



# Technical Appendix 2.1

## Scoping Opinion

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ECU Scoping Opinion received 10 June 2019



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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**

**Kilgallioch Windfarm Extension  
Scottish Power Renewables  
10 June 2019**

## 1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Scottish Power Renewables (UK) Ltd (SPR) a company incorporated under the Companies Acts with company number SC587734 and having its registered office at 320 St Vincent Street, Glasgow G2 5AQ (“the Company”) in response to a request dated 12 April 2019 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Kilgallioch Windfarm Extension (“the proposed development”). The request was accompanied by a scoping report.

1.2 The proposed development would be located next to the existing Kilgallioch Windfarm approximately 12km north-west of Kirkcowan in Dumfries & Galloway.

1.3 The proposal is for an extension of up to 11 turbines, with a maximum blade tip height of 180 metres including associated infrastructure, battery storage and ancillary services infrastructure with a combined installed capacity of greater than 50mw.

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

- Internal or external transformers in the base of each turbine;
- Crane hardstandings adjacent to each turbine;
- Power cables linking the turbines laid in trenches underground, including cable markers;
- Upgraded and new site access tracks, passing places and turning circles;
- Substation compound and energy storage area;
- Permanent and temporary power performance assessment (PPA) anemometry masts;
- Communication mast(s);
- Temporary construction compounds; and
- Borrow pits.

In addition to the turbines, the development may contain ground-mounted solar panels

1.5 The Company indicates that there is no proposal to limit the lifetime of the development and the assessment will consider the effects of the operational phase in perpetuity.

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

## 2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Arcus Consultancy (acting as the Company’s agent) and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 15 April 2019. The consultation closed on 8 May 2019. Extensions to this deadline were granted to Dumfries & Galloway Council, SNH, Historic Environment Scotland, Glasgow Prestwick Airport, RSPB Scotland and ScotWays. The Scottish Ministers also requested responses from their internal advisors Marine Scotland, Transport Scotland and Scottish Forestry. A full list of consultees is set out at **Annex A**.

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 should be read in full for detailed requirements and for comprehensive guidance, advice and, where appropriate, templates for preparation of the Environmental Impact Assessment (EIA) report.

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

2.4 No responses were received from: CAA; John Muir Trust; Mountaineering Scotland; Nith Catchment Fisheries Trust; Scottish Wild Land Group; Scottish Wildlife Trust; Urr DSFB; Kirkcowan Community Council and; Barrhill Community Council.

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

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

### 3. The Scoping Opinion

3.1 This scoping opinion has been adopted following consultation with Dumfries & Galloway Council within whose area the proposed development would be situated, Scottish Natural Heritage, Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 12 April 2019 in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to Dumfries & Galloway Council for publication on their website. It has also been published on the Scottish Government energy consents website at [www.energyconsents.scot](http://www.energyconsents.scot).

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

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

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

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

3.8 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 Scottish Ministers consider that where there is a demonstrable requirement for peat landslide hazard and risk assessment, 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.

3.10 The scoping report identified viewpoints at Table 6.2 and Figures 6.2a and b to be assessed within the landscape and visual impact assessment. No additional viewpoints have been suggested. However, the council's Landscape Architect has not commented. Any comments will be forwarded on to the developer when response has been received. The final viewpoints require to be agreed with the Energy Consents Unit in consultation with the Planning Authority and SNH.

3.11 The cumulative noise assessment should be carried out in line with relevant legislation and standards as detailed in section 11 of the scoping report. This should include details about the representative background noise survey locations agreed with the relevant Planning Authority.

3.12 As the maximum blade tip height of turbines exceeds 150m the Night Time Assessment detailed in section 6.3.5 of the scoping report must include agreed viewpoints to consider the effects of aviation lighting and how the chosen lighting mitigates the effects.

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

### 4. Mitigation Measures

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

## 5. Conclusion

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

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

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

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

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

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

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

5.8 It should be noted that to facilitate uploading to the Energy Consents portal, the EIA report and its associated documentation should be divided into appropriately named separate files of sizes no more than 10 megabytes (MB). In addition, a separate disc containing the EIA report and its associated documentation in electronic format will be required.

  
Energy Consents Unit  
10 June 2019

## ANNEX A

### Consultation

#### List of consultees

- Dumfries & Galloway Council **A1-A11**
- Historic Environment Scotland **A12-A16**
- Scottish Environmental Protection Agency **A17-A24**
- Scottish Natural Heritage **A25-A27**
- Barrhill Community Council\*
- Cree Valley Community Council **A28-A30**
- Kirkcowan Community Council\*
- New Luce Community Council **A31-A33**
- Old Luce Community Council **A34**
- British Horse Society **A35-A44**
- British Telecommunications plc **A45**
- Civil Aviation Authority\*
- Crown Estate Scotland **A46**
- Defence Infrastructure Organisation **A47-A49**
- Edinburgh Airport **A50**
- Fisheries Management Scotland **A51**
- Galloway Fisheries Trust **A52-A53**
- Glasgow Airport **A54**
- Glasgow Prestwick Airport **A55-A57**
- Highlands & Islands Airport Ltd **A58**
- John Muir Trust\*
- Joint Radio Company Limited **A59-A60**
- Mountaineering Scotland\*
- NATS Safeguarding **A61**
- Nith Catchment Fisheries Trust\*
- Nith DSFB **A62**
- RSPB Scotland **A63-A64**
- Scottish Rights of Way and Access Society (Scotways) **A65**
- Scottish Water **A66-69**
- Scottish Wild Land Group\*
- Scottish Wildlife Trust\*
- Urr District Salmon Fisheries Board\*
- Visit Scotland **A70-A71**

\*No response was received.

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland **A72-A74**, Marine Scotland **A75-A76** and Scottish Forestry **A77**.

**Ashton M (Mark)**

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**From:** [REDACTED]  
**Sent:** 30 May 2019 09:28  
**To:** [REDACTED]  
**Subject:** RE: EXTERNAL: RE: 19/0599/ENQ - Kilgallioch Wind Farm Extension  
**Attachments:** 190599ENQ - Kilgallioch Extension Scoping.pdf

[REDACTED]

Please find attached Dumfries and Galloway Council's Scoping response.

Kind regards,

[REDACTED]  
**Senior Planner | (Major Development)**  
 Dumfries & Galloway Council

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**Proposal: CONSULTATION FROM SCOTTISH MINISTERS IN RESPECT OF SCOPING OPINION REQUEST FOR PROPOSED SECTION 36 APPLICATION FOR 11 WIND TURBINES**

**Location: Proposed Kilgallioch Wind Farm Extension Site, Near New Luce, Dumfries And Galloway**

**Application Type: Scoping Opinion**

**Ref. No.: 19/0599/ENQ**

1. This scoping request from the Scottish Government Energy Consent Unit relates to a proposal to construct and operate an extension to an existing wind farm at a site adjacent to Kilgallioch windfarm, north west of Eldrig Fell (277m AOD). The applicant, Scottish Power Renewables (UK) Ltd, seeks consent for the erection of 11 wind turbines up to 180 metres to tip height, formation of Internal or external transformers at the base of each turbine, crane hardstandings adjacent to each turbine, power cables linking the turbines in laid trenches underground including cable markers upgraded and new site access tracks, passing places and turning circles, substation compound and energy storage area, permanent and temporary power performance assessment (PPA) anemometry masts, communication mast(s), temporary construction compounds, and borrow pits. The application site lies within the Dumfries and Galloway Council (DGC) area. The proposed works will be sought under Section 36 of the Electricity Act 1989, with the application being made to the Scottish Government Energy Consents Unit.

2. The Planning Service consulted the following Departments of Dumfries and Galloway Council: Archaeologist, Landscape Architect, Council Roads Officer and the Council Access Officer.

To date responses have been received by the following internal consultees:

**3 Council Archaeologist**

3.1 It is the intention of the applicant to submit an Environmental Impact Assessment Report (EIA Report) along with the application for consent to the Scottish Government Energy Consents Unit (ECU) for permission under Section 36 of the Electricity Act 1989 to develop an extension to the existing Kilgallioch Windfarm (Operational Kilgallioch Windfarm) on land approximately 12km north-west of Kirkcowan in Dumfries and Galloway.

3.2 As per Regulation 12 of the EIA Regulations the applicant is seeking to confirm with key consultees the scope of the required assessment which is to be provided in the EIA Report. Table A in the submitted Scoping Report provides a summary of the effects that are deemed by the applicant to not be significant and for which they therefore propose to not consider further within the EIA report for the development.

3.3 Amongst the areas considered is Archaeology, in Section 7. Items proposed to be scoped out are:

- A new or updated Desk-Based Assessment (DBA);

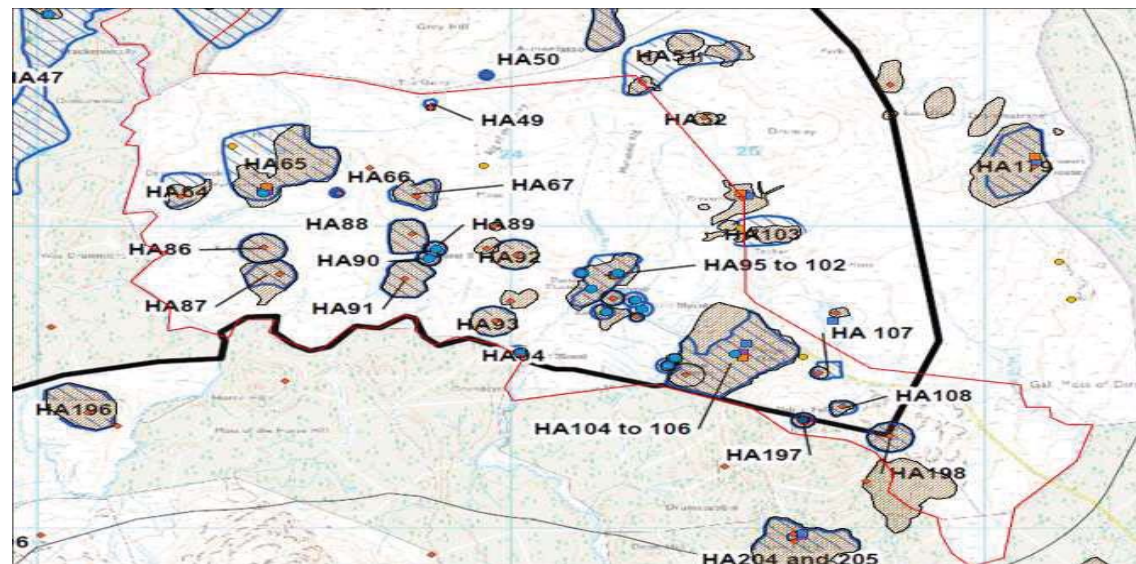
- A new site walkover;
- Any form of site investigation pre-consent;
- Assessment of setting effects on non-designated features outside of 1 km of the Site; and
- Assessment of setting effects on all features other than: Laggangarn Stones, Wood Cairn, Wells of the Rees and Carn-na-Gath Cairn.

The Council's Archaeology Service **does not agree** with this list of proposals for exclusion from further work.

3.4 Reference is made to the Desk-Based Assessment of 2009, which notes...  
*"Outside forested areas, the Development area has seen relatively little modern activity that is likely to destroy upstanding archaeological remains; therefore, it is to be expected that archaeological sites with a surface expression will have been identified."*

3.5 Para 153 notes:  
 As the Development is to be located in open moorland that was part of the 2009 DBA and walkover survey, the 2009 DBA would be used to inform the baseline for the assessment of direct effects and archaeological potential of the Development, and no new DBA or walkover survey is proposed. An updated DBA is scoped out of the assessment requirements.

3.6 Examination of the current holdings of the Council's Historic Environment Record (HER) shows distinct differences in the spatial extent of recorded sites (brown) from those covered in the 2009 DBA (blue), notes that at least five sites recorded in the HER within the proposed development area have no spatial extent defined in the 2009 DBA (some are completely missed out, despite at least one being of regional significance). In the intervening years since the last survey improved aerial imagery has enabled more sites to be visible and their extents recorded. Furthermore, continued maintenance of the HER means that the significance of some sites within the development area has altered since the original DBA.



3.7 As a result of these factors the archaeology service considers that a new DBA will be required for the EIA, and that a targeted walkover of those sites whose spatial extent was not recorded in the original survey, and those where the surface expression was obscured by bracken, as noted in the gazetteer, should be undertaken. It is also **not agreed** by the archaeology service that the setting of undesignated assets more than 1km from the site be scoped out of the EIA.

3.8 Historic Environment Scotland acknowledge that not all nationally important sites are scheduled, and have estimated that, at current work rates, it would take at least forty years to look at every potentially schedulable site in the country. As a result of this a number of SMRs/HERs were funded in the late 1990s and early 2000s by Historic Scotland to "initiate a Non Statutory Register (NSR) of archaeological sites likely to meet the criteria for designation as nationally important Scheduled Monuments". This allowed curators to systematically examine every record held in their SMR/HER, and to assign significance grades to the historic assets. Factors taken into account include the state of preservation of the monument, and the relative rarity of that particular form of site both at a regional and national level. More information, for instance from individual site visits or surveys, may result in a re-grading of the sites. The assessment has been kept up to date within Dumfries and Galloway since inception as new sites are added and new information received.

3.9 Planning Advice Note 2/2011: Planning and Archaeology, advises (paragraph 6) that the importance of an archaeological features needs to be understood when making recommendations, and balancing the benefits of a development. Scottish Planning Policy also refers to an understanding of the importance of heritage assets.

3.10 It is confirmed that there is potential for a proposal of this nature to have significant impact on cultural heritage assets and therefore potential effects will need to be assessed in the environmental impact assessment. Both direct and indirect effects will need to be assessed. Careful note should be taken of the following in respect of this assessment:

#### Planning Policy IN1: Wind Energy Development

3.11 The applicant should be aware of the statutory supplementary guidance Part 1 Wind Energy Development: Development Management Considerations, adopted June 2017. This is supported by the Dumfries and Galloway Wind Farm Landscape Capacity Study (Appendix 1A and 1B).

3.12 It is advised that the landscape capacity study considered 'Settlement and Archaeology' as one of the landscape sensitivities informing the landscape capacity study and the resulting spatial framework.

3.13 In addition, Section F of the SPG contains guidance on Historic Environment and Cultural Heritage for all proposals that must be considered. It is noted that the proposed turbines are within the Very Large Turbine category and therefore the assessment will have to consider effects of turbines of this scale. At such a height they are liable to have a widespread visibility within 10km of the site. A potentially wide effect on historic character can be anticipated. This should be assessed.



Indirect Effects

3.14 Generally, impacts on the setting of significant historic environment assets, should be led by the Zone of Theoretical Visibility (ZTV), with the greatest effects likely to be experienced by sites of national (note that not all are designated), or greater significance closest to the site.

3.15 On the information available it is advised that indirect effects on the following assets must be included in any assessment:

- Designated monuments at Laggangarn Stones, Wood Cairn, Wells of the Rees and Carn-na-Gath Cairn
- Undesignated nationally significant assets including Craigmoddie fermtoun (MDG2317) and Linn's Tomb (MDG2327), and nationally significant assets within the proposed footprint.
- Archaeologically Sensitive Areas (DGC Policy HE4) at East Rhins
- Cumulative effects will also need to be considered. The Planning case officer will confirm the developments that need to be considered.

**Any submitted visualisation should be completed following SNH 2017 guidelines 'Visual Representation of Wind Farms, Version 2.2'.**

3.16 SNH recommend a 27 degree horizontal arc. If a particular viewpoint is so close to turbines that a single 27 degree arc will not include all turbines that could affect the setting of a historic environment asset then multiple adjacent 27 degree images should be taken to allow all turbines and infrastructure to be taken into consideration.

Direct Effects

3.17 Examination of the Council's Historic Environment Record notes a number of historic assets within the footprint of the proposed development. A walkover survey will be required to assess the extent and condition of remains not covered in the 2009 survey, or where there is a difference in the spatial attributes assigned by the original DBA and by the Council's HER.

3.18 Information on the extent of and results from the walkover must be logged by the chosen archaeological contractor as an archaeological event via the online OASIS recording system. It would be helpful if the Council's Historic Environment Record could be provided with the final gazetteer of sites in digital format, along with corresponding GIS datasets for the location and extent of any identified assets, as well as the extent of the walkover.

Policy

3.19 Key policy statements that have been issued by Scottish Government in relation to the historic environment are:

- Historic Environment Policy for Scotland (HEPS) 2019 (**replaces HESP 2016 which is referenced in the Scoping Report**)
- Scottish Planning Policy 2014, paragraphs 141 - 151 on Historic Environment Managing Change in the Historic Environment: Setting 2016
- Planning Advice Note 2/2011 Planning and Archaeology

3.20 In addition to national policy the relevant Council policies covering the historic environment in this case are:

- Local Development Plan Policy HE1: Listed Buildings
- Local Development Plan Policy HE3: Archaeology
- Local Development Plan Policy HE4: Archaeologically Sensitive Areas

Historic Environment Record

3.21 Information on features recorded in the Council Historic Environmental Record, including listed buildings, designed landscapes, and Archaeologically Sensitive Areas can be obtained from the Archaeology Service, Development Planning, Kirkbank House, English Street, Dumfries, DG1 2HS. Tel: 01387 260154 [archaeology@dumgal.gov.uk](mailto:archaeology@dumgal.gov.uk)

3.22 In line with Council Policy there will be a charge to cover the costs of the time taken. This can be supplied in GIS and database format to facilitate integration with other data, particularly the ZTV. Some of the information can be derived from publicly available datasets, such as those held by HES, but these other holdings are not comprehensive or designed for planning and land management purposes.

#### 4 Council Roads Officer

4.1 This enquiry in relation for a scoping opinion is for the proposed erection of up to 11 no. wind turbines up to 180m high at the tip and construction of on-site substation, temporary construction compound, on-site access tracks and borrow pits at proposed Kilgallioch Wind Farm.

4.2 It is noted that the 'Scoping Report' identifies that:-

- The proposal is for up to 11 wind turbines, with a height of up to 180m (blade tip)
- There is an intention to utilise on-site borrow pits
- Two potential access routes have been identified o A75 Trunk Road, C22w, U165w to site A75 Trunk Road, A714 (Dumfries & Galloway and South Ayrshire), forestry routes crossing the B7027 within South Ayrshire to site

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

- The expected duration of the project construction phase has not been identified
- It would be appropriate that Transport Scotland be consulted with regard to any access utilising the Trunk Road network
- The scoping report erroneously refers to the C22w as an "unclassified road". It is in fact a C-classified public road. The route identified also includes the U165w unclassified public road.

- It should be noted that any and all references to “highways” or “highways authority” should instead refer to “roads” or “roads authority” within Scotland
- I would advise that the road network in Dumfries and Galloway has been assessed relative to use by forestry extraction vehicles by Dumfries and Galloway Council in partnership with the Forestry Industry and this is reflected in the Agreed Routes Map. It should be noted that the C22w at this location is identified as a consultation route, whilst the U165w is identified as an excluded route.
- Both identified access routes proposed have previously been utilised by windfarm traffic with various accommodation works previously carried out. This includes haul routes to realign access to bridge structures and construction of new structures. However, these previous uses for wind farm access were for much smaller turbines/component deliveries. These routes therefore should be reassessed in full based on the current proposal, and where possible, collaborative work should be taken with other wind farms utilising similar routes.
- It would be appropriate that any future application identify the full extent of proposed off-site road accommodation and mitigation works including passing place provision, carriageway strengthening, widening and alterations to road boundaries all along any proposed access routes necessary to permit construction traffic and the passage of component delivery vehicles (this may require land outwith the public road boundary and a separate planning consent may be required in respect of these works) and the potential impacts on utility services lying within the public road boundary.
- All accommodation works must be designed and constructed to the satisfaction of the Planning Authority in consultation with the Roads Authority and will require appropriate permits and consents to have been issued.
- Proposals for all accommodation works should be supported by swept path tracks
- Where public road boundaries are to be altered either for the formation of temporary accesses or for accommodation works, these should be reinstated in their original position at the conclusion of construction works (unless prior agreements have been secured with the Planning and Road Authorities)
- It would be appropriate that any future submission/Environmental Statement include reference to a Traffic Management Plan (to be agreed in writing with the Police and the Roads Authority prior to any works commencing on site) that should include a programme of projected traffic movements associated with the project by programme month and vehicle type, details of all proposed mitigation measures, agreed and excluded access routes, enforcement measures (driver code of conduct and disciplinary action) and details of measures that will be implemented to ensure that no stacking of delivery vehicles occur on any part of the public road network.
- Whilst it is accepted that the intention is that normal and abnormal loads will take access and egress via an ‘agreed’ route, there is likely to be some

increase in traffic using other minor roads. There is also the possibility of other unrelated windfarm projects being constructed in the vicinity concurrently with this project. Therefore, it would be appropriate that the TMP acknowledge that co-ordination phasing may be required to mitigate against the cumulative traffic impact.

- In the event that suitable and sufficient aggregate not be available from on-site Borrow Pits, any future submission/ES should include details of tonnages and vehicle movements so that the potential impact of importing aggregate from elsewhere via the public road network be assessed
- It would be appropriate that there should be consultation with nearby forest managers and timber hauliers through the office of the South of Scotland Timber Transport Officer to co-ordinate timber haulage operations that may use the access route during the construction period to minimise the cumulative impact on communities and road users
- The developer will be held responsible for the immediate execution of any repairs and will be required to meet the cost of above average maintenance to the public road network arising from the concentration of heavy traffic associated with this development. This to be secured by legal agreement (Section 96)
- The installation of the grid connection will have an impact upon public roads where the route follows a road, crosses a road or crosses a bridge on the road.
- Where an access route crosses bridges and culverts, the applicant will require to get approvals (in respect of those structures) from the Council’s Engineering Design Bridges and Structures Unit

## 5 Outstanding Responses

5.1 There are still outstanding responses from the Council’s Landscape Architect and Access Officer which will be forwarded on to the applicant once they have been received by the Planning Service.

## 6 Landscape and Visual Impacts

6.1 As noted above, the internal consultation response from the Council’s landscape architect is still outstanding. Due to ongoing pressures on landscape resources and workload, landscape advice is prioritised in the order in which work is submitted to the Council, however the full consultation response will be provided in due course.

6.2 Landscape and visual impact forms one of the development management considerations within Part 1 of LDP Policy IN2. In particular: -

- the extent to which the proposal addresses the guidance contained within the Dumfries & Galloway Windfarm Landscape Capacity Study (DGWLCS);
- the extent to which the landscape is capable of accommodating the development without significant detrimental impact on landscape character or visual amenity;

- that the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it fully addresses the potential for mitigation.

6.3 Part 1 of LDP Policy IN2 also sets out that for all windfarm proposals, the extent of any detrimental landscape or visual impact from two or more wind energy developments (i.e. cumulative impact), and the potential for mitigation, also requires to be assessed. The newly adopted revised SG - Part 1 Wind Energy Development: Development Management Considerations corresponds with, and gives more detail on how cumulative impacts on landscape and visual amenity are assessed at Part B. In addition, the DGWLCS (as Appendix 'C' to the SG) assesses the individual landscape area to accommodate wind energy development. It includes an appraisal of the cumulative landscape and visual effects of existing and consented wind energy developments and an assessment of where ultimate landscape capacity is close to being reached.

6.4 In terms of the DGWLCS, the proposed turbines are located within the Glentool unit of the Plateau with Forest Landscape Character Type (LCT17a).

6.5 The Glentool unit is described as “a gently undulating landform and extensive scale, a generally simple land-cover of large scale coniferous forestry interspersed with areas of open moorland and farmland and sparse settlement. While these key characteristics present opportunities for potential development, areas of open moorland, small pronounced hills, loch basins and pockets of settled farmland, pre-improvement and prehistoric sites and landscapes are important in contributing diversity to this landscape and are of increased sensitivity. The proximity of the Merrick WLA is also a key constraint. Wind farms are a key characteristic of this landscape and the variety of operational and under-construction wind farm developments (in terms of the height, number and layout of turbines) and their differing relationship to landform features (whether sited in shallow basins, extensive plateaux or on small hills) further constrains opportunities for additional wind turbines to be accommodated.”

6.6 The DGWLCS gives this LCT an overall **High** to the Very Large typology turbine type (over 150m) for both landscape and visual sensitivity, principally due to cumulative effects that would be likely to occur with some operational wind farms which comprise substantially smaller turbines and, on the Galloway Hills, Merrick WLA and smaller scale diverse landscape features.

6.7 Operational and under-construction wind farms sited in the Plateau with Forest (17a) and within the adjacent Plateau Moorland (17) and Upland Fringe - Camrie Fringe (16), and similar landscapes within neighbouring South Ayrshire, are a defining characteristic of the Wigtownshire Moorlands located in north-west Galloway. The operational Artfield Fell/Balmurrie Fell, Glenchamber and Carseceugh wind farms present a concentrated grouping of turbines in the south-western part of this character type with significant cumulative effects occurring because of the different turbine sizes, siting and pattern between developments. The currently under-construction Aries wind farm and the consented Gass Farm wind farm will add to this concentration and may further exacerbate cumulative landscape and visual effects.

6.8 Key cumulative effects that are likely to arise within the Plateau with Forest (17a) include:

- Further variation in the type and size of turbines proposed within this and nearby landscape character types which would exacerbate the visual confusion and clutter already associated with the wind farms noted above. Repowering of wind farms (involving substantially larger turbines) and new much larger turbines, particularly in the south-western part of this character type, would be likely to incur significant cumulative effects.
- Sequential visual impacts experienced when travelling on minor roads and footpaths, including the SUW, where the incidence and extent of wind farm development could dominate views and overwhelm the viewer.
- Landscape and visual effects on small pockets of settled farmland and lochs if wind farms substantially extend on surrounding skylines or give a perception of encirclement.
- Visual interaction between smaller turbines which are more likely to be associated with pockets of settled farmland and large turbines within wind farms.
- Wider cumulative effects on the Merrick Wild Land Area and Galloway Hills RSA where further development could consolidate and fill gaps creating a sense of near encirclement and domination. Much larger and closer turbines could significantly exacerbate cumulative effects.

6.9 The key **constraints** to wind farm development within this LCT generally are:

- Areas of open moorland and pockets of settled farmland, small but pronounced hills and loch basins, for example Glenvernoch Fell, Loch Ochiltree, Loch Heron and Loch Ronald; a local recreational hub with accommodation, activities and waymarked trails; and the setting of other lochs with local scenic and recreational value (Marberry, Dorbnal, Eldrig, Garwackie).
- The outer fringes of this landscape character type, close to areas of settled farmland, where larger turbines would dominate small scale valleys including the notably diverse upper Cree valley (LCT 4).
- The rich archaeology found within areas of open moorland.
- The Merrick Wildland Area and RSA lying to the east of this character type where wind turbines could diminish the sense of naturalness and seclusion experienced and affect the setting of the western Galloway Hills.
- Recreational use of the eastern fringe of the LCT, with cycle/walking trails and promoted places of interest as part of the Galloway Forest Park and Dark Skies Park.
- Views from the Merrick and other western Galloway Hills, from key viewpoints within Glen Trool such as the Bruce's Stone and from the SUW, A75 and A714.
- Cumulative effects with operational and consented wind farms particularly where turbine size, pattern and siting is noticeably different.
- Cumulative effects on the Merrick WLA and on the Galloway Hills RSA sited to the east of this landscape character type.

6.10 The DGWLS lists the **opportunities** as:

- The generally simple landform, expansive scale and uniform land cover of coniferous forestry which could relate to larger typologies.

- The sparsely settled nature of this landscape and the relatively limited visibility from areas which are distant from public roads and settlement and the screening provided by forestry.
- An absence of landscape designations.

6.11 The DGWLCS guidance for development within this landscape states that “Given the extent and diversity of operational and consented wind farm development located within and close-by this landscape character type, there is only very limited scope remaining in the Plateau with Forest (17a) for further large wind turbines (>80m) to be accommodated.

*New developments comprising turbines substantially over 150m high (the Very Large typology) could significantly exacerbate the visual confusion already evident between different wind farm developments sited in the south-western part of this character type and adjoining landscapes and with the under-construction wind farms of Aries and Kilgallioch. Turbines of this size could also increase impacts on smaller scale valleys, landmark hills and lochs and the Merrick WLA if sited on the remaining undeveloped parts of this landscape which lie closer to these features.*

*All development typologies should avoid impacting on the setting and views to small lochs, on areas of more complex landform, including small but pronounced hills such as Glenvernoch Fell, and on archaeological features as these enrich the landscape of this character type and often provide a focus in views. Intrusion on key views to the Galloway Hills, for example from the A714 and the Cree valley, should be avoided.*

*Potential cumulative landscape and visual effects with other operational and consented wind farms would need to be carefully considered as this landscape is considered to be close to reaching capacity for additional development. Key cumulative sensitivities are likely to include effects on smaller scale settled landscapes on the outer fringes of this landscape, on the Merrick Wildland Area and on views from the south-eastern coast of the Rhins, parts of the Machars, the Galloway Hills and the A75 and A714”.*

## 7 Other Matters

7.1 The Council considers that the structure of the scoping report is clear and sets out a prudent approach to the topics that may give rise to significant effects and should be fully examined in the forthcoming EIA Report. Additionally, the topics listed in the report are acceptable to the Council and should be fully assessed within the EIA Report.

7.2 Whilst content with the topics and structure of the proposed EIA Report, the Council intends to offer no wider comments on the proposed questions within the scoping report unless otherwise outlined in the consultee’s responses above.



By email to: [econsents\\_admin@gov.scot](mailto:econsents_admin@gov.scot)

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

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

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

Our case ID: 300036919  
Your ref: ECU00001837

22 May 2019

Dear [REDACTED],

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Kilgallioch Wind Farm Extension  
EIA Scoping Report

Thank you for your consultation which we received on 15 April 2019 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).

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

### Proposed Development

We understand that the proposals are for an extension to the existing Kilgallioch Wind Farm, Dumfries and Galloway. The proposals will consist of up to 11 turbines with a blade tip height of 180m and associated infrastructure. We understand that the development may also include ground mounted solar panels.

### Scope of assessment

We consider that the proposals have the potential to affect scheduled monuments located within and around the development site boundary. These include, *Wood Cairn, cairn, Eldrig Fell (Scheduled Monument, Index no. 1953)* a scheduled monument located within the development site boundary, as well as a number of nearby scheduled monuments.

We would therefore recommend that any Environmental Impact Assessment (EIA) undertaken in support of the proposals should include a full consideration of impacts on scheduled monuments. This should include the potential for direct impacts on *the Wood*



*Cairn scheduled monument, Index no. 1953*) as well as the potential for impacts on the setting of nearby scheduled monuments. Of these, we would recommend that particular attention is given to the potential for impacts on the setting of the following. We have provided additional information on the Wood Cairn site in the attached annex.

- *Wood Cairn, cairn, Eldrig Fell (Scheduled Monument, Index no. 1953)*
- *Cairn na Gath, long cairn, Balmurrie Fell (Scheduled Monument, Index no.1922)*
- *Caves of Kilhern, Chambered Cairn 450m SE of Dranigower Lodge (Scheduled Monument, Index no.1928)*
- *Bonnan of Garvilland, Fort (Scheduled Monument, Index no.1955)*
- *Laggangarn stones, Laggangarn (Property in Care and Scheduled Monument, Index No. 90199)*
- *Wells of the Rees, wells 500m NNE of Kilgallioch (Scheduled Monument, Index no.2002)*

This list is not exhaustive, and we would therefore recommend Zone of Theoretical Visibility (ZTV) analysis is also applied to identify heritage assets for assessment. We recommend that this assessment is supported by visualisations such as photomontage and wireframe views where impacts are likely to be highest. This is likely to include visualisations from the scheduled monuments identified above towards the proposed development.

We also suggest that any cumulative impacts resulting from this development in combination with other existing and proposed wind farm developments within the surrounding area should be carefully considered. This should include the operational Kilgallioch Wind Farm.

#### **EIA Scoping Report**

We have reviewed the Scoping Report (April 2019) submitted as part of this EIA scoping request and have some issues with the proposed assessment methodology for the Archaeology topic area (Chapter 7). In particular, we note that it proposed to use the desk-based assessment (DBA, 2009) undertaken for the operational Killgallioch Windfarm as a basis for the assessment of the new development. While some of the information within the 2009 DBA will be useful in establishing a baseline for the assessment, we note that this document is now over 10 years old. We would therefore recommend that this desk based assessment is reviewed against updated datasets to ensure that the archaeological baseline remains accurate.

We also note that it is proposed to undertake a setting assessment using the same methodology as for the Environmental Statement (ES) for the operational Kilgallioch Windfarm. As above, we would recommend that this approach is reviewed to allow for recent changes in EIA practice and the updated policy framework for managing change



to cultural heritage features. This should include reference to the recently adopted *Historic Environment Policy for Scotland* (HEPS, 2019) and associated Managing Change Guidance Notes. We would recommend that particular attention is given to our Managing Change Guidance Note on *Setting* (2016).

We also understand that it is intended to divide heritage assets into an 'Inward' group and an 'Outward' group in order to assess impacts on setting. We consider that the broad classification of heritage asset types into groups may not allow for a full appreciation of where setting impacts may occur. We would therefore recommend that the setting of individual heritage assets should be defined on a case-by-case basis.

We also note that it is proposed to use the assessment within the 2010 Environmental Statement (ES) for the operational Kilgallioch wind farm as a basis for including or excluding heritage assets for assessment. This includes excluding those heritage assets located further than 15km from the development from the assessment. Here, we would highlight that the Kilgallioch Wind Farm extension turbines will be approximately 30m higher than the turbines included within the original Kilgallioch Wind Farm scheme. While we consider that there is some capacity to use the information within the 2010 ES to inform this process, we would also recommend that an up to date Zone of Theoretical Visibility (ZTV) is used to inform the scope of the assessment in this instance.

We disagree, for instance, with the intention to exclude the *Caves of Kilhern, Chambered Cairn 450m SE of Dranigower Lodge (Scheduled Monument, Index no.1928)* from the assessment. Here, we would recommend that the potential for cumulative impacts on the setting of this heritage asset is explored within an EIA Report.

#### **Further information**

A new Historic Environment Policy for Scotland (HEPS, 2019) was adopted on the 1<sup>st</sup> May 2019, which replaces the Historic Environment Scotland Policy Statement (HESPS, 2016). The new Historic Environment Policy for Scotland is a strategic policy document for the whole of the historic environment and is underpinned by detailed policy and guidance. This includes our Managing Change in the Historic Environment Guidance Notes. All of these documents are available online at [www.historicenvironment.scot/heps](http://www.historicenvironment.scot/heps).

Practical guidance and information about the EIA process can also be found in the EIA Handbook (2018). This is available online at <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=6ed33b65-9df1-4a2f-acbb-a8e800a592c0>



HISTORIC  
ENVIRONMENT  
SCOTLAND

A15  
ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

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

Yours faithfully,

**Historic Environment Scotland**



**Annex**



HISTORIC  
ENVIRONMENT  
SCOTLAND

A16  
ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

- *Wood Cairn, cairn, Eldrig Fell (Scheduled Monument, Index no. 1953)*

This monument is a very large well preserved prehistoric cairn, which occupies the summit of a prominent hill, Eldrig Fell. It is has been sited on this dominant hilltop position to command extensive views over the surrounding area. It is one of group of such monuments found within the uplands of southern Scotland. Its setting is characterised by its location on the hilltop and its position in relation to the surrounding topography.

We note that Wood Cairn is located within the development site boundary. We ~~would therefore~~ recommend that the development proposals are designed to avoid direct impacts on this scheduled monument. Any works directly affecting a scheduled monument will require Scheduled Monument Consent (SMC) from Historic Environment Scotland.

We would also recommend that impacts on the setting of the scheduled monument are assessed as part of any EIA undertaken for the proposals. This assessment should be supported by wireframe/photomontage visualisations from the monument looking toward the development as well as visualisations of the monument and hill of Eldrig Fell taken from the South East of the monument, looking toward the monument with the proposed development in the background.

**Historic Environment Scotland**

22 May 2019



Our ref: PCS/164992  
Your ref: ECU00001837

If telephoning ask for:  
[REDACTED]

01 May 2019

[REDACTED]  
The Scottish Government  
4<sup>th</sup> Floor, 5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

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

Dear Sir

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017**  
**Kilgallioch Wind Farm Extension**  
**12 kilometres (km) north-west of Kirkcowan, Dumfries and Galloway**

Thank you for consulting SEPA on the scoping opinion for the above development proposal by your email received on 15 April 2019.

**Advice to the Energy Consents Unit**

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. To **avoid delay and potential objection**, the information outlined below and in the attached appendix must be submitted in support of the application.

- a) Map and assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any flood risk assessment and details of any related CAR applications.
- b) Map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.
- c) Map and assessment of impacts upon groundwater abstractions and buffers.
- d) Peat depth survey and table detailing re-use proposals.
- e) Map and table detailing forest removal.
- f) Map and site layout of borrow pits.
- g) Schedule of mitigation including pollution prevention measures.
- h) Borrow Pit Site Management Plan of pollution prevention measures.
- i) Map of proposed waste water drainage layout.
- j) Map of proposed surface water drainage layout.
- k) Map of proposed water abstractions including details of the proposed operating regime.
- l) Decommissioning statement.

Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix and we have provided further specific comments on the Scoping Report (dated April 2019) in the section below.

**1. Site specific comments**

- 1.1 Table A of the Scoping Report indicates that the following technical aspects and assessments are to be scoped out of the EIA:
  - Repeating Peat and GWDTE surveys at locations previously surveyed;
  - All Private Water Supply surveys and assessment if updated baseline shows no changes since 2009; and
  - Standalone Flood Risk Assessment.
- 1.2 It is our expectation that any areas within the proposed development which may have changed since the previous National Vegetation Classification (NVC) are re-surveyed. This would include areas which have since been deforested. This also applies to the peat depth probes. All infrastructure should then be clearly mapped on either previous survey maps or on updated maps as appropriate. Any areas which were previously subject to habitat management measures and may now fall within this development area must also be re-surveyed.
- 1.3 Likewise, it is our expectation that private water supplies should be assessed and included within the scope of the assessment. If no additional PWS are identified then no further assessment of impact is required but this can only be determined once an updated assessment is undertaken. Any PWS identified should be assessed in line with our advice in Section 5 of the attached appendix.
- 1.4 We have no concern with the intention to assess flood risk within the relevant EIA Report chapter rather than produce a standalone Flood Risk Assessment.

**Regulatory advice for the applicant**

**2. Regulatory Requirements**

- 2.1 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
  - is more than 4 hectares,
  - is in excess of 5km, or
  - includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.
- 2.2 Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.
- 2.3 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at Holmpark Industrial Estate, New Galloway Road, Minnigaff, Newton Stewart DG8 6BF (Tel: 01671 402 618).



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

**Angus Smith Building**  
6 Parklands Avenue, Eurocentral,  
Holytown, North Lanarkshire ML1 4WQ  
tel 01698 839000 fax 01698 738155  
[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

If you have queries relating to this letter, please contact me by telephone on 01698 839 000 or e-mail at [planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk).

Yours faithfully

Simon Watt  
Senior Planning Officer  
Planning Service

*Disclaimer*

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

## Appendix 1: Detailed Scoping Requirements

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

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed. We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

### 1. Site layout

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

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

- 2.1 The site layout must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing:
- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
  - b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works.
  - c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.
- 2.2 If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.
- 2.3 Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).
- 2.4 Refer to Appendix 2 of our [Standing Advice](#) for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the application. Our [technical flood risk guidance](#) outlines the information we require to be submitted as part of a Flood Risk Assessment. Please also refer to [CAR Flood Risk Standing Advice](#) and Section 6 below.



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

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

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

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

- 4.2 Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice and the minimum information we require to be submitted.

### 5. Existing groundwater abstractions

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

### 6. Flood Risk

- 6.1 It is noted that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year return period) fluvial and surface water flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. We note that the surface water extents are associated with some minor watercourses flowing through the site boundary. The presence of surface water flooding on the minor watercourses can be seen as an indication that the channels may be at risk of fluvial flooding.
- 6.2 For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year. Built development should not therefore take place on the functional flood plain. Scottish Planning Policy states in paragraph 255, that "*the planning system should promote a precautionary approach to flood risk from all sources*", as well as flood avoidance and flood reduction, where appropriate. It further defines in paragraph 256 that, "*the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.*"
- 6.3 In relation to our [Flood Risk and Land Use Vulnerability Guidance](#) we would view the existing and proposed development as 'essential infrastructure' which would be acceptable in a flood risk location provided the infrastructure is designed to remain operational during floods and not impede water flow. Given there is an existing windfarm development and the proposal is to increase the number of turbines at the site, we consider there are operational and locational reasons for the proposed development.
- 6.4 We note in Section 10.3.6 of the Scoping Report that a 50m buffer around watercourses will be adopted which we would encourage to reduce impacts on floodplain processes.
- ### 7. Forest removal and forest waste
- 7.1 Key holing must be used wherever possible as large scale felling can result in large amounts of waste material and in a peak release of nutrients which can affect local water quality. The supporting information should refer to the current Forest Plan if one exists and measures should comply with the Plan where possible.

- 7.2 Clear felling may be acceptable only in cases where planting took place on deep peat and it is proposed through a Habitat Management Plan to reinstate peat-forming habitats. The submission must include:
- A map demarcating the areas to be subject to different felling techniques.
  - Photography of general timber condition in each of these areas.
  - A table of approximate volumes of timber which will be removed from site and volumes, sizes of chips or brash and depths that will be re-used on site.
  - A plan showing how and where any timber residues will be re-used for ecological benefit within that area, supported by a Habitat Management Plan. Further guidance on this can be found in [Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS](#).
- 8. Borrow pits**
- 8.1 Scottish Planning Policy states (Paragraph 243) that “*Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.*” The submission must provide sufficient information to address this policy statement.
- 8.2 In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 [Controlling the Environmental Effects of Surface Mineral Workings](#) (PAN 50) a Site Management Plan should be submitted in support of any application. The following information should also be submitted for each borrow pit:
- A map showing the location, size, depths and dimensions.
  - A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
  - You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.
  - A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.
  - A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.
  - A site map showing proposed water abstractions with details of the volumes and timings of abstractions.
  - A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.
  - A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the

disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government’s [Guidance on Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO<sub>2</sub>.

- Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.
- Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

## 9. Pollution prevention and environmental management

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

## 10. Life extension, repowering and decommissioning

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



Date: 09 May 2019  
Our ref: CDM155115  
Your ref: ECU00001837

Dear [Redacted]

**Electricity Act 1989  
The Electricity Works (Environmental Impact assessment) (Scotland) Regulations  
2017**

**Request for Scoping Opinion for proposed Section 36 application for Kilgallioch Wind  
Farm Extension**

Thank you for consulting us on the above. Please find answers to questions posed at the end of each section relevant to our remit plus any other additional information we think should be covered in any Environmental Statement.

Landscape and Visual

We are currently experiencing difficulties with providing landscape and visual advice due to staffing issues and therefore have to prioritise our advice on proposals likely to impact on areas such as Wild Land and National Scenic Areas. This does not of course mean we do not consider there to be impacts elsewhere in the wider countryside.

That said, methodologies look to be in line with what we would expect in terms of LVIA, Cumulative LVIA and the approach to assessing landscape and visual effects also viewpoint assessment. For visualisation production the scoping report refers to the correct guidance.

Given the likely height of the turbines we trust that full consideration will be given to turbine lighting bearing in mind the current situation with regard to radar activated lighting and the CAA's present position on the subject.

Scottish Natural Heritage, Holmpark Industrial Estate, New Galloway Road, Newton Stewart,  
Wigtownshire, DG8 6BF  
Tel: 01671 404700

[www.nature.scot](http://www.nature.scot)

Dualchas Nàdair na h-Alba, Ionad Gnìomhachais Holmpark , Rathad Ghall-Ghàidhealaibh Nuaidh,  
Baile Ùr nan Stiùbhartach, DG8 6BF  
Fòn: 01671 404700

[www.nature.scot](http://www.nature.scot)

The preliminary viewpoints appear to be well spaced and limited to those viewpoints where all turbines will be visible to some degree but as a starting point for discussion at a later stage we are satisfied at this point.

Ecology

**Do you agree with the proposed scope of assessments?**

The scope of the assessments appears to be comprehensive and have no further comments to make at this point. Crucial to the success or otherwise of this project is to establish that there is no hydrological link between the proposed wind farm and the Kirkcowan Flow SSSI/SAC which would lead to an adverse impact on both (see below in relation to the SAC).

**Do you agree with the proposed scope of surveys?**

We agree with the scope of surveys and satisfied that those that have been scoped out are acceptable for legitimate reasons.

In relation to Kirkcowan Flow SAC we confirm that a Habitats Regulations Assessment (HRA) will be required and as part of this an Appropriate Assessment (AA). We should also note that following the AA, any reasonable scientific doubt as to the absence of adverse effects on the integrity of the site must be removed before the project is authorised.

**For surveys that are proposed, do you agree with the methodologies proposed?**

We are generally satisfied with the methods proposed for surveys to be undertaken over the next few months. However, please note that new guidance<sup>1</sup> for surveying bats in relation to wind turbines was published in January 2019 and it is this guidance that should be followed for future surveys. If in doubt the applicant is welcome to contact us for advice.

**Do you have any further information that could help inform the assessment of likely significant effects from the Development?**

We are broadly content that the applicant and their consultants proceed as detailed in the Scoping report and we will provide our full assessment at the formal application stage.

Ornithology

**Do you agree with the proposed scope of surveys (subject to consultation with SNH and RSPB following completion of the autumn/winter survey currently underway)?**

Without any specific details as to results to date we can agree with the scope of surveys as currently described so long as they have adhered to our guidance. We note the species identified during the first non-breeding season and would strongly recommend the developer and or their consultants discuss with us and RSPB before second breeding/non-breeding seasons are potentially scoped out.

**Do you agree with the proposed scope of assessments?**

The scope of assessment is adequate but would add Collision Risk Analysis using the standard Band method.

**Do you have any further information that could help inform the assessment of likely significant effects from the Development?**

We have no suggestions at this point.

A27

If you have any comments or questions regarding any of the above, please do not hesitate to contact me at this office.

Yours sincerely,

Operations Officer  
Southern Scotland  
[John.gibson@nature.scot](mailto:John.gibson@nature.scot)

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<sup>i</sup> BATS AND ONSHORE WIND TURBINES: SURVEY, ASSESSMENT AND MITIGATION Version: January 2019



A28

Cree Valley Community Council  
6 Riverbank  
Minnigaff  
Newton Stewart  
DG8 6QU

20<sup>th</sup> May 2019

## Cree Valley Community Council Response Kilgallioch Windfarm Extension Scoping Report

After consultations with our Community Council Members and members of our local community we would like to make the following points in relation to the above Scoping Report.

### General – Table A – Assessments that can be Scoped Out

With reference to this Scoping Report - our concerns, at this stage, are with what SPR proposes to scope out.

We do not believe that any of the items in any of the Sections listed (ie. Sections 6,7,8,9,10,11,12,13,14 & 15 ) should be deleted.

We say this for the following reasons :-

- Table 3.1 is incorrect in that cumulative developments do not mean that the potential for significant affects has been reduced. All of the currently operational windfarms lie to the west of the site hence the wildness characteristics of the area remain intact from an eastern facing perspective. This cannot be ignored hence the Elements in Table A ( section 6 ) cannot legitimately be scoped out.
- Paragraph 113 is nonsense. We do not accept that sufficient time has lapsed since windfarms began appearing on our natural landscape so that they have now become an integral part of it, and that any previous guidance which differs from this viewpoint is archaic and can easily be ignored would make a mockery of our entire planning system.

Each application must still be considered on their own merits.

- Paragraph 117 and 123 should be read in the full knowledge that the proposed Kilgallioch Extension turbines would be much taller than all of the existing local turbines and that they would all be erected on open moorland to the East of the previously consented windfarms in the area. The views within the Galloway Hills RSA would definitely be affected and the proposed 10 km radius is therefore completely insufficient to define a boundary for the necessary study area.
- Paragraph 138 proposes that the effects on the Dark Sky Park can be scoped out. This seems unreasonable as the proposed turbines are over 150m tall and could interfere with an astronomer's view of a celestial object appearing low on the western horizon of the Dark Sky Park. This should be properly assessed and the local astronomical society ( Galloway Forest Astronomical Society) must be

consulted. There is a need to assess the effects further within all of the Dumfries and Galloway RSAs and the Merrick Wild Land Area. Table 6.1 requires a revision.

Table 6.3 should be rejected.

- Section 7, Archaeology - Paragraph 151 is very clear about the threat that the Kilgallioch Extension poses to the “ survival of unknown buried archaeology” A new DBA, a thorough site walkover (at a time of year when bracken cover is absent), and a thorough site investigation are the bare minimum for the Scope of the Archaeological section of the EIA. This site is potentially Nationally important as it has many traces of prereformation human activity within it. It has remained completely undisturbed over the past two centuries. As a consequence of this “the unknown buried archaeology has survived”. No development on any part of it should be consented without a prior assessment of the National importance of the archaeological value of the entire site and its surroundings as a unique example of a preserved medieval Scottish landscape.

Table 7.2 should be rejected.

- Section 10 -Hydrology & Hydro-geology – this should not be scoped out and any assessment should include a study into the downstream flood risk.
- Section 12, Transport. Local residents have suffered major inconvenience from the thousands of abnormal loads which have passed through the Cree Valley over the past decade. Now that the effects of Turbine Transport are fully understood it is time for a new route planning methodology to be developed and employed. This methodology should consider the needs of other road users, rather than solely focus on the logistical needs of SPR. In order to facilitate this, meaningful consultation with all of the communities along the proposed turbine delivery route is a necessity in order that a proper protocol for all future oversized deliveries can be arrived at, and then implemented. The deliveries must not result in local people suffering frequent unnecessary delays whenever they have their journeys disrupted at seemingly random times of the day. Any fixed delivery timetable agreed must be followed by SPR.
- Section 13- Socio-Economics and Tourism - highlights the potential impact that this windfarm extension could have on local tourism. If more turbines are built then the balance of perception of a visitor to the area could be tipped from that of an unspoilt scenic area with a few wind turbines, to that of a giant Windfarm with some unspoilt scenery. This change of perception is a serious risk and would have a catastrophic impact on the tourist economy in Cree Valley area. To be blunt, our market town of Newton Stewart would suffer much more than the other small villages as it contains the vast bulk of all the tourist infrastructure in the area, such as hotels and retail outlets. A wide ranging study should therefore be carried out in respect to this risk.
- Paragraphs 367-369 outlines SPRs’ claims regarding Community Benefit Payments. We must point out that SPR executives have previously informed our Cree Valley Community Council that all Community Benefit Payments are entirely voluntary and that the Scottish Government Best Practice Guidelines are not

statutory and can be ignored by them whenever they choose. If the potential Community Benefit Package is to be included in the Socio-Economic Assessment for the Kilgallioch Windfarm Extension, then both the amount of it and the detail of how it will be awarded must be disclosed by SPR in advance of any Planning Application and must be included as a “Condition” of any Planning Approval.

We therefore have very serious concerns about the integrity of SPR, as to whether or not they will deliver a Community Benefit Package in accordance with the Scottish Government Guidance which is in place.

We would not find it acceptable for the new windfarm extension simply to be integrated into the existing fund distribution system through the Kilgallioch Community Benefit Company Ltd as we believe that serious errors and inequities occurred in the set up and organisation of this fund.

We are currently in dispute with Scottish Power Renewables regarding this – therefore we would require that a new fund is set up for the Extension, or, alternatively a completely independent Review is carried out into the distribution of the combined Existing windfarm and the Extension.

In summary – we believe that the KWE Scoping Report requires much more to be scoped in than scoped The huge number of existing Wind Turbines in the area means that every new one constructed threatens to be the proverbial straw that will break the camels back in terms of the quality of the Wigtownshire environment and our Cree Valley area in particular.

Cree Valley Community Council  
20<sup>th</sup> May

**From:** Redacted  
**Sent:** 08 May 2019 23:25  
**To:** Econsents Admin  
**Subject:** Kilgallioch Extension Scoping Response from New Luce Community Council

Dear Contact Person

### A Response from New Luce Community Council to the Section 36 Kilgallioch Extension Windfarm Scoping Opinion Survey

#### General

The Scottish Government has said that it will respect Section 9 considerations (Electricity Act 1989) relating to energy developments. We do not see much sign of this in the Wigtownshire Moors. Some specific aspects of these considerations are detailed below.

#### Size of Turbines

The documents indicate that 180m turbine heights are envisaged. Our assumption would be that rotor diameters would similarly be much larger than we have been accustomed to to date. This would mean that the impact would significantly extend to our community area, and we are very concerned about this. There are in addition significant impacts on areas very distant from the Proposed Location, as shown by the Developer documentation.

In our view such an impact does have to be fully justified, and we are not currently satisfied that the justifications are adequate.

#### Cumulative Impact

With respect to the Wigtownshire Moorlands, the DGWFLCS (3.4.1, p30) concludes that:  
*“Significant cumulative landscape and visual effects are evident in the southern part of this area where the variety of wind farm designs, in terms of turbine sizes, elevations and layout pattern and densities, and the relative proximity of wind farm developments results in substantial visual confusion.”*  
*“Operational and under-construction wind farm developments already occupy less sensitive core areas of the upland plateau landscapes, where Very Large (150m+) turbines could potentially have been located to minimise effects on smaller scale features such as settled valleys, small hills and lochs and on the Merrick Wildland Area (WLA) and the Galloway Hills. The assessment concludes that there is no scope for Very Large turbines.”*

The DGWFLCS (3.8, pp 43-44) even refers to the “Cumulative Wigtownshire Moors”. Clutter and visual confusion also feature strongly as themes in the SNH Guidelines (Assessing the Cumulative Impact of Onshore Wind Energy Developments, March 2012, Spatial Planning for Onshore Wind Turbines, June 2015, and Siting and Designing Wind Farms in the Landscape, August 2017). SNH have been tasked by the Scottish Government to provide this guidance.

For us, the Proposed Development is manifestly ‘infil’, with yet another turbine size and design, and so does not respect guidelines on cumulative impacts.

#### Effects on Galloway Hills Wild Land Area

Obviously, to be properly appreciated, designated Wild Land Areas need at least to be set in a neutral background landscape context, which might often be traditional farmed landscapes. If large numbers of large industrial structures occupy large areas of that landscape context, then the sense and purpose of that WLA is compromised.

The SNP 2016 Election Manifesto states that: *“We have introduced a ban on wind farms in Scotland’s National Parks and National Scenic Areas and increased protection for wild land areas.”*

The DGWFLCS (3.8, pp 43-44;- A recommended landscape strategy) concludes that:

*“Maintaining the wildland qualities of the Galloway Hills as a core aspect of the identity of Dumfries and Galloway by directing wind farm development away from these uplands and avoiding developments that could impact on the wider landscape setting and appreciation of these uplands in views from surrounding landscapes. Cumulative landscape and visual effects of wind farm development in surrounding landscapes will need to be carefully considered in terms of potential effects on the perception of wildness within the Merrick WLA. With wind farm development now occupying extensive tracts of the Cumulative Wigtownshire Moors it is important to protect these hills and their setting/special qualities.”*

To the NLCC it does not appear that the interests of the Galloway Hills WLA are being considered at all. This observation is set against a growing groundswell of support for a Galloway National Park.

#### Cultural Heritage

The documentation relating to the original Kilgallioch Application indicates that there are significant numbers of cultural heritage sites within the Proposed Site area, conspicuously so in relation to the whole of the High Eldrig grazing area. A significant factor here is that most of this ground is unforested, and most will not have been cultivated, meaning that the field archaeology will have good preservation.

We are very concerned that the kind of development envisaged is being considered for this area at all.

#### Energy Policy Matters

The Scottish Government aims to meet 100% Scotland’s electricity needs from renewables by 2020. It undertakes to: *“make electricity cleaner, more affordable and more secure for all consumers”*.

While the term “renewables” may now be deemed to include hydro and biomass, there is as yet no clear, adequately detailed plan of how intermittent renewables (wind and solar, the principal element in the system) are to be supported by standby and storage, or the baseload element. Obviously, for electricity supply to be secure, urgent thought is needed as to how to make it so in a system highly dependent on the weather and daylight, in an era when nuclear and conventional fossil-fuel based generation is due to be phased out in Scotland. Simple calculations indicate that standby and storage needs are quite large, and will need large investment. There is now a need to address these questions as a matter of priority, and not to continue to build excess wind capacity (towards 3x peak demand in Scotland, either built or in the pipeline).

As an aspect of energy strategy questions, it is noted that Offshore Wind can potentially achieve double the capacity factor (c.60%) of Onshore Wind (c.30%). 30% is not a persuasive figure.

When there are alternatives available and other pressing questions to consider, and many controversial questions relating to rural landscapes, why is new Onshore Wind strategically necessary?

#### Conclusion

For the varied reasons given above, we would be inclined to oppose the Proposed Development.

#### Sources

The remarks above are based on the Developer’s Planning Documentation, the Dumfries and Galloway Council Local Development Plan, Supplementary Guidance (Part 1 Wind Energy Development: Development Management Considerations), 22nd June 2017 update, and the Appendix ‘C’ to the LDP, the Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWFLCS), 22nd June 2017 update. Policy Statements by the Scottish Government, SNH Guidelines on Landscape Impacts and the SNP 2016 Election Manifesto are also referred to.

New Luce Community Council, 5 May 2019

This email has been sent on behalf of the Community Council by:  
Alistair Buckoke, Lucewater House, New Luce, Newton Stewart, Dumfries and Galloway DG8 0AW, a.buckoke1952@btinternet.com

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[Redacted]

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**From:** [Redacted]  
**Sent:** 22 May 2019 11:29  
**To:** [Redacted]  
**Subject:** Scoping report

Hi [Redacted] Old Luce Community Council is quite happy with the scoping report for the extension of Kilgallioch wind farm sorry for delay in getting back to you. Kind Regards [Redacted] Chairmen

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From: [REDACTED]  
 Sent: 08 May 2019 16:26  
 To: [REDACTED]  
 Subject: RE: Kilgallioch Wind Farm Extension Scoping Consultation  
 Attachments: Equestrian access through windfarms in Scotland factsheet March 2018.docx

Dear [REDACTED]

Please can you ensure that the developers of Kilgallioch Extension take equestrian access rights into account as they develop their project?

Kind regards

[REDACTED]

## EQUESTRIAN ACCESS THROUGH WIND FARMS IN SCOTLAND

Wind farms are an important part of strategies to achieve the Scottish Government's target of producing 20% of Scotland's energy from renewables by 2020. As an organisation, British Horse Society restricts its involvement and comments (both those made by BHS at national level and those made by local BHS representatives) to those most relevant from an equestrian perspective, including safety and the potential economic impact on equestrian access or local equestrian businesses. Individual BHS members may choose to take other factors into account in supporting or objecting to wind farm development proposals.

BHS Scotland has produced this information sheet to provide guidance to horse riders and carriage drivers on access through wind farms, and to ensure that equestrian access is taken into account in design and determination of planning applications for wind farms.

### Riding and carriage driving through wind farms

Many horse riders and carriage drivers are apprehensive about taking their horses near wind turbines. Some horses may initially react negatively to the sight or sound of turbines, as they would to any new experience, while others are totally unperturbed. Don't assume that wind turbines will necessarily have a negative effect on your horse, or on equestrian access. Horses are very adaptable. BHS has received many more reports of horses being unphased by wind turbines than of adverse reactions, and very few where the horse's response has not eased with familiarity and sensitive handling. In some parts of the country, wind farms provide welcome new opportunities for off-road riding and carriage driving.

### Legal context for access through wind farms in Scotland

- The Land Reform (Scotland) Act 2003 provides a right of access for all non-motorised recreational users to most land, provided these rights are exercised responsibly. This includes wind farms (other than during the construction phase – see below).
- The network of tracks built during wind farm construction often provides good opportunities for year-round multi-use access, but does not always link into other routes off the site. There may be maps at the entrance to wind farms, or accessible via the internet, identifying recommended routes. Inevitably some turbines will be located close to tracks because of the economic incentive to minimise the distance between main tracks and individual turbines.
- Access rights also apply to the land between turbines, although most wind farms are built on exposed sites, often on boggy ground which may not support equestrian access. Look at the vegetation and weigh up the ground conditions carefully before you wander off the track.
- Access rights are suspended on land where building or civil engineering work is being carried out, other than on core paths or rights of way. During construction access to live working areas may be restricted under Construction (Design and Management) Regulations 2007 on the grounds of public safety. The Scottish Outdoor Access Code clarifies that restrictions should be kept to the minimum area, and for the minimum duration, reasonably and practicably possible. Access to the remainder of the site should not be affected, even during construction. Existing rights of way, core paths and other promoted routes should remain open even in live working areas, other than where pre-agreed signed diversions have been put in



place to maintain access. If you find this is not the case, consult your local access authority.

Remember access rights in Scotland come with responsibilities. You are responsible for your own horse, your own safety, and deciding for yourself whether you feel the risks involved in riding or carriage driving mitigate against using certain routes. You are also responsible for ensuring your actions do not put anyone else at risk.

### How do horses react to turbines?

Like humans, all horses are individual. They each react to circumstances and structures in different ways. Some will take turbines easily in their stride, others may show some initial apprehension.

Generally, horses are more likely to react to unusual noises and sudden movement than the rhythmic rotation of turbine blades. Blades which start to turn while in a horse's sight may provoke more of a reaction than those already in motion as you ride towards them, but start-up movement is usually slow and gradual, so will not frighten most horses. Horses' vision allows them to see to a certain extent behind them, so they may be frightened by something you have not noticed. Smaller turbines, particularly those with a tail fin, tend to adjust to changes in wind speed and direction more quickly than larger turbines, and the sound may change as the turbine moves. Although sudden changes in sound and movement are more likely to startle a horse, they are not dissimilar to many other hazards in windy conditions, such as loose, flapping plastic.

Some horses may react to the moving shadows cast by turbine blades, particularly if these flicker across their path, but as shifting shadows are commonplace, most horses quickly get used to this. Shadows are longest early in the day and during the evening when the sun is at its lowest.

### Familiarising your horse

Riding and carriage driving are inherently risk sports. Some relish the thrill of increased risk through challenges such as cross country courses, others prefer a quiet life. When it comes to wind turbines, it's your choice how you perceive and opt to manage the risk. On the basis of experience, BHS believes that most (but not all) horses which are familiarised with wind farms in a gradual and sympathetic way will happily ride or drive past turbines.

Your own reaction will greatly influence that of your horse. By keeping calm and confident and quietly reassuring your horse, you can help minimise their reaction, just as you would in any other situation. Many riders comment how ethereal and peaceful they find the regular swoosh of turbine blades.

Horses are flight animals. When startled, their first instinct is to flee, then to turn around and look at whatever frightened them. Horses are also naturally herd animals, finding safety in numbers. You can use this to your advantage in familiarising your horse with wind turbines. The same principles apply as introducing young horses to traffic: do it gradually, ideally in the company of an experienced horse.

### Before you set off

- If visiting a wind farm for the first time, you might want to have a look round on foot first, so you can plan your route in advance and just concentrate on riding or driving when you get there with your horse.

- Check the weather and do your own risk assessment. Many horses are more sensitive when it is very windy, and the stronger the wind, the louder the noise from the turbines is likely to be. During winter there may be risk of ice or snow falling off the blades, particularly if the sun comes out and prompts a sudden thaw. It is common sense to avoid wind farms, or to stay clear of individual turbines, during thunderstorms when there may be risk of lightning strike. Some wind farms, such as Whitelee near East Kilbride, have their own rangers or website offering up to date weather forecasts specific to the site, or a contact number you can call if in doubt about risks associated with adverse weather.
- Plan in advance where you are going to park to avoid interference with works traffic or other visitors. If possible, park and unload where your horse can see the turbines and then hack towards them to give your horse change to acclimatise to something new from a distance.
- Remember to take hi-viz gear (and wear it when you are riding or driving through the wind farm) so that you are readily visible to site traffic and other recreational users.

### Think, look, listen

- Expect the unexpected. Squeaks and clunks as turbines stop and start, or swivel to face the wind, are more likely to cause your horse to react than the rhythmical movement of the blades. Keep calm, and carry on.
- Turbines require maintenance, so bear in mind that there may be vehicles, and people, around. A friendly greeting will help alert your horse to someone they may not have seen working overhead, and help reduce any risk of it taking fright unnecessarily.
- Be aware that some wind farms are used by sled-dog teams for training and exercise. Keep your eyes open, and be willing to step out of the way: your brakes are likely to be better than theirs!

BHS Scotland has run several training days at Whitelee Wind Farm near East Kilbride offering riders opportunity to familiarise their horse with turbines under the expert guidance of Rhoda McVey, a highly experienced qualified BHS instructor. You can watch a DVD of the event at <http://www.youtube.com/watch?v=b0O1hZdaihl>.

## Guidance for developers and planning authorities

The notes which follow offer guidance on how any potential negative impacts of wind farm development or operation can be minimised, and highlights opportunities to maximise the benefits of wind farm development for equestrian access. Chapter 7 of Good Practice During Wind Farm Construction (<http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=1618>) offers more general guidance on access and recreation in relation to wind farm design, construction and operation.

### Key issues for horses

The main concerns about turbines from an equestrian perspective are:

- blade movement, particularly when blades start to turn within a horse's sight line, or blades which come into view at eye level;

- moving shadows cast by blades, which some horses may perceive as a threat to their safety, exacerbated by the fact that the object casting the shadow may not be obvious to the horse. Blade shadows are not a problem if the turbine is north of the track or path;
- sun or light flicker off blades;
- noise from turbines, particularly erratic noise during start-up or deceleration;
- risk of snow and ice shedding off blades;
- risk of electrocution (particularly during lightning strike);
- risk of injury or fright resulting from structural failure, breakage or collapse of the tower, blades or other constituent parts of turbines.

### Site assessment

BHS recommends that no anemometer should be situated closer than fall over distance plus 10% from any track used, or likely to be used, by horse riders or carriage drivers, and that no associated cables should be situated any closer than 30m from an equestrian route, as the cables may be difficult to see, especially by a startled horse.

### Design

BHS expects turbine siting and wind farm development plans to respect all existing equestrian access, and to consider opportunities for development of further access wherever possible. This includes access within, across, through and adjacent to sites. Scope to use new tracks constructed to enable turbine erection to link other routes outwith the site is encouraged. BHS Scotland and local riders will be happy to help identify existing riding routes, and to offer suggestions for how access could be improved as an integral part of wind farm development.

- ❖ **BHS' standard guidance is that there should be a separation distance of at least four times the overall height of turbines (i.e. to tip of blade) for core paths, nationally promoted routes such as Scotland's Great Trails and other promoted riding routes**, as these are most likely to be used by equestrians unfamiliar with turbines.
- ❖ **BHS recommends a target of three times overall height between turbines and all other routes** which pre-date wind farm development or turbine erection, including roads.
- ❖ **BHS recommends a minimum separation distance of 200 m between turbines and core paths, rights of way or promoted riding routes.**

Where recommended separation distances cannot be achieved, BHS will expect developers to demonstrate how safety issues can be addressed, including development and signage of alternative routes of comparable length, gradient and appeal to horse riders and carriage drivers to cater for those who prefer not to take their horses so close to turbines. From an equine perspective, turbines which suddenly come into view at close range without any warning are likely to cause the greatest risk of horses reacting.

### Traffic during and after development

- Drivers of all vehicles visiting the site should be alerted to where they are most likely to meet horses.
- All vehicles should be required to slow down or stop when meeting walkers, cyclists, and particularly horses.

- Where construction traffic has to cross an equestrian route, this should be at right angles to the path or track, with warning notices for both vehicle drivers and horse riders/carriage drivers. Construction traffic should give way to recreational users.
- A Temporary Traffic Regulation Order should be in place before closure of any core path or promoted route which may be necessary during transportation of large components.
- Traffic movement which may impact on equestrian access should be planned to allow horse riders and carriage drivers to continue to ride safely in the early morning, evening, at the weekend and on bank holidays.
- All drivers of large vehicles should follow BHS' guidance to minimise risk to horse riders and carriage drivers (<http://www.bhsscotland.org.uk/resources-for-developers.html>).
- Where there is no alternative to using the line of a core path or promoted route as an access track during the construction phase, the route should be widened, and a fence erected to segregate vehicles from horses using the route.

### Surfacing

BHS recognises that from a developer's perspective, the first priority in constructing tracks providing access to turbines is capacity to support required vehicular access, which usually involves stone surfacing, whereas the ideal surface for horses is firm, well drained turf.

Stoned tracks may increase opportunities for year-round riding, particularly over boggy or waterlogged ground, but sharp stone, particularly if unconsolidated, can quickly lame horses, and will usually restrict pace to walk. Horse riders and carriage drivers understandably feel aggrieved when paths and tracks along which they have previously enjoyed scope to trot, canter or gallop are stone surfaced as part of wind farm development, resulting in loss of amenity for equestrian users.

As a matter of policy:

- Where wind farm development or turbine erection results in loss of previously unsurfaced, firm beaten earth tracks enjoyed by horse riders and carriage drivers, BHS expects developers to provide substitute routes of similar length, gradient and character.
- BHS encourages developers to identify in their proposals what, if any action, is proposed to ameliorate the surface of construction tracks on completion of construction. Where traffic movement and natural consolidation with earth or mud is insufficient to blind sharp stone, dressing with whin dust or similar material may be necessary.
- BHS does not expect paths or tracks with a past history of multi-use, or intended for future multi-use to be surfaced with tarmac, but accepts that developers may agree to bound surfacing of specific routes for the benefit of walkers and cyclists in some instances.

Further guidance on the general principles of equestrian access can be found at <http://www.bhsscotland.org.uk/resources-for-developers.html>.

### Access controls

All access controls should ensure that horse riders and carriage drivers, as well as other non-motorised users, are able to exercise their legal access rights. In order to ensure this, and in accordance with national guidance, BHS expects developers and planners to ensure that:

- In keeping with best practice and the Equalities Act, the least restrictive option is used to provide access for all legitimate recreational users. This is usually a gap.
- Where it is necessary to erect or lock gates across a track to restrict illegal vehicular access, a suitable gap, bridlegate or horse stile should be maintained alongside. Guidance on appropriate widths and designs can be downloaded from the BHS Scotland website. Sites likely to be used for carriage driving should incorporate facility such as the Kent Gap design.

Further details and specifications for gaps, gates and other access infrastructure are provided in the Outdoor Access Design Guide <https://www.pathsforall.org.uk/pfa/creating-paths/outdoor-access-design-guide.html>. BHS Scotland is happy to provide further guidance and advice where required tel. 01764 656334.

### Other facilities

Incorporation within site design of areas with sufficient space for horse boxes and trailers to park, turn and unload easily will be much appreciated by horse riders and carriage drivers. Parking areas should not be close to any turbines to allow horses unfamiliar with turbines to be safely unloaded and opportunity to acclimatise. Corals, tying rails and mounting blocks are valuable additional features.



### Maintenance and safety tests

The increased noise during over-speed and similar safety tests which involve rotors being sped up to capacity can be very frightening for horses, even those which are used to turbines. BHS urges all turbine owners and wind farm operators to alert horse riders and carriage drivers in advance of and during scheduled safety tests by erection of suitably placed signs on-site, on websites etc. confirming time and date to enable those concerned about their horses' reaction to avoid the turbines at relevant times. BHS also recommends that planners make it a condition of planning permission that those responsible for turbines are obliged to notify local horse owners of scheduled test dates at least five days in advance.

## Guidance for riders and carriage drivers in responding to wind farm development proposals

### How BHS responds to development proposals

BHS is a statutory consultee for all major wind farm development proposals in Scotland. It is not generally consulted at national level regarding erection of individual turbines, or small groups of turbines for domestic or commercial use.

For each wind farm application received, BHS consults with local riders and equestrian businesses to identify:

- existing equestrian use of the proposed site (who uses the site, how and when)
- existing equestrian use of adjacent or nearby tracks or roads
- level and frequency of existing use
- how existing use might be affected by proposals
- anticipated changes in future use
- potential for increased equestrian access through site development
- how the proposed development might impact on other equestrian interests.

In some cases BHS responds direct at national level, and in others delegates responsibility to a local Equestrian Access Group or BHS regional access representative.

### Key issues to be taken into consideration in responding to development proposals

The main concerns about turbines from an equestrian perspective, which might be referred to in responding to development proposals, are summarised above.

When considering the impact of development proposals, planning authorities are likely to take account of the existing environment (i.e. what the site is like at present) and associated risks. Horse riders and carriage drivers using roads shared by motorists and other users are already in an environment characterised by noise and movement. Consequently objection to development proposals on the basis of horses being unable to cope with noise or movement is unlikely to be taken seriously. This applies to forest roads used by timber wagons as much as to public roads. Similarly objections based on increased risk of horses meeting other recreational users are unlikely to be taken into account in relation to existing multi-use paths where horses may already routinely encounter cyclists and walkers.

Bear in mind that over-exaggerating the fact that horses are inherently unpredictable flight animals may later be used in evidence against you. Planners who have read riders' comments about horses' propensity to spook every time they meet a bike or vehicle of any kind are unlikely to respond positively to future complaints about routes being developed or managed which exclude equestrian use on the grounds of safety risks to other users. Similarly wind farm developers are unlikely to be willing to consider requests for developing additional new multi-use routes through wind farms if you have already protested that you would never go within five miles of a turbine.

It's also worth avoiding the risk of throwing the baby out with the bath water. No matter how strongly opposed you may be to a proposed development, consider carefully whether it is worth commenting on how any potentially negative effects from an equestrian perspective could be minimised, or flagging up opportunities for development of valuable new equestrian facilities or routes linked to development.

### Design considerations

The location of individual turbines can have a major impact on horses' response. The following points are worth bearing in mind when considering the equestrian impacts of proposed developments:

- Horses are generally less concerned by turbines if they are able to acclimatise to the noise and sound as they approach. Turbines in close proximity to a path or track which suddenly come into view without any warning may pose more of a problem.
- Blade shadows are not a problem if the turbine is north of the track or path.

### Equestrian access

In assessing the effects of proposed development on equestrian access, BHS recommend that you take account of the following:

- Which turbines are the most critical in terms of any potential adverse impact from an equestrian perspective? Identifying which you feel are totally unacceptable, and why, will help developers tailor their proposals to minimise the adverse impacts. Take into consideration not only how close turbines are to existing tracks, but also how readily visible they are: will they suddenly come into view as you round a corner from dense forestry? How far is the closest turbine from any parking area(s), or where you would enter the site? Most horses unaccustomed to turbines are unlikely to take kindly to being unloaded where turbine blades are swooping overhead, but have no problem if they have time to acclimatise from a distance.
- How will site construction or development, particularly construction of stone access tracks, affect the nature of routes currently used for riding?
- What scope is there to make proposed tracks or access roads more useful or acceptable from an equestrian perspective?
- What alternative routes are currently available, or could be developed to avoid the turbines or to substitute for sharp stoned access roads?
- What scope is there for extension or further development of the wind farm access track network to link with other routes outwith the site?

### Submitting your comments

- Research your facts carefully. Details of the number and proximity of horses which might be affected by the proposed development, or the number currently making use of the proposed site, or a particular route, will help back up your case.
- State the basis or justification for your comments as clearly as possible.
- Work with others. Submissions that have the support of walkers and cyclists are stronger.
- Remember the significance of numbers, and that each letter counts as one objection. Letters from 10 individual members of a local riding club or riders access group will therefore have far more impact than a single letter from a group which purports to represent 50 members.
- If you decide to object, make sure you include the critical phrase "I/we object to..." within your submission, and state your reasons for objecting.
- Substantiate your comments or objections wherever possible by reference to relevant local planning policies, BHS guidance re. separation distances between turbines and riding routes etc.
- Providing a template or summary of points which you wish to encourage others to submit in response to wind farm applications can drum up more support, but planners are likely to take individual letters much more seriously than mass produced identical letters, even if individually signed.

#### Case study – Grimes Wind Farm, Cumbria

Considerable weight was attached to the potential significant adverse impact on three equestrian businesses in refusing planning permission for this wind farm. In each case, the highly volatile nature of visiting young horses and breeding mares, particularly bloodstock and those in race training, was influential in justifying the impact of turbine development. Use of bridledways by local horses which would have opportunity to become accustomed to the turbines was largely discounted as an objection.

#### Case Study - an example of refusal of planning permission

Proposals were submitted to Aberdeenshire Council for erection of two 800 kw wind turbines (hub height 55 m, total height 79 m) and associated infrastructure at Newton of Flouzie, in Banffshire. Balhagan Equestrian Services objected to the proposal on the basis of the potential impact of the proposed turbines on the riding stables, which is located approximately 500 m north of the nearest turbine. The business specialises in training and schooling of young horses as well as offering riding, stable management and a range of livery services. Balhagan commissioned an expert witness who undertook a risk assessment of the impact of the two proposed turbines on the business and its users, which concluded that the proposed turbines would have an extremely detrimental impact on any horse on or near the property, that the turbines would increase the risks to training and working horses at the stables, and to their riders, and consequently horse owners would seek other more suitable training facilities elsewhere, resulting in loss of business. BHS supported the objection on the basis that the construction of the turbine in such close proximity to the arena would force Balhagan out of business. The reporter appointed by the Scottish Ministers noted that "it would be naive to think that the proposed turbines would have no effect on the behaviour of some horses at the stables, and on adjoining roads (<100m from the turbines) well within the BHS guideline distance...(particularly given the age of the horses). Nevertheless I remain to be persuaded that the increased risk to the welfare and safety of horses or the persons handling them would be of such a scale as to lead to horse owners withdrawing their horses and taking their business elsewhere in sufficient numbers to lead to the demise of the business." Taking account of the conflicting evidence submitted by the appellant regarding livery yards operating in close proximity to turbines elsewhere in the country and to the provision of bridledways as an integral part of some wind farms where horse riding is actively encouraged and promoted, the reporter concluded "I am not in a position to be certain that the proposal would have a significant adverse impact on the viability and future of the equine business." The proposal was, however, deemed unacceptable on the grounds of landscape and visual impact, and consequently the equestrian issues were not further pursued.

If you need further advice on equestrian access in Scotland, contact your local BHS access representative (see [www.bhsscotland.org.uk](http://www.bhsscotland.org.uk) for contact details) or Helene Mauchlen, national manager for BHS Scotland Tel. 01764 656334 or email [redacted]

For guidance on equestrian access in England and Wales, contact Access and Rights of Way Department, The British Horse Society, Abbey Park, Stareton Lane, Kenilworth, Warwickshire CV8 2XZ. Telephone 02476 840581. Email [access@bhs.org.uk](mailto:access@bhs.org.uk).

VWG  
Updated March 2018

[Redacted]  
**From:** [Redacted]  
**Sent:** 16 April 2019 14:03  
**To:** [Redacted]  
**Subject:** RE: Kilgallioch Wind Farm Extension Scoping Consultation  
**Attachments:** Fig01.1 Site Location.pdf

**OUR REF; WID10959**

Dear Sir/Madam,

Thank you for your email dated 15/04/2019.

We have studied this Windfarm proposal 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.

Kind Regards,

[Redacted]  
**Fibre and Network Delivery**  
**Radio Frequency Allocation & Network Protection (BNJ112)**  
 Openreach  
 [Redacted]

PLEASE ALWAYS RESPOND TO [radionetworkprotection@bt.com](mailto:radionetworkprotection@bt.com)

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[Redacted]  
**From:** [Redacted]  
**Sent:** 20 May 2019 08:46  
**To:** [Redacted]  
**Subject:** 20190520 - Kilgallioch Wind Farm Extension - CES interests not affected - email to Scotgov

Dear [Redacted]

Thank you for your email of 15<sup>th</sup> April 2019.

I confirm that the assets of Crown Estate Scotland are not affected by this proposal and we therefore have no comments to make.

Kind regards

[Redacted]  
 [Redacted]  
**Crown Estate Scotland (Interim Management)**

[Redacted]  
[www.crownestatescotland.com](http://www.crownestatescotland.com)  
[@crownestatescot](mailto:@crownestatescot)

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[Redacted]  
 Ministry of Defence  
 Safeguarding Department  
 Kingston Road  
 Sutton Coldfield  
 West Midlands B75 7RL  
 United Kingdom

Your Reference: ECU00001837

Telephone [MOD]: [Redacted]

Our Reference: DIO10045532

E-mail: [Redacted]

[Redacted]  
 Energy Consents Unit  
 The Scottish Government

7<sup>th</sup> May 2019

Dear [Redacted]

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

Thank you for consulting the Ministry of Defence (MOD) on the above application in your communication dated 15<sup>th</sup> April 2019.

I am writing to tell you that the MOD has no objection to the proposal.

The application is for 11 turbines at 180 metres to blade tip. This has been assessed using the grid references below as submitted in the planning application or in the developers' or your pro-forma.

Turbine	Easting	Northing
1	225227	568894
2	222947	570599
3	223663	570241
4	222963	569854
5	224129	570843
6	224876	569897
7	224813	570536
8	223530	570880
9	224239	569744
10	223218	569419
11	224280	569030

In the interests of air safety, the MOD requests that the development is fitted with aviation safety lighting in accordance with Article 219 of the Air Navigation Order.

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

If planning permission is granted we would like to be advised of the following prior to commencement of construction;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

If the application is altered in any way, we must be consulted again as even the slightest change could unacceptably affect us.

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

[Redacted]  
 Assistant Safeguarding Officer

A49

A50



Edinburgh Airport  
EH12 9DN  
Scotland

W: [edinburghairport.com](http://edinburghairport.com)

██████████  
Scottish Government  
By email

06 May 2019

Dear ██████████

**Your Ref: ECU00001837**  
**Our Ref: EDI2776**

The proposed application has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.

Yours sincerely

Redacted

██████████  
Edinburgh Airport Limited  
0131 344 3359  
[safeguarding@edinburghairport.com](mailto:safeguarding@edinburghairport.com)

**From:** [REDACTED]  
**Sent:** 25 April 2019 15:07  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Kilgallioch Wind Farm Extension Scoping Consultation

Dear [REDACTED],

Thank you for your correspondence concerning the proposed Kilgallioch wind farm.

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

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

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

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

- [LINK TO ADVICE ON TERRESTRIAL WINDFARMS](#)
- [LINK TO DSFB CONTACT DETAILS](#)
- [LINK TO FISHERY TRUST CONTACT DETAILS](#)

Regards,

[REDACTED] | Dir Communications & Administration  
 Fisheries Management Scotland  
 11 Rutland Square, Edinburgh, EH1 2AS  
[www.fms.scot](http://www.fms.scot)

**From:** [REDACTED]  
**Sent:** 27 April 2019 15:27  
**To:** [REDACTED]  
**Cc:** Econsents Admin  
**Subject:** RE: Kilgallioch Wind Farm Extension Scoping Consultation

Dear [REDACTED],

Galloway Fisheries Trust (GFT) have worked on over 40 windfarm developments, mostly in Dumfries and Galloway, providing fisheries expertise to ensure local waters and their fish populations are protected. We have worked closely with ScottishPower Renewables on Arecleoch Wind Farm, Glen App Wind Farm and Kilgallioch Wind Farm. GFT employ 5 qualified Fisheries Biologists and have worked across Galloway since 1988. The core working area of GFT is the following river catchments in SW Scotland; Luce, Bladnoch, Cree, Water of Fleet, Kirkcudbrightshire Dee, River Urr and Border Esk. For more information on GFT please see our website [www.gallowayfisheriestrust.org](http://www.gallowayfisheriestrust.org)

GFT wish to respond to this scoping consultation as a significant part of the development area lies within the Bladnoch catchment, please see comments below. The GFT are scientific advisors to, and work closely with, the River Bladnoch District Salmon Fishery Board.

#### Section 4:

- GFT note reference in section 4.11 that a Habitat Restoration Plan will be written. Due to the importance of the Bladnoch SAC it would be desirable if the HRP considered possible works on the watercourses lying within the development area.

#### Section 8:

- There are a number of watercourses both within and bordering the development area. These water courses are all part of the River Bladnoch catchment. The Bladnoch and many of its tributaries are designated as a Special Area of Conservation for Atlantic salmon. The Tarf Water is designated under the SAC designation and runs along much of the west and south edge of the development. Various Tarf tributaries drain the site including the Back Burn, Ha' Hill Strand, Monandie Burn and LochStrand Burn. These water courses should be surveyed in the planned fish surveys as they may support fish species including freshwater eels, trout and salmon – these water courses may require water crossings and are close to construction works and so may suffer reduced water quality. GFT have found wild salmon in the LochStrand Burn in the past.
- GFT provided a wide range of fisheries expertise and assistance during the construction of the Kilgallioch Wind Farm. Many lessons were learned by GFT and SPR. GFT would be able to provide similar expertise for this development to ensure the protection of fish populations and their habitats, if required.
- GFT supports that updated fish surveys are required for the scoping report. GFT agree that no updated fish habitat surveys are required.
- GFT have had concerns previously with the poor quality of fisheries data that Arcus has included in some Windfarm EIA's. A recent example was Troston Windfarm where both GFT and the Nith DSFB objected due to concerns regarding the fisheries data presented in the EIA by Arcus and their consultants. Poor site selection and interpretation and a lack of local knowledge resulted in the fisheries section of the EIA not being fit for purpose. GFT are concerned that Arcus do not have the fisheries expertise and will not have the local knowledge to undertake an acceptable fisheries survey for this development. GFT request that we have the opportunity to provide comment on the proposed fish survey regarding methodology, site locations, etc.

#### Section 10

- There are significant amounts of deep peats in the proposed work area. The development should consider undertaking peatland restoration in appropriate areas to compensate for any peat damage caused by the wind farm construction. The upper Tarf Water catchment suffers from acidification which has been exacerbated by nearby extensive conifer afforestation and in particular drainage of the deep peats for both forestry and grazing improvements. This acidification has impacted on wild fish populations. The disruption



of peat soils would be expected to deteriorate water quality particularly by lowering pH. Monitoring for changes in pH needs to be carefully designed as pH levels will fluctuate depending on river flows and time of year. Thus, spot sampling may not be adequate and instead constant water quality monitoring equipment would be required. GFT request the opportunity to comment on any water quality monitoring plan as we have extensive experience monitoring acidification in Galloway.

Please contact me if you require clarification on any of the points raised above.

Regards

**[Redacted]** BSc (Hons) MSc  
*Senior Fisheries Biologist*

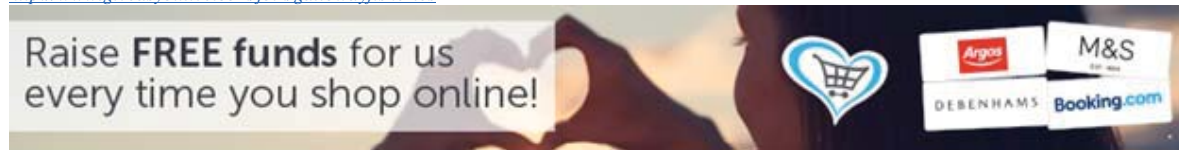
Galloway Fisheries Trust, Fisheries House, Station Industrial Estate, Newton Stewart, Wigtownshire, DG8 6ND  
Tel: 01671 403011  
A Scottish Registered Charity (No. SC 020751)

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



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



**From:** #GLA Safeguarding <GLASafeguard@glasgowairport.com>  
**Sent:** 02 May 2019 12:32  
**To:** [Redacted]  
**Subject:** RE: Kilgallioch Wind Farm Extension Scoping Consultation

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

Kind regards

[Redacted]



[Redacted]  
Safeguarding Manager  
Glasgow Airport Limited, Erskine Court, St Andrews Drive, Paisley PA3 2TJ  
[Redacted]

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**From:** [Redacted]  
**Sent:** 15 April 2019 12:01  
**Subject:** Kilgallioch Wind Farm Extension Scoping Consultation

**CAUTION:** external email. Unless you recognise the sender and know the content is safe, do not click links or open attachments.

**From:** [Redacted]  
**Sent:** 14 May 2019 11:47  
**To:** [Redacted]  
**Cc:** [Redacted]om  
**Subject:** RE: Kilgallioch Wind Farm Extension Scoping Consultation  
**Attachments:** Kilgallioch Windfarm Extension - Response to Scoping Report (Apr 2019) submitted by Glasgow Prestwick Airport Ltd - 14th May 2019.pdf

Please find attached Glasgow Prestwick Airport (GPA) Ltd consolidated response to the Scoping Report for Kilgallioch Windfarm extension.

Thank you for the short extension to fully respond.

With Kind Regards



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

[Redacted]  
 Manager Air Traffic Services  
 Glasgow Prestwick Airport Ltd.

[www.glasgowprestwick.com](http://www.glasgowprestwick.com)



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Kilgallioch Summary of Questions	
Question Number	Question
<b>6. Landscape &amp; Visual</b>	6.1 Do you have any comments on the proposed methodology? <i>GPA consider the proposed methodology as appropriate</i>
	6.2 Are you in agreement with the proposed Study Areas? <i>GPA considers the proposed Study Areas as appropriate</i>
	6.3 Are you in agreement that the assessment of the effects on landscape character receptors should focus on areas within a 10 km radius? <i>GPA makes no comment on this question</i>
	6.4 Are you in agreement with the proposal to scope out the Landscape Planning Designations where no further assessment is proposed in the LVIA as set out in Table 6.1? <i>GPA considers this appropriate</i>
	6.5 Do you have any comments or suggestions in relation to the Preliminary Representative Viewpoint Locations shown in Table 6.2 and illustrated on Figures 6.2a and b? <i>GPA makes no comment on this question</i>
	6.6 Do you have any comments on the proposed cumulative windfarm assessment? <i>GPA only comment here is in relation to aviation and potential cumulative radar display clutter from adjacent windfarms – which may have an impact on the ability of any radar mitigation technology effectively dealing with windfarms in close proximity to each other.</i>
<b>7. Archaeology</b>	7.1 Do the consultees agree with the proposed methodology and scope of assessment? <i>GPA agrees with the proposed methodology and scope of assessment</i>
	7.2 Do consultees have any information regarding current or recent archaeological work or projects being undertaken within or in the vicinity of the Development site, particularly those whose results may not yet be recorded in the Historic Environment Record? <i>GPA makes no comment on this question</i>
<b>8. Ecology</b>	8.1 Do you agree with the proposed scope of assessments? <i>GPA agree with the proposed scope of assessments</i>
	8.2 Do you agree with the proposed scope of surveys? <i>GPA agree with the proposed scope of surveys</i>
	8.3 For surveys that are proposed, do you agree with the methodologies proposed? <i>GPA agrees with the proposed methodologies</i>
	8.4 Do you have any further information that could help inform the assessment of likely significant effects from the Development? <i>GPA makes no comment on this question</i>
<b>9. Ornithology</b>	9.1 Do you agree with the proposed scope of surveys (subject to consultation with SNH and RSPB following completion of the autumn/winter survey currently underway)? <i>GPA agrees with the proposed scope of surveys</i>
	9.2 Do you agree with the proposed scope of assessments? <i>GPA agrees with the proposed scope of assessments</i>
	9.3 Do you have any further information that could help inform the assessment of likely significant effects from the Development? <i>GPA makes no comment on this question</i>
<b>10. Hydrology, Hydrogeology, Geology and Peat</b>	10.1 Do you agree with the proposed scope of assessments? <i>GPA agrees with the proposed scope of assessments</i>
	10.2 Do you agree with the proposed scope of surveys? <i>GPA agrees with the proposed scope of surveys</i>
	10.3 For surveys that are proposed, do you agree with the methodologies proposed? <i>GPA agrees with the methodologies proposed</i>

**From:** Safeguarding <Safeguarding@hial.co.uk>  
**Sent:** 04 June 2019 10:28  
**To:** [REDACTED]  
**Subject:** Econsents Admin  
 RE: Kilgallioch Wind Farm Extension Scoping Consultation

Hi [REDACTED],

Sincere apologies, we appear to have had a communication breakdown on our end of the business. I am aware that we have far exceeded the response date but please see a courtesy no objection response below.

Your Ref: ECU00001837

Dear Sir/Madam,

**PROPOSAL:** SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR KILGALLIOCH WIND FARM EXTENSION  
**LOCATION:** 12 kilometres (km) north-west of Kirkcowan in Dumfries and Galloway

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for Campbeltown Airport.

Therefore, Highlands and Islands Airports Limited would have no objections to the proposal.

Regards

**Safeguarding Team**  
**Highlands and Islands Airports Limited**  
 Head Office, Inverness Airport, Inverness IV2 7JB  
 ☎ 01667 464244 (DIRECT DIAL)  
 ✉ [safeguarding@hial.co.uk](mailto:safeguarding@hial.co.uk) 🌐 [www.hial.co.uk](http://www.hial.co.uk)

A57

	10.4 Do you have any further information that could help inform the assessment of likely significant effects from the Development? ? GPA makes no comment on this question
<b>11. Noise</b>	11.1 Do consultees agree with the aspects proposed to be scoped out of the EIA? ? GPA makes no comment on this question
	11.2 Do consultees agree with the proposed method of operational assessment? GPA agrees with the proposed method of operational assessment
<b>12. Traffic and Transport</b>	12.1 Are consultees content with the proposed methodology and scope of the traffic and transport assessment? GPA makes no comment on this question
	12.2 Are the Council/ Statutory Consultees aware of any specific access restrictions or limitations on the proposed abnormal loads route? GPA makes no comment on this question
	12.3 Are consultees content that operational traffic will not have significant effects and can be scoped out of the EIA? GPA makes no comment on this question
<b>13. Socio-Economics, Recreation and Tourism and Land-Use</b>	13.1 Do consultees agree with the proposed scope of assessment? GPA agrees with the proposed scope of assessments
	13.2 Are consultees aware of any additional sensitive economic activities in the area that would not be covered in the proposed method of assessment and that might be relevant to likely significant effects? GPA makes no comment on this question
	13.3 Are consultees aware of any key sensitive receptors that might be relevant to likely significant effects? GPA makes no comment on this question
	13.4 Are consultees aware of any additional relevant consultees? GPA makes no comment on this question
<b>14. Climate Change and Carbon Balance</b>	14.1 Are consultees content to scope out the Development's vulnerabilities and resilience to climate change? GPA makes no comment on this question
	14.2 Are consultees content with the proposed method of assessment? GPA agrees with the proposed method of assessments
<b>15. Other Issues</b>	15.1 Are consultees aware of any additional aviation stakeholders that should be taken into account? GPA Response: Glasgow Airport , or is that considered too far north and windfarm beyond 40Nm from GLA ?
	15.2 Are consultees content with the proposed methodology? GPA Response: The windfarm is within the operational range of the airports primary radar, and as such if any turbines are within line of sight of the radar, then they are likely to generate clutter on the radar displays, and as such will require to be mitigated
	15.3 Are consultees content that effects associated with turbine reflectivity, shadow flicker, air quality and human health can be scoped out? GPA makes no comment on this question
	15.4 Subject to agreement with consultees of an aviation lighting specification in line with Article 222 of the UK Air Navigation Order 2016 and the June 2017 CAA policy statement clarifying the requirements for lighting onshore wind turbines over 150 m in height; are consultees content that an aviation assessment is scoped out of the EIA? GPA Response: The windfarm is within the operational range of the airports primary radar, and as such if any turbines are within line of sight of the radar, then they are likely to generate clutter on the radar displays, and as such will require to be mitigated

**From:** JRC Windfarm Coordinations <windfarms@jrc.co.uk>  
**Sent:** 16 April 2019 16:47  
**To:** [REDACTED]  
**Subject:** Kilgallioch Wind Farm Extension Scoping Consultation [WF670449]

Dear [REDACTED],

A Windfarms Team member has replied to your coordination request, reference **WF670449** with the following response:

*Dear Sir/Madam,*

**Site Name:** Kilgallioch Extension, Balmurrie, Newton Stewart, Dumfries & Galloway

**Total 11 turbines:**

**Site Centre at NGR:** 223500 570000 (estimated)

**Development Radius:** 4.5km (estimated)

**Hub Height:** 110m (estimated) **Rotor Radius:** 70m (estimated)

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

**Scottish Power and Scotia Gas Networks**

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

*In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal. Please note that due to the large number of adjacent radio links in this vicinity, which have been taken into account, clearance is given specifically for a location within the declared grid reference (quoted above).*

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

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

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

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

*Regards*

*Wind Farm Team*

*The Joint Radio Company Limited  
Delta House  
175-177 Borough High Street  
LONDON  
SE1 1HR  
United Kingdom*

*Office: 020 7706 5199*

*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  
<http://www.jrc.co.uk/about-us>*

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

We hope this response has sufficiently answered your query.

If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email keeping the subject line intact or login to your account** for access to your coordination requests and responses.

<https://breeze.jrc.co.uk/tickets/view.php?auth=01xtmdqaabehmaaa8le5%2FMK2kJGO7Q%3D%3D>

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**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 25 April 2019 15:26  
**To:** [REDACTED]  
**Subject:** RE: Kilgallioch Wind Farm Extension Scoping Consultation (SG27931)

Hi [REDACTED]

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

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

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

Yours Faithfully



NATS Safeguarding

D: 01489 444687  
E: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



**From:** Board <board@river-nith.com>  
**Sent:** 18 May 2019 08:28  
**To:** [REDACTED]  
**Subject:** Kilgallioch Wind Farm Extension

Hi Mark

Please be advised that this wind farm development is not within the River Nith catchment.

Kind Regards

[REDACTED]  
 Director  
 Nith District Salmon Fishery Board  
 37 George Street, Dumfries, DG1 1EB  
 tel: 01387 740 043  
 mob: [REDACTED]  
 email: [board@river-nith.com](mailto:board@river-nith.com)  
 web: [www.river-nith.com](http://www.river-nith.com)

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



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RSPB Scotland

Consents Manager  
Energy Consents Unit  
The Scottish Government

16 May 2019

Dear [REDACTED]

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

Thank you for consulting RSPB Scotland on the Scoping Opinion for Kilgallioch extension. We have the following comments to make.

**Ornithological survey**

We note that updated survey work is underway (2018/19) and that this includes vantage point survey work, one breeding season and one winter bird survey (9.2.1; 9.3.2) and that based on the results so far of this work that target species have been selected (9.4.2). While we agree with the species selected we would advise that the scoping out of species is premature until the second season of breeding bird survey work has been completed (Aug 2019).

We note that hen harrier and golden plover are the most frequently recorded species through updated survey work which corresponds with survey undertaken in 2008/09 for Kilgallioch wind farm. We would advise that assessment of impact to these species is given careful consideration in the EIA for this development.

We note that it is stated that consultation will be sought with SNH and RSPB following the results of the first breeding and wintering bird survey (9.5; Table 9.2). However, we do not have this on record and are not aware of any contact being made with us at this stage.

**SPA connectivity**

We note that it is recommended that connectivity to the Glen App SPA is scoped out of this assessment due to the assessment made for Kilgallioch wind farm that no connectivity existed. Given that this development is within 10km (7km) from the SPA we would advise that the assessment for

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

Tel 01556 670 464  
Facebook: RSPBDumfriesandGalloway  
Twitter: @RSPBDandG

[rspb.org.uk](http://rspb.org.uk)



connectivity remains scoped in since the distance is within foraging range for this species (SNH guidance *Assessing Connectivity with Special Protection Areas (SPAs) Version 3 2016*)<sup>1</sup>.

**Habitat**

We note and that there are no plans to update habitat survey work since it is considered that there has been no material change to the habitat since surveys were undertaken for Kilgallioch wind farm (10.2.1 267). We would advise that the EIA clearly evidences this and that adequate baseline material on existing habitat is provided in support of the application. In addition, given the significant time lapse since the survey was undertaken in 2008/09 it is likely that changes in grazing management over this time has altered the baseline condition of habitats. This factor should be given consideration as part of the assessment of impact to habitats at this site.

We note and support the update to survey of GWDTEs around areas of proposed infrastructure (Table 10.2)

We note and agree with the planned survey to update peat condition through peat probing survey work (Table 10.2).

**Post construction monitoring results**

We would recommend that results of post-construction monitoring for the operational Kilgallioch wind farm are used to inform likely assessment of potential impact from this extension.

Yours sincerely,

Redacted

[REDACTED]  
Conservation Officer - Dumfries and Galloway  
Cc [REDACTED]

<sup>1</sup> *Raptors: Hardey, Crick, Wernham, Riley, Etheridge, Thompson 2009; Ranging behaviour of Hen Harriers breeding in Special Protection Areas in Scotland B. Arroyo, F. Leckie, A. Amar, A. McCluskie & S. Redpath Bird Study (2014) 61, 48 –55*



**From:** [Redacted]  
**Sent:** 22 May 2019 17:51  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Kilgallioch Wind Farm Extension Scoping Consultation

Hi [Redacted]

Despite our best intentions, we have insufficient capacity to complete a scoping response on this occasion. Should this proposal progress, we would be pleased to have the opportunity to look at this again at a later stage in the planning process.

Thanks again for the extension to time given and apologies for any inconvenience caused.

[Redacted] gards,  
[Redacted]

[Redacted]  
Senior Access Officer  
Scottish Rights of Way and Access Society (ScotWays)



17<sup>th</sup> April 2019

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

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

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

Dear [Redacted]

**DG8 Kirkcowan Kilgallioch Wind Farm Site At  
PLANNING APPLICATION NUMBER: ECU00001837  
OUR REFERENCE: 775899  
PROPOSAL: Wind Farm (Generating station of >50 < 100 MW Capacity )**

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

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 and would advise the following:

**Water**

- Unfortunately, according to our records there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private options.

**Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

**Drinking Water Protected Areas**

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

**Surface Water**

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

#### General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**  
**Tel: 0333 123 1223**  
**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**  
**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)



If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

██████████  
Planning Consultations Administrator

17 April 2019

██████████  
Consents Manager  
Energy Consents Unit  
Scottish Government

Dear ██████████

**Proposed Kilgallioch Wind Farm Extension, South Ayrshire**

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

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

Background Information

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

While VisitScotland understands and appreciates the importance of renewable energy, tourism is crucial to Scotland's economic and cultural well-being. It sustains a great diversity of businesses throughout the country. According to a recent independent report by Deloitte, tourism generates £12 billion for the economy and employs over 217,000 – 8.5% of the Scottish workforce. Tourism provides jobs in the private sector and stimulates the regeneration of urban and rural areas.

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

Importance of scenery to tourism

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

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

The VisitScotland Visitor Experience Survey (2015/16) confirms the basis of this argument with its ranking of the key factors influencing visitors when choosing Scotland as a holiday location. In this study, over half of visitors rated scenery and the natural environment as the main reason for visiting Scotland. Full details of the Visitor Experience Survey can be found on the organisation's corporate website, here:

Taking tourism considerations into account

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

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

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

Conclusion

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

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

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

We hope this response is helpful to you.

Yours sincerely


Redacted

  
Government & Parliamentary Affairs  
VisitScotland

Your ref:  
ECU00001837

Our ref:  
TS00538

Date:  
08/05/2019

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

[econsentsadmin@gov.scot](mailto:econsentsadmin@gov.scot)

Dear Sirs,

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

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR KILGALLIOCH WIND FARM EXTENSION**

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

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

**Proposed Development**

The proposed development is an extension to the existing Kilgallioch Windfarm which has been operational since 2017, consisting of 96 turbines with tip heights of 146.5m. The extension comprises up to 11 turbines with tip heights of up to 180m, and is located approximately 12km north-west of Kirkcowan in Dumfries and Galloway.

**Development Access**

The SR states that the most suitable route for turbine delivery and other construction traffic has yet to be decided. Potential routes have been identified which include via the A75(T) to the unclassified C22W road from near Kirkcowan, or to the north of the site via the A75(T), A714 and west along a haul road through Forestry Commission Scotland land.

We note that the first potential route identified above was used for construction of the operational Airies Wind Farm, which comprises 14 turbines with tip heights of 135 m. These are 45m smaller than the tip height proposed for the extension.

## A73

The second route identified above is the same route used for the Operational Kilgallioch Windfarm route, again with tip heights lower than the proposed extension.

### Abnormal Load Assessment

The SR states that the Environmental Impact Assessment Report (EIAR) will have a Technical Appendix comprising an Abnormal Load Route Assessment. Transport Scotland will require to be satisfied that the size of turbines proposed can negotiate the selected route and that transportation will not have any detrimental effect on structures within the trunk road route path.

The Abnormal Loads Assessment report will require to identify key pinch points on the trunk road network. Swept path analysis should be undertaken and details provided with regard to any required changes to street furniture or structures along the route.

### Assessment of Environmental Impact

The SR indicates that the assessment methodology used in the forthcoming EIAR will follow the Institute of Environmental Management and Assessment Guidelines and the thresholds identified therein. Transport Scotland is satisfied with this approach, and would add that the methods adopted to assess the likely traffic and transportation impacts on traffics flows and transportation infrastructure should comprise:

- Determination of the baseline traffic and transportation conditions, and the sensitivity of the site and existence of any receptors likely to be affected in proximity of the trunk road network;
- Review of the development proposals to determine the predicted construction and operational requirements; and
- Assessment of the significance of predicted impacts from these transport requirements, taking into account impact magnitude (before and after mitigation) and baseline environmental sensitivity.

Where significant changes in traffic are not noted for any link, no further assessment needs to be undertaken. Where environmental impacts have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by stating in the report:

- The work that has been undertaken e.g. Transportation/ Noise / Air Quality Assessments etc;
- What this has shown i.e. what impact if any has been identified; and
- Why it is not significant.

It is not necessary to include all the information gathered during the assessment of these impacts although this information should be available if requested.

### Traffic Surveys

The SR indicates that baseline traffic flow surveys were carried out on the construction access route in 2009, and that this data will be reused for the C22W unclassified road, while trunk road network data baseline traffic count data will be superseded by more recent Department for Transport (DfT) or "Highways Scotland" data.

## A74

This is considered appropriate and, indeed, Transport Scotland would not be prepared to accept the use of 10 year old traffic data in the forthcoming assessment for the trunk road network.


It is noted that any potential impact associated with the operational phase of the wind farm is to be scoped out of the EIAR. Transport Scotland considers this to be acceptable in this instance.

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

Yours faithfully

Redacted

  
Transport Scotland  
Roads Directorate

cc  – SYSTRA Ltd.

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

Our ref: FL/52-7

May 13<sup>th</sup> 2019

Dear ██████████

**KILGALLIOCH WIND FARM EXTENSION KIRKOWAN, DUMFRIES AND GALLOWAY**

Thank you for giving Marine Scotland Science (MSS) an opportunity to provide comment on freshwater and diadromous fish and fisheries in the scoping report for the proposed Kilgallioch wind farm extension.

MSS advises that the developer consults our generic scoping guidelines which provide details regarding potential impacts on fish populations associated with wind farm developments (<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>). We highlight to the developer that watercourses within the River Bladnoch catchment drain the proposed development area; the River Bladnoch is a SAC, with salmon a primary reason for this designation status. We further advise that the developer:

- carries out site characterisation surveys to assess the presence and abundance of fish species within and downstream of the proposed development area. Data collected as part of the monitoring programme for the operational Kilgallioch wind farm and/or other adjacent developments may be suitable provided these data are up to date and specific for the watercourses potentially impacted by the proposed Kilgallioch wind farm extension. Information from the site characterisation surveys



should be used by the developer to draw up appropriate site specific mitigation measures and a robust integrated water quality and fish population monitoring programme to be carried out at least 12 months before construction, during construction and for at least 12 months after construction is complete; further details on survey/monitoring requirements associated with wind farm developments can be found in our generic monitoring programme guidelines at the above web site;

- considers the potential impacts on water quality and fish populations associated with the existing acidification problems in the area e.g. the disturbance of peat which can lead to a release of organic acids into adjacent watercourses;
- considers the potential cumulative impact of adjacent wind farm developments on water quality and fish populations, particularly in the selection of suitable control sites in the proposed monitoring programme; and
- contacts the Bladnoch District Salmon Fishery Board and Galloway Fisheries Trust, if not already done so, for information regarding local fish populations.

Kind regards,

██████████

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 09 May 2019 15:11  
**To:** [REDACTED]  
**Subject:** RE: Kilgallioch Wind Farm Extension Scoping Consultation

Dear [REDACTED]

Thank you for your request for our scoping opinion. Having reviewed the location plan and the scoping report I gather that the extension to the development will not involve further tree felling and on this basis we conclude that there will be no significant impacts on trees, woodland and forests and do not have any comments to make.

Yours sincerely

[REDACTED]

[REDACTED]  
Senior Operations Manager, South Scotland Conservancy

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

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