment of Traffic and Transport. We note that the thresholds as indicated within the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Road Traffic are to be used as a screening process for the assessment. Transport Scotland is in agreement with this approach.

The SR also indicates that potential trunk road related environmental impacts such as driver delay, pedestrian delay, severance, safety etc will be considered and assessed where appropriate (i.e. where IEMA Guidelines for further assessment are breached). These specify that road links should be taken forward for assessment if:

- Traffic flows will increase by more than 30%, or
- The number of HGVs will increase by more than 30%, or
- Traffic flows will increase by 10% or more in sensitive areas.

We note that there are currently two access options from the A77(T) being considered. Access Option 1 involves entering the site from the north via the B7045, B741 and U045. Access Option 2 involves entering the site from the west via the B7045, B7023 and U27. The SR states that the Study Area will align with the chosen access option but has been defined at present as the public road network in the vicinity of the Proposed Development which will be used by vehicles to access the site in relation to construction activities. Transport Scotland is satisfied with this approach and would add that the potential impacts on the A77(T) will require to be assessed for either option.

We note that baseline traffic count data will be obtained from the Department for Transport (DfT) and/or the Ayrshire Roads Alliance for the most recently available period. Transport Scotland is satisfied with this approach, but would add that an alternative source of traffic data is Traffic Scotland's National Traffic Data System. We would also add that trunk road baseline traffic data will require to be factored to the peak construction year using National Road Traffic Forecasts (NRTF) Low Growth factors.

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

Abnormal Loads Assessment

The SR states that it is proposed that turbine components be delivered to Glasgow King George V Docks. No abnormal indivisible load (AIL) route has been identified at this stage, however, for your awareness, Transport Scotland is currently undertaking essential investigatory works on the Woodside Viaduct on the M8 northern flank. Temporary traffic management measures and weight restrictions are in force. The route therefore, may not be appropriate for abnormal loads at this time, with all HGV traffic encouraged to use the M74 and M73 as an alternative. At this time, there is no timeframe for completion of the works.

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

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

It should also be noted that any proposed changes to the trunk road network must be discussed and approved (via a technical approval process) by the appropriate Area Manager.

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

Yours faithfully

REDACTED

Iain Clement

**Transport Scotland
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

From: [Doug Howieson](#)
To: [Nicola Ferguson](#)
Subject: FW: Request for Scoping Opinion Back Fell Wind Farm
Date: 21 August 2023 15:18:59
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Nicola.

Thank you for the opportunity to comment.

The impacts upon forestry will be significant and forestry should have a specific chapter in the EIA, so that I can assess the potential impact both of construction phase felling and on other felling plans to ensure that these are not approved as part of the planning application.

Only construction phase felling can be approved through this planning application and I'll much more detail on compensatory planting.

Doug.

Name: Doug Howieson MICFor
Job Title: Conservator, South Scotland
Scottish Forestry
Greystone Park | 55/57 Moffat Road | Dumfries | DG1 1NP
Direct: 0131 370 5262
Mobile: REDACTED
Email: doug.howieson@forestry.gov.scot

forestry.gov.scot
[@scotforestry](https://www.facebook.com/scottishforestry)

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

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

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

From: [#ABZ Safeguarding](#)
To: [Nicola Ferguson](#)
Subject: RE: Request for Scoping Opinion Back Fell Wind Farm
Date: 15 August 2023 11:47:03
Attachments: [image001.png](#)
[image445363.png](#)
[image200533.png](#)
[image429295.png](#)
[image087094.png](#)
[image836185.png](#)
[image764736.png](#)
[image772165.png](#)
[image019502.png](#)

This proposal is located outwith the consultation zone for Aberdeen Airport. We therefore have no comment to make and need not be consulted further.

Kind regards
Kirsteen

**Aberdeen International
Airport**



**CURRENT HOLDER OF
FOLLOWING AWARDS**

#ABZ Safeguarding

abz safeguard@aiairport.com

www.aberdeenairport.com

Aberdeen International Airport Limited, Dyce, Aberdeen, AB21 7DU

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From: radionetworkprotection@bt.com
To: [Nicola Ferguson](mailto:Nicola.Ferguson@bt.com)
Cc: radionetworkprotection@bt.com
Subject: RE: WID13170 Request for Scoping Opinion Back Fell Wind Farm
Date: 04 August 2023 12:34:52
Attachments: [image004.png](#)
[Back Fell Wind Farm Scoping Report.pdf](#)



OUR REF: WID13170

Thank you for your email dated 01/08/2023.

We have studied this proposal with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that the Turbine locations provided in the attached should not cause interference to BT's current and presently planned radio network.

BT requires 100m minimum clearance from any structure to the radio link path. If the proposed location changes, please let us know and we can reassess this for you.

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

Please direct all queries to radionetworkprotection@bt.com

Kind Regards

Lisa Smith
National Radio Planner
Network Planning



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Defence Infrastructure Organisation

Your Reference: ECU00004830

Our Reference: DIO 10059569

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

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

Telephone [MOD]: 07815484477

E-mail: kaye.noble106@mod.gov.uk

By email only

31 August 2023

Dear Nicola,

Application reference: ECU00004830
Site Name: Black Fell Wind Farm
Proposal: The proposed development is anticipated to comprise up to 14 wind turbines with a tip height of approximately 200m and a battery storage system.
Site address: Approximately 900m south of Straiton, and 4.9km north of Dark Skies Park

Thank you for consulting the Ministry of Defence (MOD) in relation to the Scoping through your communication dated 1st August 2023.

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 14 turbines with maximum blade tip heights of 200.00 metres above ground level. The proposed development has been assessed using the location data (Grid References) below provided in "Black Fell Wind Farm Scoping Report" dated June 2023.

Turbine no.	Easting	Northing
1	234173	601829
2	234336	602359
3	235046	602209

4	235784	602527
5	237009	602551
6	234630	601596
7	235381	601832
8	236234	602241
9	234887	601218
10	236299	601704
11	235643	601191
12	236302	601129
13	235633	600622
14	236394	600630

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

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.

Summary

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

- The 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 data and information detailed in the developer's document titled "Black Fell Wind Farm Scoping Report", "Site Layout Plan" and "Site Location Plan" dated June 2023. 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

Kaye Noble
Assistant Safeguarding Manager
DIO Safeguarding

From: [Safe Guarding](#)
To: [Nicola Ferguson](#); [Econsents Admin](#)
Cc: [Safe Guarding](#)
Subject: ECU00004830 - Back Fell Wind Farm
Date: 18 August 2023 08:36:54
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




Our values

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From: REDACTED
To: [Nicola Ferguson](#)
Cc: REDACTED
Subject: RE: Request for Scoping Opinion Back Fell Wind Farm
Date: 03 August 2023 11:44:23
Attachments: [image001.png](#)

Dear Nicola,

Thank you for your correspondence concerning the proposed Back Fell wind farm.

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 district of the Girvan District Salmon Fishery Board, and the catchment relating to the Ayrshire Rivers 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 these 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](#)

Regards,

Brian

Brian Davidson | Dir Communications & Administration
Fisheries Management Scotland
11 Rutland Square, Edinburgh, EH1 2AS
Tel: 0131 221 6567 | REDACTED
www.fms.scot

FAO Nicola Ferguson
Energy Consents Unit
By Email

14th August 2023

Dear Nicola

**Re: ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION
FOR BACK FELL WIND FARM
Our reference: GLA4358**

I refer to your request for scoping opinion received in this office on 1st August 2023.

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, however, only structures exceeding 300m AGL would require assessment in this location.

Our position with regard to this proposal will only be confirmed once the turbine details are finalized and we have been consulted, if necessary, 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

REDACTED

Kirsteen MacDonald

Safeguarding Manager
Glasgow Airport
REDACTED

Kirsteen.MacDonald@agsairports.co.uk

By email only

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

10 Aug 2023

Dear Nicola

Glasgow Prestwick Airport

ELECTRICITY ACT 1989

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

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION - BACK FELL
WIND FARM IN THE PLANNING AUTHORITY OF SOUTH AYRSHIRE COUNCIL**

Glasgow Prestwick Airport ('GPA', 'The Airport') is supporting the Scottish and UK Governments' drive to release 20GW of renewable energy projects by 2030, working to facilitate over 4GW of potential wind power within a 45 nautical mile radius of the aerodrome. We continue to be actively engaged with numerous developers to address aviation safeguarding issues, including the resolution of infringements to published instrument flight procedures associated with The Airport.

We have reviewed the scoping documents available on the Energy Consents Unit (ECU) portal for the Back Fell Wind Farm (**ECU00004830**) and respond to the request on aviation matters only.

The Airport's Windfarm Safeguarding Assessment Process

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

The safeguarding assessment process has identified potential adverse effects on the Airport's Primary Surveillance Radar (PSR), Instrument Flight Procedures (IFPs) and VHF Ground to Air communications infrastructure. Those issues having been identified, the Airport conducted an Air Traffic Control (ATC) Operational Impact Assessment which is provided for in its Windfarm Safeguarding Assessment Process.

The Airport's ATC Operational Impact Assessment

2. The ATC Operational Assessment indicates that while this proposed development lies outwith Glasgow Prestwick Airport's Controlled Airspace (CAS), it is in an area where the Airport's ATC regularly provide an air traffic service, and as such if any of the turbines are confirmed visible to the Airport's primary surveillance radar then mitigation will be required, together with a review of any impact on our Instrument Flight Procedures (IFPs) or aeronautical charts as published in the UK Aeronautical Information Publication (AIP) for Glasgow Prestwick Airport (EGPK).
3. Other issues raised in the ATC Operational Impact Assessment include, but are not limited to:
 - i. Potential loss of VHF Ground to Air communications above and on the lee side of the windfarm as a consequence of the large turbines and the cumulative effect of adding to existing developments.

Primary Surveillance Radar (PSR)

4. The Airport's Radar Line of Sight ("RLoS") analysis at the maximum turbine tip heights of 200m for the proposed Back Fell Wind Farm indicates that there is a likelihood of multiple turbines being visible to the Airport's primary radar(s). Further assessments will be required to establish and confirm the actual number of turbines which will be visible to the Airport's primary radar(s).

Turbines visible to the Airport's primary radar(s) will cause turbine clutter on the Airport's radar controllers display(s). They may also cause other degradative effects on the airspace above and in the vicinity of the turbines (e.g. shadowing, loss of base radar cover, etc).

With regard to the clutter on the Airport ATC radar controllers display(s), the Airport's Terma Scanter 4002 radar ("Terma") contains software which provides the potential for Terma to be optimised to mitigate the clutter. However, mitigation is not an automatic process nor is it guaranteed to work. In line with the Airport's Windfarm Safeguarding Assessment Process, it will be necessary to conduct baseline flight trials and radar modelling assessments to assess the anticipated Probability of Detection ("PD") in the airspace above the turbines post windfarm construction and post optimisation of Terma.

The anticipated PD will of course have to be acceptable from an aviation safety perspective. Although it is possible to estimate the PD following optimisation of Terma, the results are not guaranteed. The actual PD which is achieved after optimisation will have to be confirmed by a post construction flight trial with support from Terma engineers.

Assuming that an acceptable, and confirmed, PD is achieved post optimisation, the mitigation will have to be kept in place by the Airport for the lifetime of the windfarm. There will be costs and risks for the Airport in that process.

Instrument Flight Procedures (IFPs)

5. GPA requests developer engagement to facilitate the commission of IFP Assessments as necessary to establish fully if the development is likely to have any impact on our IFPs - as published in the UK

Aeronautical Information Publication (AIP) for Glasgow Prestwick Airport (EGPK) - and provide potential mitigations and solutions to any infringements as required.

Technical Safeguarding – VHF Communication Equipment

6. Preliminary analysis indicates it may be necessary to conduct a detailed Technical Safeguarding Assessment in respect of the protection of the Airport's VHF Radio Navigation Equipment(s) in accordance with *CAP670 - Part B, Section 4: GEN 02: Technical Safeguarding of Aeronautical Radio Stations Situated at UK Aerodromes and Appendix A to GEN 02: Methodology for the Prediction of Wind Turbine Interference Impact on Aeronautical Radio Station Infrastructure*.

Any adverse effects identified as a result of an assessment will require to be mitigated for the lifetime of the windfarm.

Aviation Lighting

7. GPA is content with the identification of the requirement for a primary aviation lighting scheme as required by UK CAA for obstacles greater than 150m in height above local ground level in accordance with Article 222 of the UK Air Navigation Order (ANO) 2016) in the Scoping Report 13.3.2 & 13.3.3.

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

Cumulative Impact

8. The Airport also raises concerns in respect of the cumulative impact, due to existing and proposed windfarms in the vicinity of the proposed Back Fell Wind Farm. There are currently 6 existing or proposed developments with an aviation impact to GPA within a 5nm radius of the Back Fell site, and 11 within a 10nm radius. Those risks include the Terma Radar not being able to provide the required level of mitigation and adverse impact on VHF Communication Equipment(s).

The cumulative issues across the whole coverage volume are likely to result in the Airport having to procure and install (at the appropriate point) additional surveillance, navigation and communication equipment(s) to address the impact of multiple windfarms in close proximity to each other.

Back Fell Wind Farm Scoping Report

9. In response to the aviation section commencing at Chapter 13 of the Back Fell Scoping Report, the Airport request engagement with the Developer regarding the issues raised in this response letter, namely:
 - i. Radar modelling assessments (including participation in Radar Flight Trials) against the Airport's primary surveillance radar(s) to confirm that the radar can mitigate any clutter associated with the moving turbines;
 - ii. An IFP assessment against the Airport's published flight procedures;
 - iii. A VHF radio communication assessment in the vicinity of the proposed windfarm against the Airport's VHF Ground to Air radio equipment(s) infrastructure to ascertain any areas of loss of voice communications between an aircraft receiving an Air Traffic Control service from GPA Air Traffic Control;

Conclusions

10. The proposed Back Fell Wind Farm raises aviation safety concerns which have the potential to have an operational impact on the Airport as an Air Navigation Services Provider (ANSP), and the Airport would wish to begin engagement with the Developer to undertake the actions necessary to resolve the issues as detailed in this response. As part of that engagement, the Airport will work through a full ATC Operational Impact Assessment and Technical Safeguarding Assessment(s) to consider the various impacts of the proposal and how they can be addressed. As part of that dialogue, the Airport wishes to discuss the terms of a suitable mitigation agreement to address the cost and risks which will be imposed upon it as a result of the proposed development.
11. Should this Scoping Request proceed to a full Section 36 Planning Application, the Airport would be minded to issue a **holding objection** to the development until all technical and operational aviation safety matters detailed above are addressed to the satisfaction of the Airport, any aviation safety measures (which may require airspace changes subject to Airport agreement and CAA approval) dictated by the Airport Wind Farm Safeguarding Process are implemented, and a mitigation agreement is put in place for the life of the windfarm.
12. The Airport would welcome early dialogue with the Developer to begin the process of determining and agreeing solutions to the aviation issues detailed above.

Yours faithfully

Ian Hutchinson
Safeguarding Manager
For and on behalf of Glasgow Prestwick Airport Limited

From: [Safeguarding](#)
To: [Nicola Ferguson](#); [Econsents Admin](#)
Cc: [Safeguarding](#)
Subject: RE: Request for Scoping Opinion Back Fell Wind Farm
Date: 11 August 2023 16:58:11
Attachments: [image001.png](#)

Your Ref: ECU00004830

Our Ref: 2023/228/CAL

Dear Sir/Madam,

Proposal: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36

Location: APPLICATION FOR BACK FELL WIND FARM

This proposal is out-with the highlands and islands limited airports safeguarding criteria. Therefore we have no objections to this proposal.

Kind regards,

Nyree Millar-Bell
Highlands and Islands Airports Limited

From: [JRC Windfarm Coordinations Old](#)
To: [Nicola Ferguson](#)
Cc: [Wind SSE](#)
Subject: Back Fell Wind Farm - Scoping Opinion ECU00004830 [WF222088]
Date: 02 August 2023 11:43:10

Dear nicola,

A Windfarms Team member has replied to your co-ordination request, reference **WF222088** with the following response:

***Please do not reply to this email - the responses are not monitored.
If you need us to investigate further, then please use the link at the end of this response
or login to your account for access to your co-ordination requests and responses.***

Dear Nicola,

Site Name: Back Fell Wind Farm

Turbine(s) at NGR:

Turbine Number Easting Northing

1	234173	601829
2	234336	602359
3	235046	602209
4	235784	602527
5	237009	602551
6	234630	601596
7	235381	601832
8	236234	602241
9	234887	601218
10	236299	601704
11	235643	601191
12	236302	601129
13	235633	600622
14	236394	600630

Hub Height: 119m **Rotor Radius:** 81m

*This proposal is ***cleared*** 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. Please note that due to the

large number of adjacent radio links in this vicinity, which have been taken into account, clearance is given specifically for a location within the declared grid reference (quoted above).

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

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, you are advised to seek re-coordination prior to submitting a planning application, as this will negate the possibility of an objection being raised at that time as a consequence of any links assigned between your enquiry and the finalisation of your project.

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

Regards

Wind Farm Team

*Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom*

Office: 02476 932 185

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

Registered in England & Wales: 2990041

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

We maintain your personal contact details and are compliant with the Data Protection Act 2018 (DPA 2018) for the purpose of 'Legitimate Interest' for communication with you. If you would like to be removed, please contact anita.lad@jrc.co.uk.

We hope this response has sufficiently answered your query.

If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email 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=31090>

From: [NATS Safeguarding](#)
To: [Nicola Ferguson](#)
Cc: [Econsents Admin](#)
Subject: RE: Request for Scoping Opinion Back Fell Wind Farm [SG35866]
Date: 02 August 2023 14:10:21
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Our Ref: SG35866

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

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



NATS Public

Nicola Ferguson
Energy Consent Unit
Sent by email: Nicola.Ferguson@gov.scot

22 August 2023

Dear Nicola,

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

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION
FOR BACK FELL WIND FARM**

Thank you for consulting RSPB Scotland on the Scoping Opinion for this project. We have the following comments.

10.7 Questions for Consultees

- *Q10/1 Do consultees agree that the scope of bird surveys and data sources is sufficient and appropriate for ornithology assessment purposes?*

10.3 Methodology

We note reference to key species for Vantage Point (VP) survey effort which is described in the Scoping report as 'target' and 'secondary' species (Table 10.10.1). However, it is unclear how these species have been selected although it appears to be partially aligned with results of initial survey effort (10.4). Since the desk based survey assessment has not been concluded (10.3) and NatureScot has not yet been consulted to advise on survey effort and/or target species (10.2), we would advise that the selection of target and secondary species for survey effort is premature.

We note reference to weather constraints relating to survey work which states that '*As far as possible, surveys are undertaken in favourable weather conditions, relative to the typical weather in Ayrshire*' (10.3.1.2). Since this statement is inconclusive in its application relating to the appropriateness and effectiveness of survey effort, we would advise that any constraints due to weather conditions that have the potential to impact the robustness of survey effort should be clearly outlined in the EIA and included in the overall assessment of impact to ornithological species.

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

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



The RSPB is part of Bird Life International, a Partnership of conservation organisations working to give nature a home around the world.

Our data confirms lekking Black Grouse 2km (2019) and 5km (2021) from the project boundary. Since the area of the development footprint is not covered by annual Regional survey effort for this species, we would advise on the need to survey for lekking males to confirm its status.

Although we note that survey to record Black Grouse is being undertaken, we should highlight that there is an error in the reference given for the methodology to record lekking Black Grouse which relates to breeding wader survey methodology¹. We also advise that the description of survey methodology given is inaccurate both in the time of season (April to July) and in the time of day (1.5 hours after local sunrise). This should be from the end of March to mid-May and up to two hours after dawn or before dusk to locate lek sites and between one hour before and after sunrise to count males at a lek site. A preliminary visit at any time of day to confirm potential habitat and areas of search for lek sites should proceed the above survey visits².

We advise that given the proximity of this application to consented and at application wind farms that cumulative impacts to ornithological species should be included in the EIA which would include all potential impacts from additional applications such as new forestry.

- *Q10/2 Are there any other relevant consultees who should be contacted, or other information sources to be referenced, with respect to the ornithology assessment?*

We advise that NatureScot is consulted to advise on target species for this development.

We advise that Forestry and Land Scotland is contacted for data on Black Grouse to inform this project.

We advise that the appropriate Raptor Study Groups (South Ayrshire; Dumfries & Galloway) are included in desk based study for breeding and wintering raptor data.

- *Q10/3 Do consultees believe that there are further species that need to be considered in the assessment?*

We advise that survey to confirm the status of Osprey is included in survey effort and desk based studies.

Yours sincerely,

REDACTED

Julia Gallagher
Senior Conservation Officer – Scottish Lowlands and Southern Uplands

¹ Gilbert, G., Gibbons, D.W. & Evans, J. (1998) Bird Monitoring Methods, RSPB/BTO. pp. 394-396

² Gilbert, G., Gibbons, D.W. & Evans, J. (1998) Bird Monitoring Methods, RSPB/BTO. pp. 172-175

Monday, 07 August 2023



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



Dear Customer,

Back Fell Wind Farm

Planning Ref: ECU00004830

Our Ref: DSCAS-0091913-J6F

Proposal: Wind farm development to comprise of up to 14 wind turbines with a tip height of approximately 200m. Potential generating capacity of up to 6.6MW for a total capacity of 92.4MW. Also proposing to include approximately 50MW of battery energy storage system.

Please quote our reference in all future correspondence

Audit of Proposal

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

Drinking Water Protected Areas

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

Surface Water

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

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

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

General notes:

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

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

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."

Nicola.Ferguson@gov.scot

Nicola Ferguson
Case Officer
Energy Consents Unit
Onshore Electricity, Strategy and Consents
Directorate for Energy and Climate Change
The Scottish Government

Our Ref: 08787
22/08/2023

Dear Ms Ferguson,

ECU ref: ECU00004830
ELECTRICITY ACT 1989

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

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR BACK
FELL WIND FARM**

Thank you for your email of 1 August 2023 seeking comments on the scoping report for the above proposal.

ScotWays records

The enclosed map shows that right of way SKC7 as recorded in the National Catalogue of Rights of Way (CROW) crosses or is close to the application site as shown on Figure 1.1 *Site Location Plan*.

The enclosed map shows the Heritage Paths project promotes a route, *Old Road through Straiton* [HP130] for its historic interest. This old route crosses or is close to the application site as shown on Figure 1.1 *Site Location Plan*.

The enclosed map shows that our book *Scottish Hill Tracks* describes route number 82 *Barr to Straiton and Patna* [HT385] which crosses or is close to the application site as shown on Figure 1.1 *Site Location Plan*.

In searching our records at this scoping stage, we have focussed solely on the immediate area of the proposed application. If required by the applicant to inform their Environmental Impact

Assessment (EIA), maps of a wider search area are available from the Society, alongside a more detailed response.

Other Access to Land

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

Wind Farms and public access

It is our understanding that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way, so we use the following starting principle in considering what could be reasonable:

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

ScotWays considers the above sets out a reasonable principle for a recommended minimum separation distance. There could also be site specific factors which would lead us to prefer a larger minimum separation distance; these could include the affected route being one of Scotland's Great Trails or it being known for equestrian use, for example. ScotWays is likely to object to any proposal where the above principle is not followed, including where a micro-siting allowance could lead to turbine encroachment upon a route because it has been insufficiently buffered.

Recreational amenity

As well as direct impacts of development upon public access, ScotWays has an interest in impacts on recreational amenity, so this includes the impact of wind farm development on the wider landscape. We anticipate that the applicant will take into account both recreational amenity and landscape impacts in developing their proposals for this site. We will consider these issues further should this scoping stage lead to a planning application.

Cumulative Impact

As ScotWays is aware of a number of wind turbine proposed in this general area, we are particularly concerned that the cumulative impact of these proposed developments is taken into account.

Comment

At this scoping stage it appears that the applicant has not yet fully considered the recreational baseline. In Chapter 5 *Landscape and Visual* the paragraph on 'Recreational Paths' refers to a National Cycle Route, long distance routes and core paths. In Chapter 12 *Socioeconomics* they state, 12.3.3, that recreational receptors will include 'core paths, cycle routes and other recreational activities'. At no point in the document is there any reference to rights of way, Heritage Paths or Scottish Hill Tracks lying either within the application site or in the greater study area. The effects on these will need to be assessed and included in any future application.

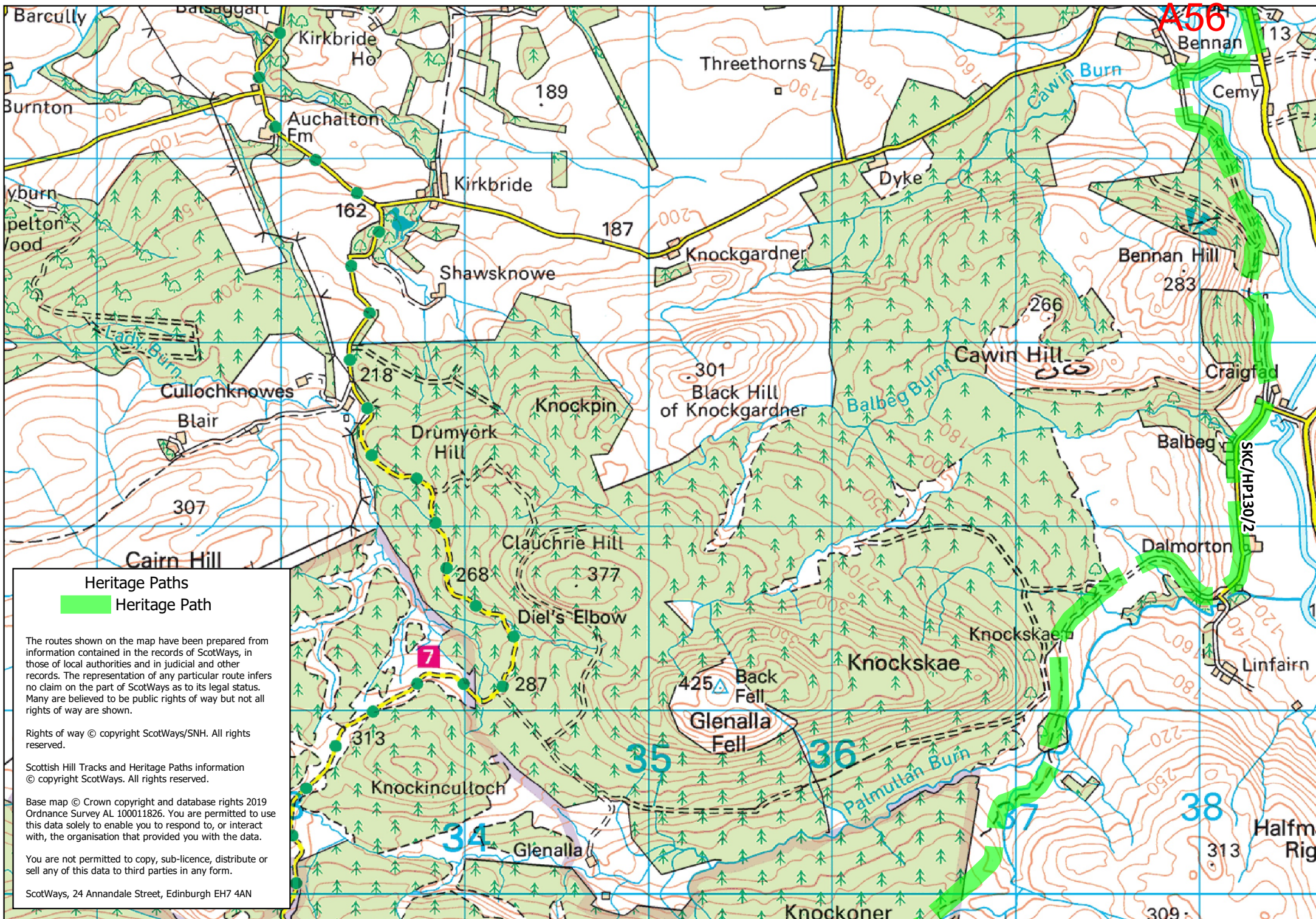
Under section 3 of the Land Reform (Scotland) Act 2003, there is a duty upon landowners to use and manage land responsibly in a way which respects public access rights. Under section 14 of the same Act, access authorities have a duty to uphold access rights. Accordingly, we suggest that the applicant may wish to approach the relevant authority's access team for their input when drawing up their Access Management Plan for their proposed development.

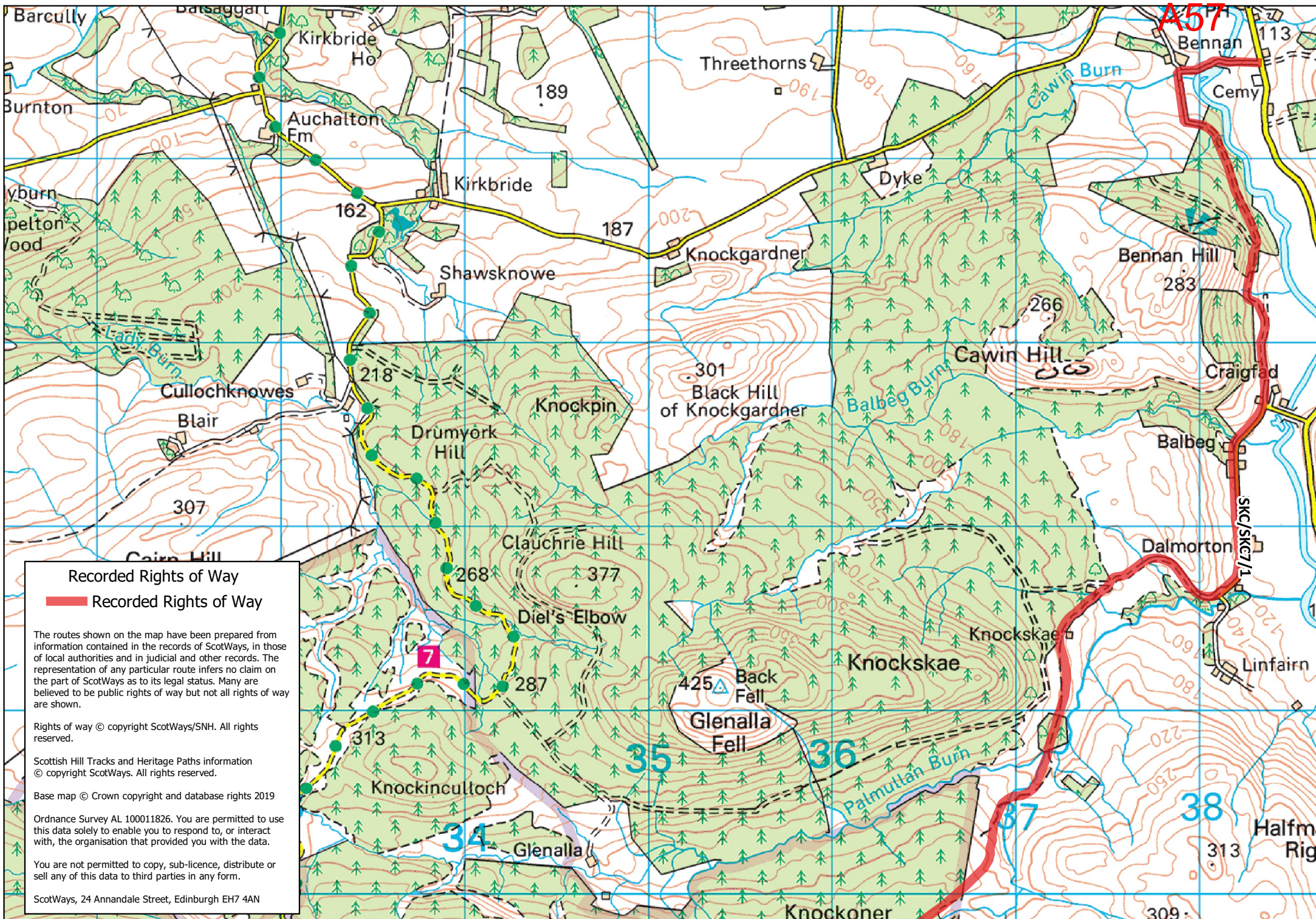
I hope the information provided is useful to you. Please do not hesitate to contact us if you have any further queries.

Yours sincerely,

REDACTED

Lynda Grant
Access Officer





A57

Bennan

Cemy

Threethorns

Dyke

Bennan Hill

Cawin Hill

Craigfad

Balbeg

Dalmorton

Linfairn

Halfm Rig

Barcully

Burnton

Lyburn

pelton

ood

Lady Burn

Cullochknowes

Blair

307

Cairn Hill

Recorded Rights of Way
 Recorded Rights of Way

The routes shown on the map have been prepared from information contained in the records of ScotWays, in those of local authorities and in judicial and other records. The representation of any particular route infers no claim on the part of ScotWays as to its legal status. Many are believed to be public rights of way but not all rights of way are shown.

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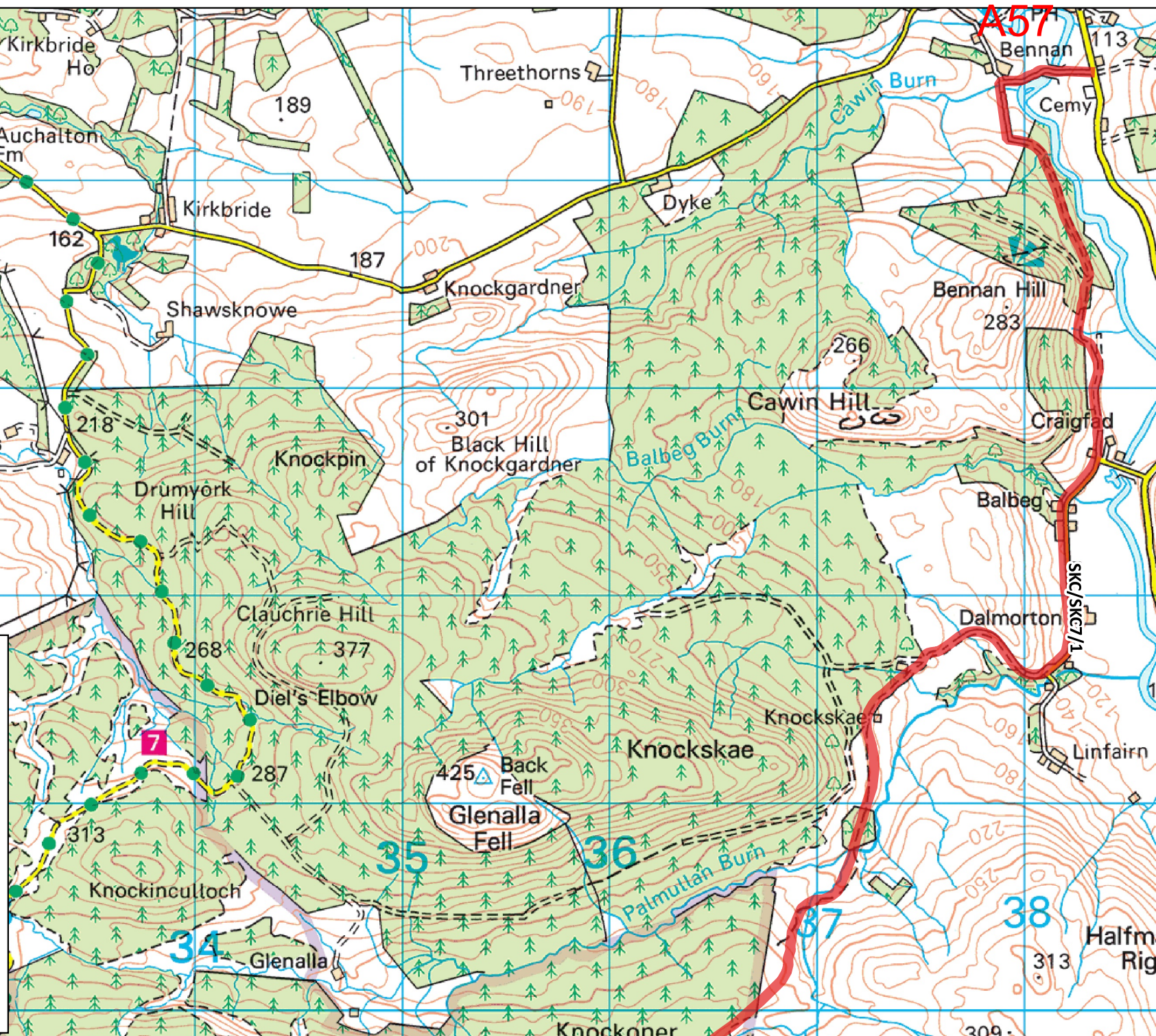
Scottish Hill Tracks and Heritage Paths information © copyright ScotWays. All rights reserved.

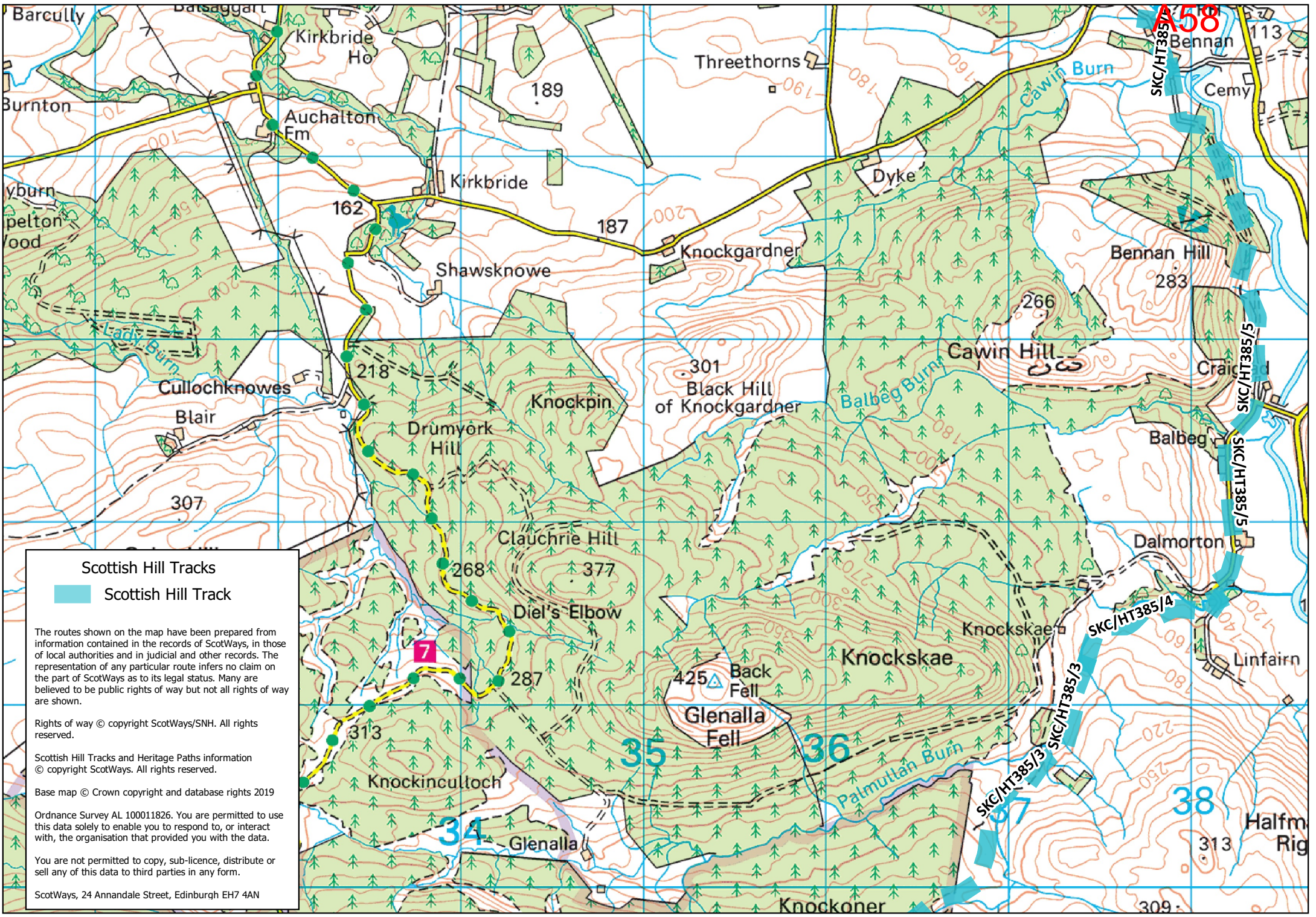
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ScotWays, 24 Annandale Street, Edinburgh EH7 4AN





Scottish Hill Tracks

--- Scottish Hill Track

The routes shown on the map have been prepared from information contained in the records of ScotWays, in those of local authorities and in judicial and other records. The representation of any particular route infers no claim on the part of ScotWays as to its legal status. Many are believed to be public rights of way but not all rights of way are shown.

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ScotWays, 24 Annandale Street, Edinburgh EH7 4AN



CROW Guidance Notes - Windfarm Developments

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

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

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

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

What is a Recorded Right of Way?

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

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

What is an Other Route?

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

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

What is a Heritage Path?

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

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

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

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

What is a Scottish Hill Track?

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

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

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

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

Disclaimer

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

Other Public Access Information

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

Unrecorded Rights of Way

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

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

Core Paths

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

The General Right of Access

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

Other Promoted Routes

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

Scotland's Great Trails: <https://www.scotlandsgreattrails.com>

National Cycle Network: <https://www.sustrans.org.uk/map-ncn>

Public and Private Roads

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

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

More Information on Outdoor Access Law

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

Development and Planning Applications

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

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

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

From: campaigning@woodlandtrust.org.uk
To: [Nicola Ferguson](#)
Cc: campaigning@woodlandtrust.org.uk
Subject: Woodland Trust response to the Request for Scoping Opinion Back Fell Wind Farm
Date: 17 August 2023 11:31:44
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Dear Nicola,

Thank you for consulting the Woodland Trust on the proposed scoping opinion for Back Fell Wind Farm.

We would recommend that the applicants seek to undertake an Arboricultural Impact Assessment to ensure that any important trees (including any ancient or veteran trees) are identified and accounted for as part of the scheme ahead of the full planning application.

We hope this is of help.

Kind regards,
Nicole Moses

Nicole Moses

Campaigner - Woods Under Threat

Telephone: 03437705438

Email: NicoleMoses@woodlandtrust.org.uk

The Woodland Trust, Kempton Way, Grantham, Lincolnshire, NG31 6LL
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woodlandtrust.org.uk



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<http://www.woodlandtrust.org.uk>

From: REDACTED
To: [Nicola Ferguson](#); [Econsents Admin](#)
Cc: REDACTED
Subject: Re: Request for Scoping Opinion Back Fell Wind Farm
Date: 07 October 2023 09:47:59
Attachments: [image001.png](#)
[Back Fell Wind Farm.pdf](#)

Dear Nicola

Attached is our response to the Scoping Opinion for Back Fell Wind Farm.

This was discussed at our community council meeting on 29th August, when all present were unanimously against this proposed wind farm.

The response was prepared by one community councillor, Gordon Ferrie, with amendments made at the above meeting. This was then voted on using SurveyMonkey, to include opinions of those not present. This response was approved by 5 votes to 1, with a few not voting.

Apologies for not responding within the extended deadline granted. This was my omission due to personal circumstances - juggling work commitments, a close family illness followed by bereavement, travelling, and various other things. We hope this response can still be considered as there is very strong local feeling about this application.

Kind regards

John Haston

Secretary

Crosshill, Straiton and Kirkmichael Community Council

Crosshill, Straiton and Kirkmichael Community Council

Response to consultation on Scoping Opinion:

Back Fell Wind Farm

ECU Reference: ECU00004830

30th August 2023

Preamble:

In 2017 the Back Fell Wind Farm was previously known as Knockskae Wind Farm (proposed by Brookfield Renewables UK - a Canadian wind farm developer). Back Fell would appear to be on virtually the same site as Knockskae. The Knockskae proposal was for 11 turbines at 126metres in height.

The Knockskae Application came before the South Ayrshire Council Regulatory Panel on Planning on Wednesday 19th April 2017. The Application was refused unanimously by the Panel. I spoke at that Panel as a new resident in Straiton.

This latest proposal is for 14 turbines at a height of 200 metres with an additional 50 MW of battery energy storage system.

I have tried to summarise some of the key issues re Back Fell Wind Farm proposal to allow the Community Councillors to come to a considered decision. These are my personal observations. (I am not a member of Save Straiton)

1. Saturation of Wind Farm development in North Carrick.

Back Fell is one of five wind farms CSKCC has been asked to consider recently – Back Fell (14 turbines), Scienteuch (9 turbines) and the three which have been conjoined for the Public Enquiry which is ongoing – Knockcronal (9 turbines), Carrick (13 turbines) and Craiginmoddie (14 turbines). All of these projects have the majority of their turbines at a height of 200 metres. Other nearby wind farms consented include Dersalloch (23 turbines), Hadyard Hill (51 turbines), Kirk Hill (8 turbines) and South Kyle (50 turbines).

Why has the applicant, E Power Limited, chosen this moment i.e., during a Public Enquiry for three neighbouring wind farms, to instigate an application for such a historically negative scheme? One reason may be the limited number of onshore sites still available for developers which

means they will go back to previously rejected proposals e.g., Knockcronal.

2. Historic evidence of community concerns about Back Fell (Knockskae)

Back Fell site is on the same site as Knockskae which was refused planning permission by SAC in 2017. The applicant, Brookfield, did not appeal this decision.

The objection submitted by Save Straiton listed the following concerns:

- It is too close to homes and would have an unacceptable impact on residents, (and value of residences).
- It would irreparably damage the value of the conservation village.
- It would undermine the setting of important historical features.
- It would destroy the scenic quality of the landscape.
- It would undermine wild land in its setting.
- It would undermine the economy of Straiton and South Ayrshire.
- It does not accord with the South Ayrshire Wind Capacity Study.
- It is contrary to the Local Development Plan.
- The impacts have not been properly and fully considered.
- The people (of Straiton) do not support it.

These objections are still seem as relevant today as they were in 2017.

3. Infrastructure concerns

Constructing a wind farm with fourteen 200m turbines will put enormous pressures on existing roads. The access routes for hundreds of HGV vehicle journeys and in addition exceptional long loads would seem to be mainly through Maybole and Crosshill. The two options identified are the Western access which come through Crosshill to Cloyntie, whilst the Northern Access would be near Dyke Farm using the Forest Road created about four years ago. This road was originally created as an access to forested land to remove diseased larch but has now been linked to two wind farm proposals.

The planning application for access to the forested area would require to be analysed as access to wind farms may not have been in the original application.

4. Impacts on key environmental aspects of this area.

These concerns appear for every Wind Farm application in this area of North Carrick:

- Impact on Dark Sky status with the need aviation lights for 200m turbines.
- Impact on Galloway National Park proposal which is regarded as a front runner for being Scotland's third National Park
- Impact on Galloway and Southern Ayrshire Unesco Biosphere

Other environmental concerns are listed in the Scoping document in Chapters 5 to 10. (Landscape and Visual, Cultural Heritage, Noise, Hydrology, Ecology, Ornithology). These are consistent with most concerns re North Carrick Wind Farms.

5. Response to the Scoping document.

The Scoping document is 105 pages in length and is a 'cut and paste' desk top exercise which asks questions about what should be scoped in or scoped out. I expect Save Straiton will produce a detailed technical response to this. I cannot see the need for the Community Council to respond to the specifics of the Scoping Opinion – unless there are clear errors or omissions. If there are, we can add these as an appendix.

However, I noted several key issues which need more clarity –

- Ch 5 as Straiton is only 900metres from the Wind Farm the number of viewpoints must be increased within the village.
- Ch 11 There should be enhanced analysis about the suitability of the Access Option 1 (from the north) and Access Option 2 (from the west).
- Ch 13 There is very little explanation of the plans for battery storage.

6. Summary.

As a Community Council we have recently debated and discussed several wind farm proposals, and these have led to various outcomes using survey results. There is generally consensus that there is an increasing need for renewable energy to achieve net zero with the matter complicated by on one hand wars, political differences, cost of living, and energy security, and on the other hand by the increasing variety of renewable projects – carbon capture, offshore schemes, expansion of pump storage hydro and solar farms, climate emergencies, global summits, and global protests.

However, we are being asked to comment on one wind farm – Back Fell.

I believe the Community Council should object to Back Fell Wind Farm, for the following reasons:

- The new proposal increases the number of turbines to 14, the height of wind farms to 200m, an increase in height of 37%.
- North Carrick is being saturated with wind farms regardless of the Public Enquiry outcome. The cumulative impact of these wind farms must be of utmost priority. There are many alternative renewable energy opportunities through offshore wind, expansion in hydro, solar farms, new heating systems, and improved housing specifications re insulation which should be established by 2028 the planned start of construction at Back Fell.
- The community of Straiton is strongly against wind farm development as shown in our recent CC survey. (72% of respondents against the three conjoined wind farms involved in the Public Enquiry, 67% against the Scienteuch wind farm and 60% against any more wind farms in South Ayrshire). In 2017 the Community Council was unanimously against Knockskae.
- The communities of Straiton, Crosshill and Kirkmichael are all within the zone of Theoretical Visibility within which 11 to 14 turbines will be visible.

I believe the Community Council should show solidarity with the Straiton community and vote to object to the Back Fell wind farm proposal using our online system to record the outcome.

I would also request that this document be submitted to the Energy Consents Unit, along with the survey result.

Gordon Ferrie

Crosshill, Straiton and Kirkmichael Community Council

BACK FELL WIND FARM SCOPING REPORT RESPONSE ECU00004830 FROM DAILY COMMUNITY COUNCIL

Thank you for the opportunity to respond to this Scoping Report.

We are not experts in any of these fields and these remarks are from lay persons' points of view. As we are not experts we cannot meaningfully comment on questions asked by the Agent/Developer.

From what we see this new proposal is a rehash of the previous Knockskae Wind Farm which was refused by South Ayrshire Council on 19 April 2017 – 15/01216/APPM – for 11 turbines and associated infrastructure with turbines tips upto 126m.

This new proposal is for 14 turbines with tip heights to 200m, spread out over a larger area than the previous Knockskae site, and incorporating Dalmorton Forest, as well as the associated landscapes – Drumyork Hill, Clauchrie Hill, Garlefin Hill, Knockskae, Diels Elbow and Glenalla Fell, and others.

The new proposal will also be extremely close, say approx 1 km, from various residences – Balbeg, Kockgardner, Knockskae, Little Garroch and Dyke. A main tourist and National Cycle NC7 route are also within the Development Site.

Main points of note:

1. As previously noted in the assessment of residential visual amenity for the previous Knockskae proposal, there were at least 9 residences that would be significantly and adversely affected within 2km. How can this have changed, when the turbines are actually higher and bigger?
2. South Ayrshire Wind Capacity Study (2018) indicate that turbines over 130m could not be accommodated in this landscape. The turbines in the Dailly area from Hadyard are approx. 110m and not located on ridges, and the ones that are being constructed at Kirk Hill are 115.5m on top of the hill. The proposed turbines are 200m – these are definitely not acceptable in the landscape. The turbine height of the previous Knockskae proposal were 126m and would have caused adverse effects. What is the justification of having 200m turbines?
3. As we have pointed out in other consultations these turbines and wind farms are too close to the Merrick itself and the Merrick Wild Land. They are overbearing and industrial objects that have been imposed on a rural landscape. The LCT for some areas have now included the terminology 'with wind farms/turbines' – this does not give anyone the right to make an assumption that they can use this as a reason for including more turbines.

4. We are also concerned that due to the increase in height that the noise and shadow flicker will be even greater, and that the distance should be greater than 10 x rotor diameter for shadow flicker. We have stated this in many of the consultations as we feel that not enough investigation and research has been carried out. We have experience locally of residences being abandoned due to noise and shadow flicker.
5. We are also very concerned about serious cumulative impacts on Private Water Supplies, especially as there are a number of water courses leading into the Water of Girvan which is the main river within our parish. Over the past years, forestry has taken over a lot of the hills in the area, and again not enough cognisance has been taken of the effect on the water courses and the effect of planting, establishment and felling on the water tables. In this proposal there will be either clear-felling or keyholing, either way there will be disturbance of the land. Together with the actual construction of the infrastructure and the building of the turbines water courses and water tables will be affected.
6. We note two viewpoints that have been nominated and agree that they should be used – 4 Barony Hill, and 11 Wallacetown, as these will be important for us here. We have not investigated the other positions.
7. We also note that in Table 5.2 – initial cumulative list within 20km – Kirk Hill Wind Farm has not been included – this wind farm is already being built.
8. We are concerned that not enough research will be carried out on the cumulative effects of the various wind farms in the area – there are so many in various stages of scoping, consultation, development and operation.
9. It is obvious that this area of South-West Scotland has reached saturation point with wind farms and there is no further capacity to install more. This area is congested.
10. As already stated above, we do not understand why this proposal has been put forward again, as the reasons why the original Knockskae was refused are still valid and even more so given the new height of the turbines at 200m.

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-](https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren)

[Coarse/Freshwater/Research/onshoreren](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.
<p>1. A map outlining the proposed development area and the proposed location of:</p> <ul style="list-style-type: none"> ○ 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; 			

<p>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.</p> <p>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;</p>			
<p>3. An outline of the potential impacts on fish populations and water quality within and downstream of the proposed development area;</p>			
<p>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;</p>			

<p>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);</p>			
<p>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.</p> <p>At least 12 months of baseline pre-construction data should be included. The monitoring programme can be secured using suitable wording in a condition.</p>			
<p>7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations.</p> <p>This can be secured using suitable wording in a condition.</p>			

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.			