Technical Appendix 1.4: Scoping Opinion



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The Scottish Government Energy Consents Unit

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

M74 West Renewable Energy Park M74 West Limited

15 April 2024

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Introduction 1.

1.1 This scoping opinion is issued by the Scottish Government's Energy Consents Unit ("the ECU") on behalf of the Scottish Ministers to M74 West Limited, a company incorporated under the Companies Acts with company number SC755763 and having its registered office at 10 Newton Place, Glasgow, Scotland, G3 7PR ("the Company"). It has been issued in response to a request made by Ramboll UK Ltd on behalf of the Company dated 06 February 2024 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed M74 West Renewable Energy Park ("the proposed Development"). The request was accompanied by a scoping report.

1.2 The proposed Development would be located immediately north and north west of Abington, in South Lanarkshire.

1.3 The proposed Development will have a total generating capacity in excess of 50 megawatts ("MW") and anticipated to comprise up to 24 wind turbines with a maximum tip height of 200m. solar power generators, up to approximately 60 MW capacity; and a BESS with up to 50 MW capacity.

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

- permanent foundations supporting each wind turbine, and associated crane hardstanding at each wind turbine base;
- · a series of new on-site access tracks with associated watercourse crossings (where the final layout dictates);
- underground power cables, generally laid in trenches alongside access tracks;
- onsite substation and control building; ٠
- a permanent anemometer mast, including associated foundations and hardstanding;
- temporary construction compounds and laydown areas;

The following ancillary works may be necessary:

- extraction of rock from borrow pits;
- temporary on-site concrete batching plant;
- where necessary, off-site works to facilitate the delivery of abnormal loads (e.g. construction of over-run areas and temporary modifications to street furniture etc); and
- temporary anemometer masts for 3 to 6 months during the construction period for calibration purposes.

1.5 When the application is submitted, the duration of consent applied for must be stated in the EIA report and in the application covering letter.

1.6 The proposed Development is solely within the planning authority of South Lanarkshire Council.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between the applicant and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 13 February 2024. The consultation closed on 05 March 2024. Extensions to this deadline were granted to South Lanarkshire Council, NatureScot, Historic Environment Scotland (HES), Defence Infrastructure Organisation and RSPB Scotland. The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Directorate - Science Evidence Data and Digital (MD-SEDD) - has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 36 of the Electricity Act 1989. All consultation responses received, and the standing advice from MD-SEDD, are attached in ANNEX A Consultation responses and ANNEX B MD-SEDD Standing Advice.

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

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

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

- South Lanarkshire Council;
- British Horse Society;
- Civil Aviation Authority Airspace;
- Clyde River Foundation;
- Crown Estate Scotland;
- Duneaton Community Council;
- Fisheries Management Scotland;
- John Muir Trust;
- Mountaineering Scotland;
- Oban Airport:
- Scottish Rights of Way and Access Society;
- Scottish Wildlife Trust;
- Scottish Wild Land Group (SWLG);
- Southern Uplands Partnership;
- South Strathclyde Raptor Study Group (SSRSG);
- Visit Scotland;
- West of Scotland Archaeology Service (WoSAS); and
- Woodlands Trust

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

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

3. The Scoping Opinion

3.1 The Scottish Ministers adopt this scoping opinion having taken into account the information provided by the Company in its request dated 06 February 2024 in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed development, the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.2 A copy of this scoping opinion has been sent to South Lanarkshire Council for publication on their website. It has also been published on the Scottish Government energy consents website at <u>www.energyconsents.scot</u>.

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

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

3.5 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.

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

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

3.7 Scottish Water advised that there were 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 development. Scottish Water also provided general advice which should be addressed in the EIA report, including any relevant mitigation measures required.

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

3.9 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.

3.10 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.

3.11 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.

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

3.13 The scoping report identified viewpoints in Section 3 (table 3.3.2) to be assessed within the landscape and visual impact assessment. No additional

viewpoints were suggested by consultees, however Historic Environment Scotland did provide advice in relation to this.

3.14 The noise assessment should be carried out in line with relevant legislation and standards as detailed in section 3.9 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.

3.15 As the maximum blade tip height of turbines exceeds 150m the LVIA as detailed in section 3.3.5 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.

3.16 The Scottish Ministers are aware that the proposed Development falls within the statutory safeguarded area around Eskdalemuir Seismological Recording Station. Scientific research has established that wind turbines of current design generate noise emissions that cause seismic vibrations which can interfere with the effective operation of the array. In order to ensure the United Kingdom can continue to implement its obligations in maintaining the Comprehensive Nuclear Test Ban Treaty, a noise budget has been allocated to regulate the development of wind turbines within a 50km radius of the array.

As advised by the Defence Infrastructure Organisation ("the DIO"), the budget has been set at 0.336nm rms and at present the reserved noise budget has been reached. Consequently, the DIO has stated there would be concerns if this proposal progresses to application based upon current information.

The Scottish Ministers request that the company keep up to date with the information provided by the Eskdalemuir Working Group (EWG) and contact the Defence infrastructure Organisation at the earliest opportunity to discuss any possible mitigation measures. Enquiries regarding the work being undertaken by EWG can be directed to temeeka.dawson@gov.scot

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

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

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

4. Mitigation Measures

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

5. Conclusion

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

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

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

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

5.5 Applicants are encouraged to engage with officials at the ECU at the preapplication stage and before proposals reach design freeze.

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

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

Pre application 6.

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

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

Nicola Ferguson

Energy Consents Unit 15 April 2024

ANNEX A

Consultation

List of consultees who provided a response

- SEPA;
- NatureScot;
- Historic Environment Scotland (HES);
- Aberdeen Airport;
- BT;
- Defence Infrastructure Organisation;
- Edinburgh Airport;
- Glasgow Airport;
- Glasgow Prestwick Airport;
- Highland and Islands Airports Limited (HIA
- Joint Radio Company;
- NATS Safeguarding;
- ONR;
- RSPB Scotland;
- Scottish Forestry;
- Scottish Water;
- Scottish Power Energy Networks (SPEN);
- Transport Scotland

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

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

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and	A54-A55
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OFFICIAL



Our Ref: Your Ref:

PCS-20000511 ECU00005019

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SEPA Email Contact:

By email only to: Econsents Admin@gov.scot planning.south@sepa.org.uk

14 February 2024

Dear Nicola Ferguson

Nicola Ferguson

ECU

Planning Department

Electricity Act 1989 - Section 36 ECU00005019 Scoping Opinion M74 West Renewable Energy Park M74 West Renewable Energy Park

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development on 13 February 2024. We welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter and would especially welcome further pre-application engagement once initial peat probing and habitat survey work has been completed and the layout developed further as a result.

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.

Advice for the determining authority



Chair Lisa Tennant

CEO Nicole Paterson OFFICIAL

SEPA Unit 6 4 Parklands Avenue Holytown Motherwell ML14WQ

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

To avoid delay and potential objection the EIA submission 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 layout of the development to firstly avoid, and then reduce then mitigate significant impacts on the environment. We consider that 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. Regulatory advice for the applicant

1.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of our website.

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.

Yours sincerely Alasdair Milne 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

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. 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
- 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

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/

Α4

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. Further advice and our best practice guidance are available within the water engineering section of our website. Guidance on the design of water crossings can be found in our Construction of River Crossings Good Practice Guide.
- 3. 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
- 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);
- peat depth survey showing interpolated peat depths; ii.
- iii. peatland condition mapping;
- National Vegetation Classification survey (NVC) habitat mapping. iv.

- b. an outline Peat Management Plan (PMP);
- c. an outline Habitat Management Plan (HMP).

Detailed advice

- a. Development design in line with the mitigation hierarchy
- 2. 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. The Peatland Condition Assessment photographic guide lists the criteria for each areas where peatland restoration could be carried out.
- 4. In line with the requirements of Policy 5d of NPF4, the development proposal should capable of achieving carbon sequestration.
- b. The outline PMP should also include:
- Information on peatland condition;
- Information demonstrating avoidance and minimisation of peat disturbance;

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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

include plans to restore and/or enhance the site into a functioning peatland system

- 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.
- 5. 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.
- 6. 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).
- 7. 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 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.
- 8. 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.
- 9. In addition, if any proposed re-use restoration areas are outwith the ownership of the in perpetuity as a peatland.
- 10. NatureScot's technical compendium of peatland restoration techniques provides a restoration.

4. Disruption to GWDTE and existing groundwater abstractions

- 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.

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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

useful overview of the procedural and technical requirements for peatland

b. If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or guantitative 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

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

- 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

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

- options when life extension is not proposed.
- 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

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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

NatureScot Scotland's Nature Agency Buidheann Nàdair na h-Alba By email to Nicola.Ferguson@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

19 March 2024 Our ref: CDM174274 A11

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 M74 West Renewable Energy Park (ECU00005019).

Thank you for consulting us on the scope of the environmental impact assessment (EIA) for the proposed M74 West Renewable Energy Park and for allowing us additional time in which to submit our response. Our advice is based on the proposed M74 West Renewable Energy Park Scoping Report, prepared by Ramboll on behalf of M74 West Limited, dated January 2024. We provided pre application ornithology advice to the Applicants consultants on 12 December 2023.

The proposed development is anticipated to include around 24 wind turbine generators with a maximum tip height of 200m, solar power generators and a battery energy storage system. The proposed location of the energy park is immediately north west of Abington and approximately 4.5 km southeast of Douglas, South Lanarkshire.

Summary

Key natural heritage issues requiring consideration within the EIA are:

- Landscape and visual impacts, including cumulative impacts.
- Potential impacts on the Muirkirk and North Lowther Uplands Special Protection Areas ____ (SPA) and Red Moss Special Area of Conservation (SAC) and their related Sites of Special Scientific Interest (SSSI).
- Potential impacts on carbon-rich soil and priority peatland habitats.

Scoping Advice

In addition to the detailed advice given in Annex 1 of this letter, the applicant should refer to the February 2024 'NatureScot pre-application guidance for onshore wind farms'¹.

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

31 Miller Road, Ayr KA7 2AX 31 Rathad a' Mhùilneir, Inbhir Àir KA7 2AX 01292 294048 nature.scot NatureScot is the operating name of Scottish Natural Heritage This provides guidance on the issues that developers and their consultants should consider for wind farm developments and includes information on recommended survey methods, sources of further information and guidance and data presentation. Attention should be given to the full range of advice included in the guidance note, which sets out our expectations of what should be included in the Environmental Impact Assessment Report (EIAR). The updates to the guidance encompass, for example, advice on our peatland restoration expectations as well as in relation to biodiversity enhancement. Where relevant we have discussed our pre-application guidance advice below.

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

lan.Cornforth@nature.scot

CC Stuart Ramsay- South Lanarkshire Council-Planning Officer.

Enc Annex 1- Key natural heritage interests requiring consideration within the EIA.

2

Annex 1 – M74 West Renewable Energy Park S36 Scoping Consultation Key natural heritage interests requiring consideration within the EIA.

1. Protected areas

Muirkirk and North Lowther Uplands Special Protection Area (SPA)

- 1.1 The Muirkirk and North Lowther Uplands SPA is designated for its breeding and wintering populations of hen harrier, and breeding populations of merlin, peregrine, short-eared owl and golden plover and is located within approximately 5.3km of the nearest boundary of the proposal site. Information on the SPA can be found on the SiteLink pages of our website².
- 1.2 The SPA status of this site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Scottish Ministers are required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements³.
- 1.3 At approximately 5.3km distant, the proposed development has potential connectivity to the Muirkirk & North Lowther Uplands SPA⁴, primarily in relation to the breeding merlin qualifying interest. We acknowledge the rationale for scoping out the SPA as presented at Section 3.6.3 of the scoping report, but rather than scoping it out now we advise that the applicant provides information at application stage to inform a Habitats Regulations Appraisal to be undertaken in the light of the latest survey results.

Red Moss Special Area of Conservation (SAC)

- The proposal could affect Red Moss SAC, designated for its active raised bog habitat⁵. The 1.4 site's status means that the requirements set out in paragraph 1.3 above in respect of the SPA also apply to the SAC.
- The red line boundary of the proposed development overlaps with the boundary of Red Moss 1.5 SAC. Whilst no development is proposed within the SAC, there is potential for development, notably turbines 18 and 19, directly to the north east of the Red Moss SAC to impact on the SAC as this area drains into the Black Burn (which runs through the Red Moss SAC). Additionally, figure 3.5.1 indicates that much of this area is class 1 peat and drains, through the Wildshaw burn direct to the SAC.
- Consequently, there is a connection between Red Moss SAC and the development site. In 1.6 our view, this proposal is therefore likely to have a significant effect on the active raised bog habitat of Red Moss SAC. 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 interest.

1.7 This assessment is likely to require an appraisal of the impacts of the development on the quality and quantity of water reaching the SAC, including consideration of issues such as sedimentation, drainage pathways and pollution prevention. It should consider the use of existing access routes and the creation of any new sections of access track.

Muirkirk Uplands Site of Special Scientific Interest (SSSI) & North Lowther Uplands SSSI

1.8 The proposed application site is approximately 5.3km from North Lowther Uplands SSSI. The SSSI is notified for a range of features including breeding hen harrier and a Breeding bird assemblage⁶. We advise that the SSSI is scoped in for further assessment as part of the EIA process as recommended above for the SPA.

Red Moss SSSI

Red Moss SSSI is notified for its raised bog habitat. The SSSI has the same boundary as the 1.9 Red Moss SAC. Our advice in relation to the Red Moss SAC is therefore also applicable to the SSSI.

2. Landscape and Visual Impacts

- 2.1 We recognise that significant landscape and visual impacts are likely to arise as a result of this proposal. However, our approach to advising on wind farm applications is to focus upon impacts on Scotland's landscapes that potentially raise issues of national interest (i.e. as identified in our National Interest guidance). In this case, it is unlikely that we will consider that the landscape and visual effects of the proposal will raise natural heritage issues of national interest, and we are therefore unlikely to provide any specific landscape advice at application stage.
- NatureScot guidance on landscape and visual impacts of wind farms can be found on our 2.2 website⁷. Our recently update pre-application guidance for onshore wind farms⁸(February 2024) includes updated advice on turbine lighting assessment, including potential mitigation options.

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 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 webpage⁹ 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 We note that pre-construction surveys are proposed in section 3.5.4. We welcome this approach and advise that our current guidance is followed¹. The timing of pre-construction

² https://sitelink.nature.scot/site/8616

³ https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitatsregulations-appraisal-hra.

⁴ https://www.nature.scot/doc/assessing-connectivity-special-protection-areas

⁵ <u>https://sitelink.nature.scot/site/8350</u>

⁶ https://sitelink.nature.scot/site/8161

⁷ https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-

advice/renewable-energy/onshore-wind-energy/wind-farm-impacts-landscape

⁸ https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms

⁹ https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-

advice/planning-and-development-protected-species

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surveys depends on whether it is possible to survey a species at any time of year (e.g. otter and badger) or if there is restricted window within which a survey can be undertaken (e.g. breeding birds, bats and water vole). For species that can be surveyed at any time of year, pre-construction surveys should be undertaken as close to the construction period as possible, and no more than 3 months before the start of works. For species that have a restricted survey window the pre-construction surveys should be undertaken as close to the start of works as possible, and always within the most recent survey window.

- 3.4 As noted in our pre-application guidance, we generally recommend the collection of a minimum of two complete years of bird survey data to allow for variation in bird use, unless it can be demonstrated that a shorter period of survey is sufficient. We advise that if the applicant is proposing less than two years of bird survey, it seeks agreement from Energy Consents Unit, who may then consult with NatureScot where appropriate. The rationale for less than two full years should be provided, in light of the most recent survey results.
- 3.5 We advise that additional survey work is required to confirm the absence of black grouse and that at least a full year's data is required for turbines 19 and 21.

4. Peatland

- 4.1 The Scoping report notes that the Carbon and Peatland 2016 map indicates that most of the peat present on site is shown as Class 3 or Class 5. Additionally, there is a large area of Class 1 peat ('nationally important carbon rich soils, deep peat and priority peatland habitat') indicated to be located in the area to the south of the B7078 road. Where new access tracks are required, consideration should be given to floating these tracks to reduce their impact on peatland habitats.
- 4.2 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 (November 2023). Our onshore wind pre-application guidance (February 2024) also highlights key messages in relation to peatland assessment, recommendations on peatland restoration, and the level of information to be submitted with the application.

5. Enhancing Biodiversity

5.1 We refer the applicant to updated advice on enhancing biodiversity that is contained in the latest (February 2024) version of our pre-app guidance.

<u>ENDS</u>

By email to: Nicola.Ferguson@gov.scot

Nicola Ferguson Case Officer Energy Consents Unit

Dear Nicola Ferguson

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 M74 West Renewable Energy Park Scoping Report

Thank you for your consultation which we received on 13 February 2024 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 relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include 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 24 turbines to 200m maximum blade tip height, up to 60 MW of solar power generators and a battery energy storage system (BESS). Associated ancillary infrastructure will include substation and control buildings, access tracks, underground cable network, anemometer mast, borrow pits and temporary construction compounds and concrete batching plant.

Scope of assessment

We consider that, based on the information provided so far, there is the potential for significant adverse impacts on the setting of historic environment assets in the vicinity of the proposed development. At this stage it is not clear that a development on this scale could be accommodated in this location without raising issues of national interest. We consider that there is the potential that we may object to the development based on the current design of the proposal.

Potential physical impacts

There are six scheduled monuments located within the development boundary. While we note that the current layout has development in locations which would avoid direct

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH Scottish Charity No. **SC045925**

VAT No. GB 221 8680 15



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Longmore House Salisbury Place Edinburgh EH9 1SH

Enquiry Line: 0131-668-8716 <u>HMConsultations@hes.scot</u>

> Our case ID: 300071167 Your ref: ECU00005019 27 March 2024



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physical impacts on the scheduled monuments there remains the potential for physical impacts on these assets. We have provided further detailed comments in the attached annex.

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

Potential impacts on the setting of assets

There are a large number of nationally important historic environment assets within our remit both within and in the vicinity of the development whose settings have the potential to be significantly adversely impacted by it. The annex to this letter gives details of a number of assets which appear likely to experience impacts. This list should not be treated as exhaustive and is only intended as a reference to those assets which at this stage appear most likely to be significantly impacted.

Potential cumulative impacts

We recommend that the potential cumulative impacts of the proposed development in combination with other developments in the vicinity be assessed. This should assess the incremental impact or change when the proposed development is combined with other present and reasonably foreseeable developments.

Scoping report

We welcome that cultural heritage effects are scoped in to the assessment. We welcome that the operational effects of the proposal on the setting of cultural heritage assets as well as physical impacts from construction will be assessed; we have provided further comments in the attached annex. We recommend that our Managing Change Guidance Note on <u>Setting</u> is used to inform setting assessments and further information on good practice in cultural heritage assessment can be found in Appendix 1 of the <u>EIA</u> Handbook.

Further information

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at <u>www.historicenvironment.scot/advice-and-</u><u>support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-</u><u>historic-environment-guidance-notes</u>. Practical guidance and information about the EIA process can also be found in the <u>EIA Handbook (2018)</u>. Technical advice is available on our Technical Conservation website at https://www.engineshed.scot/.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Victoria Clements who can be contacted by phone on 0131 668 8730 or by email on <u>Victoria.Clements@hes.scot</u>.

Yours sincerely

Historic Environment Scotland

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Annex

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. This list is not considered to be exhaustive, and we would recommend that a wider search is undertaken of the surrounding area for potential impacts in the first instance; any impacts to the settings of assets should be assessed appropriately to determine whether these will be significant.

We recommend that an appropriately detailed ZTV should be used to identify potential setting impacts in the first instance. We welcome that the scoping report indicates that a ZTV will be used and we have provided further comments below.

Scheduled monuments

Given the large scale of the turbines and the area of solar power generators being proposed for the renewable park and the current layout, there is the potential that significant adverse effects on both the site and the setting of scheduled monuments may result. Of particular concern are potential physical impacts and impacts on the integrity of the setting of the scheduled monuments which are located within and in close proximity to the development boundary. There are also a large number of scheduled monuments in the wider surrounding area which have the potential to receive significant adverse impacts to the integrity of their setting. The current proposals have the potential for significant adverse impacts on the setting of scheduled monuments such that HES may object.

Physical impacts

Based on the information currently provided, there is the potential for direct physical impacts on the six scheduled monuments located within the proposed development boundary:

- Thirstone, stone circle 1300m NNW of (SM5094)
- Netherton, cairn 800m SW of (SM4513)
- Craighead, platform settlement 1200m WNW of (SM4485)
- Craighead, barrow and cairn 820m NW of (SM4517)
- Black Hill, fort 650m NW of Craighead (SM2606)
- Abington, motte and bailey 1600m N of (SM2609)

There is as yet no indication of other associated infrastructure such as access tracks, borrow pits etc. which may also have physical impacts on these monuments without careful design.

We therefore strongly recommend that design of the proposals avoids any direct impacts on these nationally important assets, in line with national policies, and that efforts are made to minimise any impacts on the setting of these assets. We note that any direct impacts on these assets are likely to require <u>scheduled monument consent</u> as administered by HES and that based on the current information we would be unlikely to

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(SM5094)) WNW of (SM4485) of (SM4517) (SM2606) (SM2609)



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grant consent for works within the scheduled areas. Any direct impacts to these assets without SMC would be likely to trigger our <u>compliance procedures</u>. This should also inform any on-site investigations, for example peat-probing, which must avoid any direct physical impacts within scheduled areas.

Impacts on setting

From the proposed scoping layout and given the large scale of the proposed turbines and the large area of solar power generators for this wind farm, there is the potential for this proposed development to have significant adverse effects on the setting of the scheduled monuments within the site boundary and within the wider area:

- Thirstone, stone circle 1300m NNW of (SM5094)
- Netherton, cairn 800m SW of (SM4513)
- Black Hill, fort 650m NW of Craighead (SM2606)
- Craighead, platform settlement 1200m WNW of (SM4485)
- Craighead, barrow and cairn 820m NW of (SM4517)
- Abington, motte and bailey 1600m N of (SM2609)
- Auchensaugh Hill, cairn (SM4234)
- Wildshaw Hill, cairn 500m WSW of summit (SM4511)
- Fagyad Hill, cairn (SM4254)
- Arbory Hill, fort (SM264)
- Dungavel Hill, cairn (SM4261)
- Wandel, Roman fortlet and camp 460m SW of (SM2835)

We consider that there is potential for significant adverse impacts on the setting of a number of scheduled monuments as a result of the proposed development. Of particular concern are the potential impacts on the integrity of setting of Thirstone, stone circle (SM5094), Netherton, cairn (SM4513), Wildshaw Hill cairn (SM4511) and Auchensaugh Hill cairn (SM4234). Deliberate placement in the landscape with a sense of remoteness, prominence and local and long distance views are essential factors in these monuments' settings and are key characteristics which contribute to their overall cultural significance. Based on the information provided so far, turbines would appear in close proximity to and/or appear between the monuments. This would disrupt their relatively undeveloped, immediate settings and important visual and spatial relationships between them. This would likely detract from their settings in a way that affects our ability to understand, appreciate and experience the monuments, their relationships and deliberate positions in the landscape. It is not yet clear what level of impact the solar power generators may have on the scheduled monuments within and in the vicinity of the development boundary.

Based on the current information, it is not clear that a development on this scale could be accommodated in this location without raising issues of national interest. We anticipate that a substantial re-design of the proposed development which would significantly reduce the development within the site would be required to avoid and reduce the level of impacts on scheduled monuments from the proposed turbine element of the development. Should the proposed development be taken forward we recommend the

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH Scottish Charity No. **SC045925** VAT No. **GB 221 8680 15** applicant explores design options to change or reduce the development layout, turbine heights and number of turbines in order to identify whether or not significant adverse impacts can be mitigated. For example, this could involve the removal or repositioning of turbines in close proximity to Thirstone, stone circle 1300m NNW of (SM5094); and removal of the cluster of turbines (numbers 18, 19, 20, 21, 23 & 24) located to the southwest of the B7078 in order to help maintain the important visual relationship between Netherton cairn (SM4513) and Auchensaugh Hill cairn (SM4234), and between Auchensaugh Hill cairn and the valley of the Black Burn. We request further consultation with us as soon as possible so that our advice can be taken into account at a useful stage to determine whether any proposals can be accommodated at this site without raising issues of national interest.

Visualisations

We note that the scoping report does not make reference to specific visualisations from cultural heritage assets, only cumulative visualisations. We recommend that visualisations are provided for the above scheduled monuments as a minimum to aid the assessment of potential impacts on their settings.

If wireframes for these monuments can be provided at an early stage this may assist with both the potential to identify significant impacts and potential to scope out any scheduled monuments from further detailed assessment if significant impacts are not likely, as well as identify if mitigation by design is possible. It will also assist with identifying where photomontages will be required for detailed assessment in addition to wireframes. We would be happy to provide further advice on visualisations as the iterative design of the development progresses, however as noted above, it would be helpful if initial wireframes can be provided as early as possible.

We have not yet had the opportunity to carry out site visits for this proposal and should the development progress it would be helpful if visualisations could be provided to assist with any site visits required.

Scoping report

We welcome that section 3.4 of the scoping report states that direct physical impacts, impacts on the setting of assets and cumulative impacts will be assessed. We recommend that an appropriate cultural heritage assessment methodology such as that laid out in Appendix 1 of the <u>EIA Handbook</u> is used for the assessment. We welcome that site visits will be carried out to assess the potential impacts on the settings of sites.

Sections 3.4.2 and 3.4.5 indicate that a 10km study area is being proposed for the identification of assets which may receive impacts to their settings. We do not generally recommend the use of a specific radius for this purpose. As indicated above, we generally recommend that a ZTV is used in the first instance to identify assets which may receive impacts and any assets which might themselves fall outwith the ZTV but where important views towards them may have visibility of the turbines in the background of the asset. We welcome that section 3.4.2 confirms that a ZTV will be used and that a wider ZTV will be used to identify assets beyond 10km which may receive impacts to their setting and require detailed assessment.

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We note that the 'assessment of effects on setting' section of 3.4.5 appears to only make reference to assessing effects on setting from the proposed turbines. For example, this section states the use of the blade tip and hub height ZTV's to identify heritage assets with theoretical visibility of the proposed turbines. These ZTV's cannot be relied upon to understand the full theoretical visibility of all infrastructure elements of the proposed development, such as the solar generator arrays. Some scheduled monuments, such as those within the proposed site boundary, may not have a high degree of theoretical visibility of the proposed turbines but may have a high degree of theoretical visibility of the proposed solar arrays. We advise that there should be a holistic assessment for all proposed infrastructure elements within the EIA report to ensure that the full impact of the proposed development is considered and understood. We recommend that this should include the production and use of a separate bare-earth ZTV for the solar elements of the proposed development to inform the assessment of impacts on setting. The full assessment should also include any further infrastructure requirements such as access tracks, for example.

We would expect that the EIA Report should provide a brief justification for any designated assets within our remit which fall within the ZTV but have been scoped out of the detailed assessment.

We note that the cultural heritage section of the scoping report does not refer to mitigation for significant effects. Significant effects on the site or setting of designated assets within our remit will require to be minimised by design, as noted above, as this is likely to be the only successful form of mitigation for significant impacts from this type of development. We request further consultation on this proposal if the development progresses so that we can provide further advice at a useful stage in the iterative design on potential significant impacts and, if possible, potential mitigation by design.

Summary

Overall, based on the available information on the proposed turbine size and locations, and the large area of proposed solar power generation there is the potential for significant adverse impacts on the setting of a number of scheduled monuments located within and in the vicinity of the proposed development and potentially physical impacts. Based on the information available, it appears likely that the proposed development would raise issues in the national interest such that we would object should it come forward as currently designed.

Further information is required to determine the extent and significance of any potential effects from this proposed development. Should this development proposal progress, we request further early consultation with us to determine whether mitigation by design would be possible to reduce impacts on the setting of assets and allow us to provide further detailed advice on the proposals.

Historic Environment Scotland 27 March 2024

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH Scottish Charity No. SC045925 VAT No. GB 221 8680 15

#ABZ Safeguarding
Nicola Ferguson
RE: Request for Scoping Opinion M74 West Rene
21 February 2024 13:38:26
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This proposal is outwith the consultation zone for Aberdeen Airport. As such we have no comment to make and need not be consulted further.

Kind regards Kirsteen

From: To: Subject:

Date: Attachments



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ewable Energy Park

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

OUR REF:- WID13337

We have studied the proposed windfarm development with respect to EMC and related problems to BT point-to-point microwave radio links. The conclusion is that the Project indicated should not cause interference to BT's current and presently planned radio network.

Copies Non Support Management <t

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Atlantic Quay 150 Broomielaw Glasgow G2 8LU

By email only

Dear Nicola,

Application reference:	ECU00005019
Site Name:	M74 West Renewable Energy Park
Proposal:	The proposed development is an
	generators with a maximum tip h
	battery energy storage system (BE
Site address:	The site is located in the planning a

Thank you for consulting the Ministry of Defence (MOD) on the Scoping application detailed above. The consultation correspondence was received by this office on 13 February 2024.

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

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

The proposal concerns a development of 24 turbines with maximum blade tip heights of 200 metres above ground level. The proposed development has been assessed using the location data (Grid References) below provided in the "M74 West Renewable Energy Park: Scoping Report dated January 2024.

Turbine no.	Easting	Northing	Turbine no.	Easting	Northing
1	289226	628279	13	289269	626527
2	289657	628017	14	289725	626304

07 March 2024

nticipated to include around 24 wind turbine neight of 200m, solar power generators and a SS)

The site is located in the planning authority area of South Lanarkshire Council

3	289999	627722	15	290344	626236
4	288602	627840	16	290911	626253
5	289004	627578	17	291303	626043
6	289398	627296	18	287610	626680
7	289907	627124	19	288002	626375
8	290499	627083	20	288535	626071
9	290953	627010	21	289292	625687
10	287981	627375	22	289930	625632
11	288382	627085	23	289398	625188
12	288776	626791	24	290102	625164

The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to the unacceptable impact the proposed wind energy development would have on the operation and capability of the Eskdalemuir Seismological Recording Station and the potential to create a physical obstruction to air traffic movements.

Eskdalemuir Seismological Recording Station

The development site identified falls within the statutory consultation zone associated with the seismological recording station at Eskdalemuir (the array), an asset that forms part of the UK contribution to the Comprehensive Nuclear Test Ban Treaty.

Research has confirmed that wind turbines of current design generate seismic noise which can interfere with the operational functionality of the array. In order to ensure the United Kingdom can continue to implement its obligations in maintaining the Comprehensive Nuclear Test Ban Treaty a finite seismic noise budget for the 50km radius surrounding the array, based on the findings of research, is managed by the MOD.

At this time, there is no seismic noise budget available. The MOD must, therefore, make you aware that we will likely object to proposals for wind energy development in this location due to the unacceptable impact the proposed wind energy development would have on the operation and capability of the array.

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.

As a minimum the MOD would require that the development be fitted with MOD accredited aviation safety lighting in accordance with the Air Navigation Order 2016. It is likely that the CAA specified lighting will exceed that required by the MOD but to ensure the safeguarding of any low flying/rotary military aircraft, the MOD would request the wind farm is lit with no less than 25cd visible or infra-red (IR) lighting on perimeter turbines.

Summary

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

- The unacceptable impact the proposed wind energy development would have on the operation and capability of the Eskdalemuir Seismological Recording Station; and
- 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 "M74 West Renewable Energy Park: Scoping Report dated January 2024. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

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

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

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

Yours sincerely

REDACTED

Kaye Noble Assistant Safeguarding Manager **DIO Safeguarding**



Edinburgh Airport EH12 9DN Scotland

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

27 February 2024

Nicola Ferguson Energy Consents Unit The Scottish Government By email

Dear Nicola

Your Ref:ECU00005019Development:Scoping Opinion M74 West Renewable Energy ParkOur Ref:EDI3622

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

We therefore object to the development on the following grounds:

Instrument Flight Procedure (IFP) Assessment

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

Reason: In the interests of aviation safety.

Definitions:

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

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

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

Edinburgh Airport Limited, incorporated in Scotland (Company number: SC096623). Registered office is at Edinburgh Airport, Edinburgh EH12 9DN. VAT registration number 123 4230 62. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, it shall notify Edinburgh Airport, the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.



Claire Brown Edinburgh Airport Limited <u>safeguarding@edinburghairport.com</u>



Edinburgh Airport EH12 9DN Scotland

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



FAO Nicola Ferguson **Energy Consents Unit** By Email

5th March 2024

Dear Nicola

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR M74 WEST RENEWABLE ENERGY PARK Our reference: GLA4451

I refer to your request for scoping opinion received in this office on 13th February 2024.

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

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

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



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

+44 (0)344 481 5555 info@glasgowairport.com glasgowairport.com twitter.com/GLA_Airport

Glasgow Airport, Erskine Court, St Andrews Drive, Paisley, PA3 2SW

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Ian Hutchinson Nicola Ferguson Safequardin Subject: RE: External - Request for Scoping Opinion M74 West Renewable Energy Park 26 February 2024 12:28:05 Attachments: image001.png

Hi Nicola,

From: To:

Cc:

Date:

On behalf of Glasgow Prestwick Airport, I have reviewed the information available on the ECU portal for the M74 West Renewable energy Park.

The proposed wind farm benefits from significant terrain shielding from the GPA Primary Surveillance Radar and is well clear of our Instrument Flight Procedures and other protected surfaces. Consequently, we would have no comment or valid objection to make.

Kind regards,

lan

Logo

Ltd.

United Kingdom

Ian Hutchinson ? M: Glasgow Prestwick Airport **Aviation House** Prestwick KA9 2PL Scotland



Aerodrome Safeguarding Manager

T: (+44) 01292 511038

ihutchinson@glasgowprestwick.com

www.glasgowprestwick.com

From:	Safeguarding
To:	Nicola Ferguson
Cc:	Safeguarding
Subject:	RE: Request for Scoping Opinion M74 West Renewable Energy Park
Date:	06 March 2024 09:08:11
Attachments:	image001.png

Your Ref: ECU00005019 Our Ref: 2024/039/DND

Dear Sir/Madam,

Proposal: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR M74 WEST RENEWABLE ENERGY PARK

This proposal is out-with HIAL's safeguarding criteria. Therefore, Highlands and Islands Airports Limited has no objections to the proposal.

Kind regards,

Nyree Millar-Bell Aerodrome Safeguarding and Operations Support Officer Highlands and Islands Airports Limited

JRC Windfarm Coordinations Old Nicola Ferguson Wind SSE M74 West Renewable Energy Park [WF185918] 14 February 2024 13:48:54 Attachments: image.png

Dear nicola,

From: To:

Cc:

Subject: Date:

A Windfarms Team member has replied to your co-ordination request, reference WF185918 with the following response:

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

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

Dear Sir/Madam,

Site Name:

M74 WEST RENEWABLE ENERGY PARK

Site Centre / Turbine(s) at NGR:

Λ	2	2	
F		J	

rbine No.	Candidate Turbine Type	Easting (X)	Northing (Y)
1	Siemens SG 6.6-155 122.5mHH	289226	628279
2	Siemens SG 6.6-155 122.5mHH	289657	628017
3	Siemens SG 6.6-155 122.5mHH	289999	627722
4	Siemens SG 6.6-155 122.5mHH	288602	627840
5	Siemens SG 6.6-155 122.5mHH	289004	627578
6	Siemens SG 6.6-155 122.5mHH	289398	627296
7	Siemens SG 6.6-155 122.5mHH	289907	627124
8	Siemens SG 6.6-155 122.5mHH	290499	627083
9	Siemens SG 6.6-155 122.5mHH	290953	627010
10	Siemens SG 6.6-155 122.5mHH	287981	627375
11	Siemens SG 6.6-155 122.5mHH	288382	627085
12	Siemens SG 6.6-155 122.5mHH	288776	626791
13	Siemens SG 6.6-155 122.5mHH	289269	626527
14	Siemens SG 6.6-155 122.5mHH	289725	626304
15	Siemens SG 6.6-155 122.5mHH	290344	626236
16	Siemens SG 6.6-155 122.5mHH	290911	626253
17	Siemens SG 6.6-155 122.5mHH	291303	626043
18	Siemens SG 6.6-155 122.5mHH	287610	626680
19	Siemens SG 6.6-155 122.5mHH	288002	626375
20	Siemens SG 6.6-155 122.5mHH	288535	626071
21	Siemens SG 6.6-155 122.5mHH	289292	625687
22	Siemens SG 6.6-155 122.5mHH	289930	625632
23	Siemens SG 6.6-155 122.5mHH	289398	625188
24	Siemens SG 6.6-155 122.5mHH	290102	625164

Hub Height: 122.5m Rotor Radius: 77.5m

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 reevaluate 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 <u>About The JRC | Joint Radio Company | JRC</u>

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 <u>anita.lad@jrc.co.uk</u>.

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=32564

NATS Safequarding From: Nicola Ferguson To: Cc: Econsents Admir Subject: RE: Request for Scoping Opinion M74 West Renewable Energy Park [SG36920] Date: 20 February 2024 12:02:31 Attachments: image002 ppc 1000 nr SG36920 M74 West Renewable Energy Park - TOPA Issue 1.pdf

Our Ref: SG36920

Dear Sir/Madam

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

Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection are outlined in the attached report TOPA SG36920.

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

In the event that any recommendations made by NATS are not accepted, local authorities are obliged to follow the relevant directions within Planning Circular 2 2003 - Scottish Planning Series: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003 or Annex 1 - The Town And Country Planning (Safeguarded Aerodromes, Technical Sites And Military Explosives Storage Areas) Direction 2002.

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

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

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

Yours faithfully



NATS Safeguarding E: natssafeguarding@nats.co.uk 4000 Parkway, Whiteley, Fareham, Hants P015 7FL www.nats.co.uk



Prepared by: NATS Safeguarding Office

Technical and Operational Assessment (TOPA)

For M74 West Renewable Energy Park Wind Farm Development

NATS ref: SG36920

Scottish Government ref: ECU00005019

Issue 1



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Publication History

Issue	Month/Year	Change
1	February 2024	Scoping

Document Use

External use: Yes

Referenced Documents

A38

e Requests and summary

g Request

1. Background

En-route Consultation 1.1.

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

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

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

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

2. Scope

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

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

3. Application Details

Scottish Government submitted a request for a NATS technical and operational assessment (TOPA) for the development at M74 West Renewable Energy Park Wind Farm. It will comprise turbines as detailed in Table 1 and contained within an area as shown in the diagrams contained in Appendix B.

Turbine	Lat	Long	East	North	Tip Height (m)	
1	55.5356	-3.7568	289226	628279	200	
2	55.5334	-3.7498	289657	628017	200	
3	55.5308	-3.7443	289999	627722	200	
4	55.5315	-3.7665	288602	627840	200	
5	55.5293	-3.7600	289004	627578	200	
6	55.5268	-3.7536	289398	627296	200	
7	55.5254	-3.7455	289907	627124	200	
8	55.5252	-3.7361	290499	627083	200	
9	55.5246	-3.7289	290953	627010	200	
10	55.5272	-3.7761	287981	627375	200	
11	55.5247	-3.7696	288382	627085	200	
12	55.5222	-3.7633	288776	626791	200	
13	55.5199	-3.7554	289269	626527	200	
14	55.5180	-3.7481	289725	626304	200	
15	55.5175	-3.7382	290344	626236	200	
16	55.5178	-3.7293	290911	626253	200	
17	55.5160	-3.7230	291303	626043	200	
18	55.5209	-3.7817	287610	626680	200	
19	55.5182	-3.7754	288002	626375	200	
20	55.5156	-3.7668	288535	626071	200	
21	55.5124	-3.7547	289292	625687	200	
22	55.5120	-3.7446	289930	625632	200	
23	55.5079	-3.7528	289398	625188	200	
24	55.5078	-3.7416	290102	625164	200	
Table 1 – Turbine Details						

4. Assessments Required

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

En-route Surv	Lat	Long	nm	km	Az (deg)	Туре
Great Dun Fell Radar	54.6841	-2.4509	66.5	123.2	318.8	СМВ
Lowther Hill Radar	55.3778	-3.7530	7.8	14.5	180.1	СМВ
Perwinnes Radar	57.2123	-2.1309	114.5	212.0	208.7	СМВ
Tiree Radar	56.4556	-6.9230	119.8	221.9	116.4	СМВ
En-route Nav	Lat	Long	nm	km	Az (deg)	Туре
None						
En-route AGA	Lat	Long	nm	km	Az (deg)	Туре
Lowther Rx	55.3853	-3.7432	7.4	13.7	267.8	Rx
Lowther Tx	55.3902	-3.7355	7.1	13.1	310.8	Тх

A40

Table 2 – Impacted Infrastructure

4.1. En-route RADAR Technical Assessment

4.1.1. Predicted Impact on Lowther RADAR

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

4.1.2. Predicted Impact on Cumbernauld RADAR (T1-T8, T10-T16, T18-T23)

Using the theory as described in Appendix A and turbine specific propagation profiles it has been determined that the terrain screening available will not adequately attenuate the signal for turbines T1-T8, T10-T16, and T18-T23 and therefore these turbines are likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

4.1.3. En-route operational assessment of RADAR impact

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

Unit or role	Comment
Prestwick Centre ATC	Unacceptable
Military ATC	Acceptable

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

4.2. En-route Navigational Aid Assessment

4.2.1. Predicted Impact on Navigation Aids No impact is anticipated on NATS' navigation aids.

4.3. En-route Radio Communication Assessment

4.3.1. Predicted Impact on the Radio Communications Infrastructure No impact is anticipated on NATS' radio communications infrastructure.

5. Conclusions

5.1. En-route Consultation

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



Appendix A – Background RADAR Theory

Primary RADAR False Plots

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

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

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

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

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

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

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

Where G_t is the RADAR antenna's receive gain in the direction of the object and λ is the RADAR's wavelength.

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

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

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

Secondary RADAR Reflections

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

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

Where \mathbf{r}_t and \mathbf{r}_r are the range from RADAR-to-turbine and turbine-to-aircraft respectively. This equation can be rearranged to give the radius from the turbine within which an aircraft must be for reflections to become a problem.

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

Shadowing

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

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

Terrain and Propagation Modelling

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



Appendix B – Diagrams



Figure 1: Proposed development location shown on an airways chart



Figure 2: Proposed development shown alongside other recently assessed applications



From: To: Subject: Date: Attachments:

ONR Land Use Planning Econsents Admin ONR Land Use Planning - Application ECU00005019 20 February 2024 14:29:37 image001.png image001.png

Dear Sir/Madam,

With regard to planning application ECU00005019, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

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

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

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

22 March 2024

Dear Nicola,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR M74 WEST RENEWABLE ENERGY PARK

Thank you for consulting RSPB Scotland on the Scoping Request for the abovenamed proposal. Please find our comments in the accompanying Annex. Should you wish to discuss anything in our response, please do not hesitate to contact me.

Yours sincerely,



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

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

SCOTLAND

Habitat Regulation Appraisal

We note that the proposed site boundary overlaps the Red Moss SAC and SSSI, both of which are designated for raised bog. Although the scoping layout shows that no turbines are planned within the designated site boundary, proposed turbines 18 and 19 are located less than 400m from the boundary. We agree with the Scoping report that there is connectivity to this SAC, and that information to inform an Appropriate Assessment will be included in the EIA.

Ornithology – Breeding Waders

The proposed development falls within an area that RSPB Scotland has identified as supporting a high density of breeding waders, and which forms part of the Clyde Valley Breeding Wader Project. Due to the importance of this site for breeding waders, we disagree with the conclusion in the Scoping report that the site is of "low ornithological value".

Therefore, we strongly recommend the following:

- A second year of full ornithological surveys are carried out in line with onshore wind developments.
- An assessment of potential impact to all breeding wader species present on cumulative impacts of the development on breeding waders.

Survey Coverage

We are concerned that the ornithological surveys completed so far as described in the Scoping report have not adequately covered the site during winter or in the breeding season. Current NatureScot guidance on recommended bird survey methods for onshore wind developments state that VP surveys should cover the whole of the proposed turbine envelope, plus a buffer of 500m. However, it is clear from the Scoping report (page 41) and maps (Figs. 3.6.1 and 3.6.2) that turbines 23 and 24 were not covered by VP surveys during the 2023 breeding season, and turbine 24 was also not covered during winter VP surveys.

We are also concerned that the winter walkover surveys did not cover the proposed solar photovoltaic (PV) areas, and that the ornithological surveys completed to date may therefore underestimate the ornithological interest on the proposed site.

¹ https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshorewindfarms

Chair of Council: Kevin Cox President: Dr Amir Khan Chair, Committee for Scotland: Dr Vicki Nash Director, RSPB Scotland: Anne McCall. The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654 Registered address: The Lodge, Potton Road, Sandy, Bedfordshire, SG19 2DL

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ANNEX 1 RSPB Scotland Comments – M74 Energy Park Scoping

current NatureScot quidance¹ on recommended bird survey methods for

site should be scoped into the EIA assessment due to the importance of this site as outlined above, which should include an assessment of the

Δ49

Due to the high level of breeding wader interest at this site as well as wintering raptors, we strongly recommend the following:

- Additional VPs are included in further ornithological surveys to ensure full coverage of the proposed site, including turbines 23 and 24.
- An additional year of ornithological surveys takes place covering the entirety of the proposed development including proposed PV areas.
- Ornithological records are requested from neighbouring wind energy developments to inform the EIA for this site.

Deep Peat

As per the Scoping report, proposed turbines 18 and 19 are to be located on areas of Class 1 priority peatland habitats of high conservation value. As such, we do not think that this is an acceptable location for development.

As the proposed turbines 18 and 19 are located on deep peat and are in close proximity to the Red Moss SAC, we recommend the removal or relocation of turbines 18 and 19 to avoid unacceptable impacts on deep peat, rather than relying on compensatory measures, and thereby following the mitigation hierarchy. We are also aware of a winter raptor roost located within a few hundred metres of turbines 18 and 19.

We recommend at this early stage in the design process that the turbine layout is revised to ensure that turbines 18 and 19 are relocated from the area identified as deep peat, or removed entirely, and that no turbines are sited on areas of deep peat habitat.

Furthermore, we recommend that peat depth surveys are carried out across the site to determine the suitability of the other proposed turbine locations since the majority of these are also located on peatland habitats.



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

ECU Planning Reference: ECU00005019 Scottish Forestry Reference: D32-168

Sent to Nicola.Ferguson@gov.scot

Dear Nicola

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR M74 WEST RENEWABLE ENERGY PARK

Scottish Forestry would like to thank you for the opportunity to provide comment on the Scoping Opinion Request on the proposals for M74 West Renewable Energy Park.

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

Scottish Government policy is opposed to the permanent removal of woodland for the purposes of conversion to another land use in line with the Control of Woodland Removal Policy and the Climate Change Plan 2018-2032.

From the documents available, it appears that the proposed development will have limited impact on forestry and woodland interests, although there appears to be no direct statement to this effect within the scoping report. In particular we note that proposed wind turbine locations T18, T19 and T20 appear to coincide with an area of woodland created using funding offered under the Forestry Grant Scheme. If this is the case we suggest that the developer discusses the detailed proposals with Scottish Forestry at an early stage in order to understand the potential consequences of such a proposal. Generally though, if it is proposed to remove any trees permanently then the following guidelines should be followed.

Scottish Government planning policy seeks to protect the existing forest resource in Scotland, and supports woodland removal only where it would achieve significant and clearly defined additional public benefits. A proposal for compensatory planting may form part of the determination.

National Planning Framework 4 also places a responsibility on relevant authorities to identify how they will protect, enhance and improve the resilience of its woodlands and should take cognisance of this when making planning

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

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



Central Scotland Conservancy

Bothwell House, Hamilton Business Park, Caird Park Hamilton ML3 0QA

Email:centralscotland.cons@forestry.gov.scot Tel: 0300 067 6006

> Conservator Keith D Wishart FICFor

Monday 26th February 2024



Scottish Government Riaghaltas na h-Alba gov.scot

decisions that could reduce or detrimentally effect woodland extent.

Woodland removal and compensatory planting

Where woodland is identified for permanent removal, a commitment to undertake compensatory planting is required.

We recommend that the following is addressed explicitly within any planning consent under which woodland removal is being approved.

• A Compensatory Planting Plan (content subject to agreement with Scottish Forestry) is provided that details the area of permanent deforestation that will result from the development. This plan should clearly articulate how that area has been calculated.

The Compensatory Planting Plan must comply with the UK Forestry Standard and as a minimum include detail relating to species composition, design, cultivation and drainage, protection, deer management and ongoing maintenance requirements and monitoring.

- The area of land for which compensatory planting is proposed should be either under developer ownership or managed under a third party lease agreement of suitable timescale. This land should be capable of supporting woodland growth sufficient to result in the delivery of the required compensatory outcomes.
- Any appointed clerk of works should have an ecological background and their remit should include the • monitoring of the establishment of any compensatory planting.

If you would like to discuss any of the points raised in further detail, please do not hesitate to contact me.

Yours sincerely

REDACTED

Tom Hobbs

Senior Operations Manager Scottish Forestry

Monday, 26 February 2024

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

Dear Customer,

West Renewable Energy Park, Abington, South Lanarkshire, ML12 6RU Planning Ref: ECU00005019 Our Ref: DSCAS-0104383-MYZ Proposal: proposed development comprises a renewable energy project with approximately: 24 wind turbines; solar PV; and 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.

SW Internal General



A52

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

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

Follow Us У f 🎯 in 🖸

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,

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

Scottish Water Disclaimer:

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



F.A.O: Nicola Ferguson

Dear Nicola,

Request for scoping opinion for proposed Section 36 application for M74 West Renewable Energy Park

I write in respect of your recent correspondence seeking observations on the above application.

I would note that there is transmission infrastructure (ZV 400kV Overhead line route) in the vicinity of the application site. SP Energy Networks (SPEN) would not automatically identify our infrastructure as a constraint that would prevent development, however would note that due regard must be given in any proposal to ensuring safe ongoing operation and maintenance of the infrastructure.

From the information available with the application, it appears that there is potential that the proposed development may impact on the operation and maintenance of the transmission infrastructure, causing significant concern, should this development proceed.

On the basis of the above, SPEN have no option at this time but to object to the development as proposed.

Further review to the proposal could be given if we were to receive more detailed information showing and actual proximity measurement to our Overhead Line Transmission asset from each wind turbine and also the layout of the battery assets in relation to our Overhead Line Transmission asset. Our general rule for wind turbines should be no closer that 3 blade diameter distance and nothing built within 15m of the outermost conductor with relation to the Battery unit.

Please also note, developers have responsibility to ensure that all clearances contained with HSE guidance note **GS6** - **Avoiding danger from overhead power lines** as well as **ENA 43-8** - **Overhead Line Clearances** noted above, are adhered to during any construction work. I would encourage

SP Power Systems Limited Registered Office: Scottish Power HQ, 320 St Vincent St, Glasgow G2 5AD Registered in Scotland: **SC215841**

Information on the SP Energy Networks Data Privacy Policy can be found by using the following link https://www.spenergynetworks.co.uk/pages/privacy.aspx

A54

Your Ref: ECU00005019 Our Ref:

Date: 19/02/24

Contact: 07841763042

aramsden@spenergynetwor ks.co.uk

the applicant to make contact with the SPEN Plan Protection Engineer in early course via customer.resolution@spenergynetworks.co.uk regarding this matter.

I trust the above is of assistance.

Yours Sincerely

Development Management and Strategic Road Safety Roads Directorate

George House 36 North Hanover St Glasgow G1 2AD Direct Line: 0141 272 7593, Fax: 0141 272 7350 lain.clement@transport.gov.scot

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

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 M74

REQUEST FOR SCOPING OPINION FOR PRO WEST RENEWABLE ENERGY PARK

With reference to your recent correspondence on the above development, we acknowledge receipt of the EIA Scoping Report (SR) prepared by Ramboll 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 M74 West Renewable Energy Park comprises 24 turbines with a maximum tip height of 200m as well as solar power generators and a Battery Energy Storage System (BESS). The site is located on land immediately north and north-west of Abington. The site comprises a number of separate land parcels, and is dissected by the M74. The SR states that a detailed access review is underway to confirm the access routes into the site and it is expected that general construction traffic will use the M74, B7078 and A702.

Assessment of Environmental Impacts

Section 3.8 of the SR presents the proposed methodology for the assessment of Traffic and Transport. This states that a Transport Assessment (TA) will be prepared which will be appended to the EIAR and will be summarised into a Traffic and Transport Chapter within the EIA. We note that the assessment will be prepared in accordance with the Transport Assessment Guidance (Transport Scotland, 2012) and the Guidelines for the Environmental Assessment of Road Traffic (Institute of Environmental Assessment (IEA), 1993). Transport Scotland would wish to point out that new guidance has been published by IEMA.

SP Power Systems Limited Registered Office: Scottish Power HQ, 320 St Vincent St, Glasgow G2 5AD Registered in Scotland: **SC215841**

Information on the SP Energy Networks Data Privacy Policy can be found by using the following link https://www.spenergynetworks.co.uk/pages/privacy.aspx



Your ref: ECU00005019

Our ref: GB01T19K05

Date: 29/02/2024



These Guidelines, entitled Environmental Assessment of Traffic and Movement (July 2023), are intended to update and replace the previous 1993 IEMA guidelines and provide enhanced and up to date advice on the assessment of traffic and movement. Transport Scotland would request that the thresholds as indicated within these new Guidelines be used as a screening process for the assessment. These specify that road links should be taken forward for further assessment where the following two rules are breached:

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

For any trunk road links where the thresholds are breached, Transport Scotland would seek the following list of impacts be assessed:

- Severance of communities
- Road vehicle driver and passenger delay
- Non-motorised user delay
- Non-motorised amenity
- Fear and intimidation on and by road users
- Road user and pedestrian safety
- Hazardous/large loads

It is noted that "road user and pedestrian safety" and "driver delay" effects require further consideration even if the rules are not exceeded. The IEMA guidelines contain further advice on this.

The SR states that the study area will include the M74 to the north and south of Junction 13, the A702 between Junction 13 at the A73 / A702 roundabout, the B7078 between Junction 13 and A70 and the unclassified Duneaton Road. Transport Scotland considers this study area to be acceptable.

We note that base traffic data for the M74 will be obtained from Transport Scotland sources, and will be factored to the peak construction year flows using National Road Traffic Forecasts (NRTF) Low Growth. This is considered appropriate.

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 access for AIL traffic is expected to be direct from the M74 for the part of the site to the north of the M74, and from the B7078 and B740 for the remainder of the site. The SR also indicates that consultation with M6 Autolink is currently being progressed to confirm the most appropriate means of achieving deliveries direct from the M74. Transport Scotland would state that the Area Manager for the M74, who is Lee Waters and who can be contacted at <u>lee.waters@transport.gov.scot</u>, should be included in such discussions.

We note that a Route Survey Report for Abnormal Indivisible Loads (AIL) will be prepared to support the EIAR. This will include detailed swept path analysis for the main constraint points on the route from the port of entry (likely to be King George V dock, Glasgow) through to the site access junction to demonstrate that turbine components can be delivered to site and to identify any temporary road works which may be necessary. Transport Scotland welcomes this and would add that any proposed changes to the trunk road network must be discussed and approved (via a technical approval process) by the appropriate Area Manager(s).

To assist your planning of the abnormal load route I would make you aware that 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 is therefore not 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.

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 or alternatively, Alan DeVenny at SYSTRA's Glasgow Office on 0141 343 9636.

Yours faithfully

REDACTED

lain Clement

Transport Scotland Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.





ANNEX B

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

July 2020 updated September 2023

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

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

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

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

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

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

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

MD-SEDD provision of advice to ECU

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

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

Scoping

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

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

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

Gate check

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

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

EIA Report

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

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

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

Post-Consent Monitorina

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 onshore associated with 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 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:
 - and reporting etc.;
 - b. the fish monitoring plan should include fully quantitative
 - c. appropriate site specific mitigation measures detailed in the Planning Authority and MD-SEDD.
- 3. Thereafter, the WQFMP shall be implemented within the timescales set out to 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.

Monitoring Plan (WQFMP) has been submitted to and approved in writing by

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

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

Environmental Impact Assessment and in agreement with the

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

4

Sources of further information

NatureScot (previously "SNH") guidance on wind farm developments https://www.nature.scot/professional-advice/planning-anddevelopment/advice- planners-and-developers/renewable-energydevelopment/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-farmconstruction.

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

2. A description and results of the site	5. Any proposed site specific
characterisation surveys for fish	mitigation measures as outlined in
(including fully quantitative	MD-SEDD generic scoping
electrofishing surveys) and water	guidelines and the joint publication
quality including the location of the	"Good Practice during Wind Farm
electrofishing and fish habitat survey	Construction"
sites and water quality sampling sites	(https://www.nature.scot/guidance-
on the map outlining the proposed	good-practice-during-wind-farm-
turbines and associated infrastructure.	construction);
	6. Full details of proposed monitoring
This should be carried out where a	programmes using guidelines issued
Special Area of Conservation (SAC)	by MD-SEDD and accompanied by a
is present and where salmon are a	map outlining the proposed sampling
qualifying feature, and in	and control sites in addition to the
exceptional cases when required in	location of all turbines and associated
the scoping advice for other	infrastructure.
reasons. In other cases, developers	
can assume that fish populations	At least 12 months of baseline pre-
are present,	construction data should be
2. An autility of the metantical improved	included. The monitoring
5. An oblight of the potential impacts	programme can be secured using
on isin populations and water quality	Suitable wording in a conductor.
within and downsteam of the	I A decommissioning and restoration
proposed development area,	pian outining proposed
A Any potential cumulative impacts on	and fick nonulations
the water quality and fish nonulations	
associated with adjacent (operational	This can be secured using suitable
and consented) developments	wording in a condition
including wind farms hydro schemes	
aquaculture and mining:	

From:	Joan McGrogan
To:	Nicola Ferguson
Subject:	202404234 - Request for Scoping Opinion M74
	response
Date:	23 April 2024 09:01:46
Attachments:	image001.png

Good Morning Nicola

I refer to your email below.

I confirm that the assets of Crown Estate Scotland are not affected by this proposal.

Olivia Morrad who used to deal with these enquiries no longer works in the Property Department. I would be grateful if you could arrange for the contact details for Crown Estate Scotland to be updated to my email address.

Thanks

Kind regards

Joan. Joan McGrogan (She/Her) Portfolio Co-ordinator

Crown Estate Scotland

t: 0131 376 1569 / 07391 407753

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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.			
			•

4 West Renewable Energy Park - Crown Estate Scotland

Hi Stuart,

No comments for application P/24/0200 scoping request.

Regards

Jo

-----Original Message-----From: CAG <CAG@southlanarkshire.gov.uk> Sent: Thursday, February 29, 2024 1:58 PM To: Birkin, Joanna <Joanna.Birkin@southlanarkshire.gov.uk> Subject: FW: Application consultation from South Lanarkshire Council for application no. P/24/0200

-----Original Message-----From: Planning <Planning@southlanarkshire.gov.uk> Sent: Friday, February 23, 2024 5:16 PM To: CAG <CAG@southlanarkshire.gov.uk> Subject: Application consultation from South Lanarkshire Council for application no. P/24/0200

Please find attached correspondence from South Lanarkshire Council, with regards to the planning application number P/24/0200, M74 West Renewable Energy Park If you have any queries, about the content of the attached letter, please do not hesitate to contact the Case Officer.

Yours sincerely Stuart Ramsay Planning officer Phone: 07551840251 Email: stuart.ramsay@southlanarkshire.gov.uk South Lanarkshire Council, Floor 6, Council Offices, Hamilton, South Lanarkshire, ML3 0AA rom: b: <u>Planning</u> ubject: Planning vate: 05 March

Planning Planning Reference P/24/0200 (OFFICIAL) 15 March 2024 10:55:07

OFFICIAL

Dear Sir or Madam,

I refer to the above request for a scoping opinion in relation to a proposed section 36 application for the erection of up to 24 turbines, solar PV array and Battery Energy Storage System (BESS), known as the M74 West Renewable Energy Park, which was sent to us for comment on the 23^{ed} of February. I have downloaded details of the proposal from the Council's online planning system, and having compared these against information contained in the Historic Environment Record, I would like to make the following comments.

The proposed development covers a huge area, and appears to raise significant issues in terms of its impact on the historic environment. Six nationally-important scheduled monuments are present within the various blocks of ground that would be affected by construction of the Renewable Energy Park, but it is important to be aware that these represent only a small proportion of the full range of material relating to earlier phases of occupation recorded from this area. The recorded features (both designated and undesignated) show a particular abundance of evidence for occupation in the prehistoric and early historic periods, in the form of cairns, stone circles, platform settlements, hut circles and hill-forts, though material relating to most other periods of human occupation is also present. It is important to be aware that the features identified in the HER and other sources are themselves likely to represent only a fraction of the full range of archaeological material present, and that there is likely to be a significant potential for buried features, deposits and artefacts to survive. This is most clearly demonstrated by the stone circle 1300m NNW of Thirstone, which would be located between Turbines 10 and 11. Although the description of the monument notes the presence of thirteen visible stones, it also states an additional ten have been located below an accumulation of peat, with a possible outlier around 10m to the north of the circle itself. The accumulation of peat which covers some of the stones would have the potential to conceal a wider relic landscape contemporary with construction of the monument, the extent of which is unlikely to be identifiable from surface inspection alone. However, buried archaeological material of this type would be at risk of damage or removal as a result of ground disturbance associated with construction of the proposed Energy Park. Similarly, a number of unscheduled features have been recorded in the areas that would be occupied by the proposed solar arrays. Although individual records identify the presence of burnt mounds, cairns, enclosures, and cultivation remains, it would perhaps be more accurate to consider all of these elements as forming part of a more extensive relic landscape and treating it as such during the course of any assessment, rather than discussing each individual feature in isolation

In addition to direct physical impacts of this type, the proposal also appears likely to result in significant changes to the settings of heritage features, both within the site boundary and in the landscape that surrounds it. Again, the scheduled stone circle at Thirstone provides the most obvious example of this, as the supplied plans indicate that it would be located just over 100m from Turbine 11, with Turbine 10 to the NW of it, Turbines 4 and 5 to the north-east, and Turbines 18 and 19 to the SW and south respectively – essentially, should the proposed development go ahead, this monument would be surrounded by turbines in all directions. Although the Thirstone stone circle appears to be the monument whose setting would be subject to the greatest degree of change, the settings of various other features are also likely to be substantially affected should the development progress. These include the scheduled cairn on the north-west end of the summit ridge of Black Hill, the scheduled cairn NSW of the summit of Wildshaw Hill, and the unscheduled cairn near the sumplied in support of the proposal, it appears highly probable that their settings will be substantially altered by construction of the windfarm element of the proposed Energy Park, with turbines interposed in views between these three cairns, and between them and other related monuments in the surrounding landscape. It is difficult to see how the proposed layout could be adopted without the proposal resulting in a significant and detrimental change to the settings of a number of nationally- and regionally-significant monuments.

Section 3.4 of the scoping document prepared in support of the proposal by Ramboll sets out the methodology that will be employed to assess the impact of the development on archaeology and cultural heritage, which would be achieved through a combination of desk-based assessment and field survey. It proposes to employ an Inner Study Area comprising the red-line boundary, within which heritage assets could be subject to both direct and indirect impacts as a result of the development, and a wider Outer Study Area, within which the settings of sites and monuments may be affected. I would agree that these proposals appear reasonable in general terms.

Section 3.4.3 of the scoping report states that an initial review of baseline conditions has already been completed, a process that identified six designated heritage assets and two sites that are identified in the HER as being of potentially national importance from within the Inner Study Area. However, it then goes on to say that there are three other, non-designated heritage assets within the Inner Study Area, including 'settlement remains and evidence of prehistoric occupation (hut circles and platform settlements, burnt mounds, small cairns and cairnfields, associated cord-rig cultivation remains, and a possible Bronze Age cremation cemetery) along with evidence of post-medieval farming (farmsteads, enclosures and sheepfolds, lime kilns, and cultivation remains)'. This does not appear to be accurate, at least in terms of the number of individual features recorded from within the red-line boundaries of the various blocks, as almost 50 individual features are identified in the HER from within this area. It may be that the intention was to amalgamate these features into groups based on location or theme – it is possible that the large number of individual platforms recorded from the southern side of Black Hill may have been considered as comprising a single unenclosed platform settlement, for example – but even allowing for this type of consolidation, the statement that there are only three other non-designated heritage assets in the Inner Study Area appears to underrepresent the amount of evidence for past occupation that has been recorded from within the potential development area. Section 3.4.3 also provides a summary of the range of heritage features present in the Outer Study Area. Unfortunately, I do not have time to assess the accuracy of this section in detail due to pressure of casework, but I was pleased to see that it was not solely limited to designated heritage features, and that it also made mention of the fact that a large number of undesignated sites of potentially regional or national signifi

Section 3.4.4 of the scoping document acknowledges that the proposed development has the potential to have both direct and indirect effect on heritage features present within the site boundary, and would also have the potential to affect the settings of designated and NSR sites present in the Outer Study Area; I would agree with these statements. I would also agree that the range of sources that would be consulted in the desk-based phase of the assessment and listed in section 3.4.5 of the scoping document seems reasonable. This section also states that a walkover survey of the Inner Study Area would be carried out to assess the baseline condition of heritage assets identified during the desk-based assessment, to identify any further heritage features whose presence could not be determined from desk-based assessment alone, and to assess the potential for the Inner Study Area to contain currently unrecorded sub-surface archaeological material; I would agree that field survey of this type would be essential in providing a more accurate picture of heritage baseline conditions.

Regards,

Martin O'Hare



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