

# Appendix 4A

# Scoping Opinion

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HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

By email: [submittoplanning@east-ayrshire.gov.uk](mailto:submittoplanning@east-ayrshire.gov.uk)

Graham Mitchell  
East Ayrshire Council  
Planning and Economic Development  
The Johnnie Walker Bond  
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Salisbury Place  
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EH9 1SH

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

Our case ID: 300026724  
Your ref: 20/0003/EIASCP  
17 March 2020

Dear Mr Mitchell

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017  
Enoch Hill Wind Farm 2  
Scoping Report

Thank you for your consultation which we received on 06 March 2020 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).

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

### **Proposed Development**

We understand that the proposed development comprises two wind turbines, located to the south of the consented Enoch Hill Wind Farm in East Ayrshire. The maximum height to tip is identified in the scoping report as 149.9m.

### **Scope of assessment**

We are content with the scope of assessment identified for our interests. We recommend that the assessment methodology makes reference to our [Managing Change guidance note on Setting](#) and the recently updated [EIA Handbook](#).

### **Further information**

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

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



HISTORIC  
ENVIRONMENT  
SCOTLAND

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ALBA

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Ruth Cameron, who can be contacted by phone on 0131 668 8657 or by email on [Ruth.Cameron@hes.scot](mailto:Ruth.Cameron@hes.scot).

Yours sincerely

**Historic Environment Scotland**

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

## Murphy, Ainsley

---

**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 16 March 2020 13:21  
**To:** submittoPlanning; Mitchell, Graham  
**Cc:** NATS Safeguarding  
**Subject:** RE: Consultation Request - 20/0003/EIASCP - Enoch Hill Windfarm, Dalmellington (WIND TURBINE) [OFFICIAL] (SG13803) OBJECTION  
**Attachments:** SG13803 TOPA Issue 2 .pdf

Dear Graham

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

Accordingly, NATS (En Route) plc **objects to the proposal**. The reasons for NATS's objection are outlined in the attached report SG13803 TOPA Issue 2.

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

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

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

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

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

Yours faithfully

  
**NATS Safeguarding**

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:** Murphy, Ainsley **On Behalf Of** Consultations  
**Sent:** 06 March 2020 14:23

**Subject:** Consultation Request - 20/0003/EIASCP - Enoch Hill Windfarm, Dalmellington (WIND TURBINE) [OFFICIAL] (SG13803)

**Importance:** High

**CLASSIFICATION:** OFFICIAL

**CLASSIFICATION:** OFFICIAL

Case Officer: Graham Mitchell (01563 558213)

**CONSULTATION  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

(as amended by The Planning etc. (Scotland) Act 2006)

**APPLICATION NO:** 20/0003/EIASCP  
**PROPOSAL:** Request for Scoping Opinion  
**ADDRESS:** Enoch Hill Windfarm B741 From Armour Wynd To U720 Dalrieket  
Dalmellington East Ayrshire

Dear Sir/Madam,

Details in respect of the above application, registered with the Council on 21st February 2020 can be accessed by selecting the link below:

<http://eplanning.east-ayrshire.gov.uk/online/applicationDetails.do?activeTab=summary&keyVal=Q67LONGF04H00>

For internal Consultees who have access to the IDOX DMS the plans and documents can also be viewed by this method. I would be grateful to receive your observations on the development proposed within 2 weeks of the date of this email. If no response is received from you within this period, i.e. by 20th March 2020, it will not be possible to take into account your comments in determination of the application.

Please submit any comments by email to [submittoplanning@east-ayrshire.gov.uk](mailto:submittoplanning@east-ayrshire.gov.uk).

Yours faithfully,  
David McDowall

**Operations Manager: - Building Standards and Development Management**

\*\*\*\*\*

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NATS means NATS (En Route) plc (company number: 4129273), NATS (Services) Ltd (company number 4129270), NATSNAV Ltd (company number: 4164590) or NATS Ltd (company number 3155567) or NATS Holdings Ltd (company number 4138218). All companies are registered in England and their registered office is at 4000 Parkway, Whiteley, Fareham, Hampshire, PO15 7FL.

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# Technical and Operational Assessment (TOPA)

For Enoch Hill 2

Wind Farm Development

NATS ref: SG13803

LPA ref: 20/0003/EIASCP

*Issue 2*

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## Publication History

Issue	Month/Year	Change Requests and summary
1	May 2019	Full Planning Application for Monquhill Wind Farm
2	March 2020	Scoping Request for Wind Farm renamed to Enoch Hill 2

## Document Use

External use: Yes

## Referenced Documents



## 1. Background

### 1.1. En-route Consultation

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

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

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

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

## 2. Scope

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

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

### 3. Application Details

East Ayrshire Council submitted a request for a NATS technical and operational assessment (TOPA) for the development at SG29517 Enoch Hill 2 Wind Farm. It will comprise turbines as detailed in table 1 and contained within an area as shown in the diagrams contained in Appendix B.

Turbine	Lat	Long	East	North	Hub (m)	Tip (m)
1	55.3312	-4.2329	258449	606402	136	149.9
2	55.3257	-4.2392	258032	605796	136	149.9

Table 1 – turbine details

### 4. Assessments Required

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

RADAR	Lat	Long	nm	km	Az (deg)	Type
GDF Radar	54.6841	-2.4509	72.8	134.9	302.9	CMB
Lowther Hill Radar	55.3778	-3.7530	16.7	30.9	260.0	CMB
Perwinnes Radar	57.2123	-2.1309	133.2	246.6	212.8	CMB
Tiree Radar	56.4556	-6.9230	113.2	209.7	125.6	CMB
Nav	Lat	Long	nm	km	Az (deg)	Type
None						
AGA	Lat	Long	nm	km	Az (deg)	Type
None						

Table 2 – Impacted Infrastructure

#### 4.1. En-route RADAR Technical Assessment

##### 4.1.1. Predicted Impact on Lowther Radar

Using the theory as described in Appendix A and turbine specific propagation profiles it has been determined that the terrain screening available will not adequately attenuate the signal for turbine 1, and therefore this turbine is likely to cause false primary plots to be generated. A reduction in the RADAR’s probability of detection, for real aircraft, is also anticipated.

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

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

Unit or role	Comment
PC ATC	Unacceptable

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

## 4.2. En-route Navigational Aid Assessment

### 4.2.1. Predicted Impact on Navigation Aids

No impact is anticipated on NATS' navigation aids.

## 4.3. En-route Radio Communication Assessment

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

No impact is anticipated on NATS' radio communications infrastructure.

## 5. Conclusions

### 5.1. En-route Consultation

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

## Appendix A – Background RADAR Theory

### Primary RADAR False Plots

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

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

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

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

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

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

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

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

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

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

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

## Secondary RADAR Reflections

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

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

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

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

## Shadowing

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

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

## Terrain and Propagation Modelling

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



## Appendix B – Diagrams



Figure 1: Proposed development location shown on an airways chart

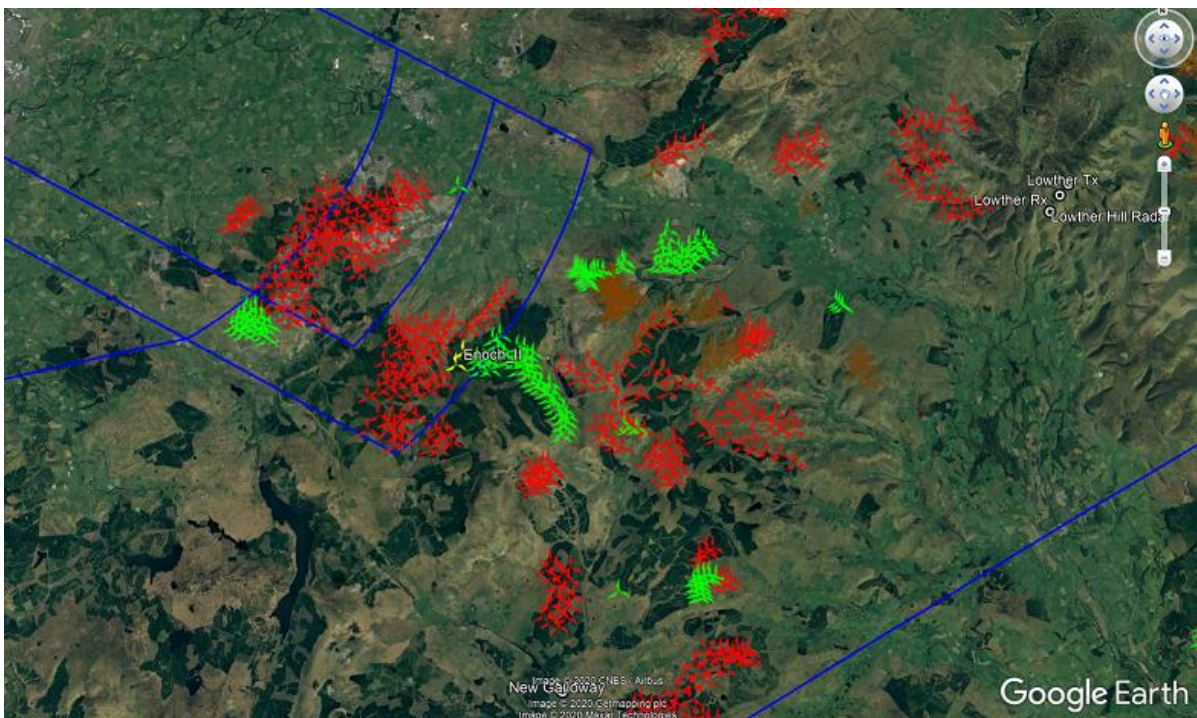


Figure 2: Proposed development shown alongside other recently assessed applications

- |  |   |   |  |
|--|---|---|--|
| <span style="color: green;">■</span> consented/built       | <span style="color: lime;">■</span> impact –accepted      | <span style="color: red;">■</span> impact –objection            | <span style="color: brown;">■</span> mitigated |
| <span style="color: orange;">■</span> mitigation –proposed | <span style="border: 1px solid black;">□</span> no impact | <span style="border: 1px solid red;">□</span> refused/withdrawn |  |

## Murphy, Ainsley

---

**From:** board@river-nith.com  
**Sent:** 09 March 2020 15:22  
**To:** Consultations  
**Subject:** Enoch Hill 2 Windfarm

20/0003/EIASCP

F.A.O. Mr David McDowall  
Operations Manager: -  
Building Standards and Development Management

Dear sir

I write in respect of the request for scoping opinion regarding the Enoch Hill 2 windfarm which our Board received on Friday 6<sup>th</sup> of March 2020.

Having read the scoping report relating to this windfarm and most specifically the ecological section there appears to have been no fisheries surveys conducted to support the proposals. Nith District Salmon Fishery Board (NDSFB) have a consistent approach to windfarm development proposals in that our Board have to have current baseline fisheries data prior to any development taking place. This information allows for us to provide mitigation measures necessary for the protection of fish known to reside in the vicinity of the windfarm prior to any development taking place. Whilst NDSFB have previously conducted fisheries surveys in relation to the Afton, Pencloe, South Kyle and other windfarm developments in the area, all of this information is now obsolete and not relevant to this latest proposal. NDSFB are aware that fish reside within the vicinity of the Enoch Hill 2 windfarm within the River Nith catchment and accordingly consider that a full fisheries audit of all watercourses draining the site be undertaken to support the protection of the aquatic environment of this proposal. These surveys are essential for our Board to enable them to fulfil their statutory duty of care to migrating salmonids and to enable developers to demonstrate their care and consideration of protected species of fish.

NDSFB would like to be kept informed about this proposal and are willing to work with the developers in securing a fish friendly project.

Kind Regards

Jim Henderson BSc (Hons), CEnv, MIFM  
Director  
Nith District Salmon Fishery Board  
37 George Street, Dumfries, DG1 1EB  
tel: 01387 740 043  
mob: 07785 300 015  
email: [board@river-nith.com](mailto:board@river-nith.com)  
web: [www.river-nith.com](http://www.river-nith.com)

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## Murphy, Ainsley

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**From:** Steve Thomson <sthomson@glasgowprestwick.com>  
**Sent:** 10 March 2020 08:08  
**To:** Consultations; Mitchell, Graham; submittoPlanning  
**Cc:** Safeguarding  
**Subject:** Glasgow Prestwick Airport - Updated response - 10th March 2020 - RE: Consultation Request - 20/0003/EIASCP - Enoch Hill Windfarm, Dalmellington (WIND TURBINE) [OFFICIAL]

Ainsley/Graham

Apologies - I have mistakenly reverted yesterday in relation to the larger development of Enoch Hill Windfarm Variation currently being consulted on by Energy Consents Unit - ref a proposed increase in top height.

On closer analysis - the Consultation below is in relation to Enoch Hill 2 - which is only 2 turbines - and a different developer (RWE in this case)

However our LOS analysis on Enoch Hill 2 Windfarm also confirms that both turbines are visibly to our Primary Radar - and consequently GPA must **object** until a suitable mitigation is agreed for the life of the Windfarm.

We remain willing to engage with the Developer in an effort to establish if mitigation can be achieved and maintained for the life of the windfarm

Apologies again for getting this development mixed up with Enoch Hill Variation (currently being consulted on through Energy Consents)

Regards

Steve



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---

**From:** Steve Thomson

**Sent:** 09 March 2020 12:38

**To:** 'Consultations' <Consultations@east-ayrshire.gov.uk>; 'Mitchell, Graham' <Graham.Mitchell@east-ayrshire.gov.uk>; 'submittoplanning@east-ayrshire.gov.uk' <submittoplanning@east-ayrshire.gov.uk>

**Cc:** Safeguarding <Safeguarding@corp.gpia.co.uk>

**Subject:** RE: Consultation Request - 20/0003/EIASCP - Enoch Hill Windfarm, Dalmellington (WIND TURBINE) [OFFICIAL]

Ainsley/Graham,

Our Line of Sight Analysis (LOS) indicates all turbines will be visible to our Primary Radar – and therefore generate unacceptable clutter on our Air Traffic Radar Displays.

GPA has been very proactive in engaging with wind farm developers and technology companies with a view to identifying and developing a possible mitigation solution to the operational risks posed by wind turbines.

That has recently resulted in the installation of a new radar at the airport, which is known as the Terma Scanter 4002.

However, the Terma Scanter will not necessarily provide mitigation for every proposed wind turbine development within GPA's airspace due to geographical considerations, capacity constraints and configuration issues.

The Terma Scanter may be able to mitigate the applicant's development but that cannot be ascertained until a Baseline Flight Trial and a Technical Feasibility Assessment has been undertaken to confirm that the radar can mitigate the clutter generated from the turbine blades.

We are in discussions with the Developer on entry into a Radar Mitigation Agreement, which provides for the technical feasibility assessment to be undertaken and for any subsequent reconfiguration works which may be required.

A mechanism to undertake a Baseline Flight Trial in the airspace above the proposed windfarm is also being discussed.

Unless and until the Radar Mitigation Agreement has been entered into and both a Baseline Flight Trial and Technical Feasibility assessment has been undertaken and confirms that the Terma Scanter 4002 can mitigate the clutter from the rotating turbine blades, GPA is required to **object** to this development on the grounds on aviation safety.

Kind regards

Steve Thomson

---

**From:** Murphy, Ainsley [<mailto:Ainsley.Murphy@east-ayrshire.gov.uk>] **On Behalf Of** Consultations

**Sent:** 06 March 2020 14:23

**Subject:** Consultation Request - 20/0003/EIASCP - Enoch Hill Windfarm, Dalmellington (WIND TURBINE) [OFFICIAL]

**Importance:** High

**CLASSIFICATION:** OFFICIAL

**CLASSIFICATION:** OFFICIAL

Case Officer: Graham Mitchell (01563 558213)

**CONSULTATION**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
(as amended by The Planning etc. (Scotland) Act 2006)

**APPLICATION NO:** 20/0003/EIASCP  
**PROPOSAL:** Request for Scoping Opinion  
**ADDRESS:** Enoch Hill Windfarm B741 From Armour Wynd To U720  
Dalricket Dalmellington East Ayrshire

Dear Sir/Madam,

Details in respect of the above application, registered with the Council on 21st February 2020 can be accessed by selecting the link below:

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I would be grateful to receive your observations on the development proposed within 2 weeks of the date of this email. If no response is received from you within this period, i.e. by 20th March 2020, it will not be possible to take into account your comments in determination of the application.

Please submit any comments by email to [submittoplanning@east-ayrshire.gov.uk](mailto:submittoplanning@east-ayrshire.gov.uk).

Yours faithfully,

David McDowall  
**Operations Manager: - Building Standards and Development Management**

\*\*\*\*\*

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## FW: Enoch Hill 2 Windfarm [OFFICIAL]

Murphy, Ainsley on behalf of Consultations

Mon 30/03/2020 10:18

To: Mitchell, Graham <Graham.Mitchell@east-ayrshire.gov.uk>;

**CLASSIFICATION: OFFICIAL**

Please see below, this consultation response has been checked into the system

---

**From:** Ed Tooth <Ed.Tooth@rspb.org.uk>  
**Sent:** 20 March 2020 11:42  
**To:** submittoplanning <submittoplanning@east-ayrshire.gov.uk>  
**Subject:** Enoch Hill 2 Windfarm

Dear Graham,

**APPLICATION NO: 20/0003/EIASCP**

**PROPOSAL: Request for Scoping Opinion**

**ADDRESS: Enoch Hill Windfarm B741 From Armour Wynd To U720 Dalricket Dalmellington East Ayrshire**

Many thanks for consulting RSPB Scotland with regards to the above-referenced scoping opinion. Providing that all ornithological surveys have been carried out as per SNH guidance, we have no comments to make regarding the ornithological chapter. Some of the data quoted does appear to be out of date, though where more recent surveys have been carried out there appears to have been little change in the ornithological interest over time. However, we reserve full judgement on the findings until we have seen the EIA.

We would also wish to see any compensatory planting for the forest lost during construction of this windfarm to be planted in a way that is sympathetic to the biodiversity of the chosen area. For this reason, we would recommend that native broadleaved trees and scots pine are used as compensatory species, and that encroachment onto valuable open habitats is avoided where possible.

Yours sincerely,

**Ed Tooth**

Conservation Officer – Scottish Lowlands and Southern Uplands

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

**Tel** 01556 670464

**Mobile** 07823 553449

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

## Let's give nature a home in Scotland



RSPB Scotland is part of the RSPB, the UK's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

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17<sup>th</sup> March 2020

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[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**KA18 Dalmellington From Enoch Hill Windfarm**  
**PLANNING APPLICATION NUMBER: 20/0003/EIASCP**  
**OUR REFERENCE: 790002**  
**PROPOSAL: Request for Scoping Opinion**

**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.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

## **Drinking Water Protected Areas**

A review of our records indicates that the proposed activity falls partly within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Carsfad supplies Lochinvar Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified without delay using the Customer Helpline number 0800 0778 778.

It is a relatively large catchment and the activity is in the upper reaches of the catchment therefore the activity is likely to be low risk.

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

We welcome that reference has been made to the Scottish Water drinking water catchment.

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

## **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



**Erin Drummond**

Erin.Drummond@scottishwater.co.uk

Graham Mitchell  
East Ayrshire Council  
Planning & Economic Development  
Opera House  
8 John Finnie Street  
Kilmarnock  
KA1 1DD

14 April 2020

By email only to: [submittoPlanning@east-ayrshire.gov.uk](mailto:submittoPlanning@east-ayrshire.gov.uk)

Dear Mr Mitchell

**The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017  
Request for Scoping Opinion  
Enoch Hill Windfarm B741 from Armour Wynd to U720 Dalricket Dalmellington East Ayrshire**

Thank you for consulting SEPA on the scoping opinion for the above development proposal by your email received on 06 March 2020. We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter.

**Advice to the planning authority**

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 (GWDTEs) 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 water abstractions including details of the proposed operating regime.
- j) Decommissioning statement.

Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix. We also provide site specific comments in the following section which can help the developer focus the scope of the assessment.

## **1. Site specific comments**

1.1 Having reviewed the Scoping Report we make the following site specific comments:

- Based on the information provided at this stage it seems unlikely that any development will take place within 250 m of a groundwater supply source; if this is the case it would be helpful if the Environmental Report provides evidence to confirm this.
- Provided watercourse crossings are designed to accommodate the 1 in 200 year event and other infrastructure is located well away from watercourses we do not foresee from current information a need for detailed information on flood risk.
- We note that that a National Vegetation Classification (NVC) survey was undertaken in 2017 and that whilst this indicated the presence of species that have some groundwater dependency an assessment of the GWDTEs based on their topography, geology and hydrogeology indicated that there are no truly groundwater dependent habitats present. We nevertheless recommend that conditions at the location of the two turbine bases, the construction compound, access track and any borrow pits are assessed for GWDTE's. Regardless of whether wetland habitats are groundwater fed, surface fed, or subsurface fed mitigation will be required to ensure hydrological connectivity post development. We recommend that that the site walked over post felling and any areas of springs or flushes identified are marked and avoided.
- We note that it is intended to submit a Peat Management Plan.
- The proposed clearfelling of the site needs to be justified. Forestry therefore needs to be scoped into the Environmental Report. Our requirements for forest removal and forest waste are set out in Section 6 of Appendix 1 (see below).

## **Regulatory advice for the applicant**

### **2. Regulatory requirements**

- 2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 2.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 2.3 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.

- 2.4 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. The detail of how this is achieved may be required through a planning condition.
- 2.5 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website or by contacting [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) or [wastepermitting@sepa.org.uk](mailto:wastepermitting@sepa.org.uk).

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

Yours sincerely

Jonathan Werritty  
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 planning application. Our [Technical flood risk guidance for stakeholders](#) outlines the information we require to be submitted as part of a Flood Risk Assessment. Please also refer to [Controlled Activities Regulations \(CAR\) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities](#).

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

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

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

- 4.1 GWDTEs are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:

- a) A map demonstrating that all GWDTEs are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTEs affected.

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

## **5. Existing groundwater abstractions**

5.1 Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:

- a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

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

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

6.1 Key holing must be used wherever possible as large scale felling can result in large amounts of waste material and in a peak release of nutrients which can affect local water quality. The supporting information should refer to the current Forest Plan if one exists and measures should comply with the Plan where possible.

6.2 Clear felling may be acceptable only in cases where planting took place on deep peat and it is proposed through a Habitat Management Plan to reinstate peat-forming habitats. The submission must include:

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



## 7. Borrow pits

- 7.1 Scottish Planning Policy states (Paragraph 243) that “Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.” The submission must provide sufficient information to address this policy statement.
- 7.2 In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 [Controlling the Environmental Effects of Surface Mineral Workings](#) (PAN 50) a Site Management Plan should be submitted in support of any application. The following information should also be submitted for each borrow pit:
- a) A map showing the location, size, depths and dimensions.
  - b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
  - c) You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.
  - d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.
  - e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.
  - f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.
  - g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.
  - h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government’s [Guidance on Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO<sub>2</sub>.
  - i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.



- j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

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

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

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

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



Scottish Natural Heritage  
Dualchas Nàdair na h-Alba  
**nature.scot**

By e-mail only to: [graham.mitchell@east-ayrshire.gov.uk](mailto:graham.mitchell@east-ayrshire.gov.uk)  
Cc: [Econsents\\_Admin@gov.scot](mailto:Econsents_Admin@gov.scot) and [Joanna.Cameron@gov.scot](mailto:Joanna.Cameron@gov.scot)

Graham Mitchell  
East Ayrshire Council  
The Johnnie Walker Bond  
15 Strand Street  
Kilmarock  
KA1 1HU

Date: 18 March 2020

Our ref: CNS/REN/WF/EA – Enoch Hill – CEA158636 – A3191772  
Your ref: 20/0003/EIASCP

Dear Mr Mitchell,

**The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017**  
**Request for Scoping Opinion regarding proposed Enoch Hill 2 Wind Farm**

Many thanks for your consultation dated 6 March 2020 requesting a scoping opinion for the above development to be situated approximately 6km south west of New Cumnock and approximately 9km east of Dalmellington, just to the north of the border with Dumfries and Galloway.

**Background**

We understand that the development being considered would comprise two wind turbines with a maximum tip height of 149.9m and associated infrastructure, with a proposed operational life of 30 years.

The red line boundary for proposed Enoch Hill 2 Wind Farm runs adjacent to the consented Enoch Hill Wind Farm with the nearest consented turbine being approximately 1km to the north west. The proposed access for Enoch Hill 2 Wind Farm would be from Afton road to the east of the site and then via an access track through Pencloe Forest.

RWE Renewables UK Developments Ltd (the applicant) have also submitted a variation application under section 36C of the Electricity Act (1089) (as amended) for the consented Enoch Hill Wind Farm to increase the tip height of all 16 turbines from 130m to up to 149.9m. All other infrastructure elements would remain unchanged and access for this proposal would be from the B741 north of the site. We understand that the proposed variation would also increase the operational period of the wind farm from 25 to 30 years.

Scottish Natural Heritage, Caspian House, 2 Mariner Court,  
Clydebank Business Park, Clydebank G81 2NR  
Tel: 0131 314 6750 [www.nature.scot](http://www.nature.scot)

Dualchas Nàdair na h-Alba, Taigh Caspian, 2 Cùirt a' Mharaiche,  
Pàirc Gnothachais Bhruach Chluaidh, Bruach Chluaidh G81 2NR  
Fòn: 0131 314 6750 [www.nature.scot](http://www.nature.scot)

## **SNH's advice on issues to include in Environmental Impact Assessment**

### **General advice**

We refer the applicant to our “general pre-application/scoping advice to developers of onshore wind farms” which can be found via

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

This provides guidance on issues that developers and their consultants should consider for wind farm developments and includes information on recommended survey methods, sources of further information and guidance and data presentation. Attention should be given to the full range of advice included in the guidance. The checklist in Annex 1 of our guidance sets out our expectations of what should be included in the ES. The guidance document will be updated over time to reflect any changes to available information and our guidance, so users should ensure they download the most up to date version before use.

### Collecting and presenting information

With regards to the ES, we recommend that the ecological chapters are split into topics, e.g. protected areas, protected species, habitats (terrestrial, freshwater) etc. The ES should include information and assessment of which activities associated with the construction and operations of the development are likely to have direct and indirect (including cumulative) significant environmental effects on the relevant natural heritage receptors, along with clear details of any mitigation. A schedule of environmental mitigation should be provided in an annex for developments with impacts on natural heritage interests. The schedule should compile all the environmental mitigation/enhancement measures into one list/table, for ease of reference.

### **Statutory designated sites**

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

The proposed development site is situated approximately 11km south west of Muirkirk and North Lowther Uplands SPA which is classified for its breeding and wintering populations of hen harrier and breeding populations of merlin, peregrine, short-eared owl and golden plover. Further information on the SPA (including the site conservation objectives) can be found on the SiteLink pages of our website: <https://sitelink.nature.scot/site/8616>

The SPA's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the “Habitats Regulations”) or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, East Ayrshire Council will be required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements -

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

To help you to do this we can advise that given the separation distance between the development site and the SPA, in line with our Guidance on Assessing Connectivity with Special Protection Areas (SPAs) (June 2016) -

[https://www.nature.scot/sites/default/files/2018-](https://www.nature.scot/sites/default/files/2018-08/Assessing%20connectivity%20with%20special%20protection%20areas.pdf)

[08/Assessing%20connectivity%20with%20special%20protection%20areas.pdf](https://www.nature.scot/sites/default/files/2018-08/Assessing%20connectivity%20with%20special%20protection%20areas.pdf) , the development would be situated out with the core foraging range for all SPA species, which is the area in which we would consider there may be connectivity between the development site and the qualifying interests of the SPA.

Therefore in our view, it is unlikely that the proposal will have a significant effect on the qualifying interests of Muirkirk and North Lowther Uplands SPA either directly or indirectly. An appropriate assessment is therefore not required and we consider that Muirkirk and North Lowther Uplands SPA can be scoped out of the EIA.

#### Muirkirk Uplands Site of Special Scientific Interest (SSSI)

Muirkirk Uplands SSSI is of national importance and also shares a similar boundary to the SPA. Its designated features comprise of ornithology interests, fossil bearing rocks and upland habitats, including blanket bog. Further information on the SSSI can be found on the SiteLink pages of our website: <https://sitelink.nature.scot/site/8166>

The proposed development is out with the boundary of the SSSI and therefore we do not consider that the ecological interests of the site will be affected by the proposal, nor do we consider the ornithological interests of the SSSI will be affected for the reasons detailed in the SPA section above. Therefore the Muirkirk Uplands SSSI can be scoped out of the EIA.

#### North Lowther Uplands Site of Special Scientific Interest (SSSI)

North Lowther Uplands SSSI is of national importance and also shares a similar boundary to the SPA. Its designated features comprise of ornithology interests, upland habitats and geological interests. Further information on the SSSI can be found on the SiteLink pages of our website: <https://sitelink.nature.scot/site/8161>

The proposed development is out with the boundary of the SSSI and therefore we do not consider that the ecological interests of the site will be affected by the proposal, nor do we consider the ornithological interests of the SSSI will be affected for the reasons detailed in the SPA section above. Therefore the North Lowther Uplands SSSI can be scoped out of the EIA.

### **Statutory Protected Species**

A number of protected species may be present and impacted by the development proposals. We advise that species surveys should have been completed no more than 18 months prior to submission of the application, to ensure that the survey results are a contemporary reflection of species activity at and around the site.

Details of species and associated legislation can be found on our website at <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species>

Full details of survey methodologies, areas surveyed and details of any limitations to survey efforts should be included within the Environmental Statement (ES).

The ES should also report the survey results including figures showing the survey areas/results with infrastructure/turbine layout overlapping, evaluate impacts predicted to arise as a result of the development proposals, assess the significance of these impacts and recommend mitigation and/or compensation measures as is necessary and appropriate.

As you are no doubt aware, the types of consultations that we comment on are set out in our *How and when to consult SNH* checklist available at:

<https://www.nature.scot/sites/default/files/2019-09/Guidance%20-%20Planning%20-%20How%20and%20when%20to%20consult%20Scottish%20Natural%20Heritage%20-%20checklist.pdf>. Recently, this has been amended to say that we will deliver our advisory role in relation to protected species through a series of standing advice notes unless there are exceptional circumstances. These standing advice notes are available at: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents>

Therefore the expectation is that SNH case officers will no longer look at protected species survey and mitigation information in EIA Reports (or other protected species surveys, including 'wider countryside' bird surveys). We are expecting applicants to read the guidance, undertake the surveys and devise mitigation proposals without reference to SNH, and for consenting authorities to then process cases using the standing advice. We are also expecting applicants and consenting authorities to flag up to us any 'exceptional circumstances' not covered by standing advice.

Therefore, based on our amended checklist, we are not able to offer advice on protected species surveys carried out for this proposal. However, if you feel that there are "exceptional circumstances" not covered by the guidance which warrant specific advice from us, please let me know.

### Wider Countryside/Nesting birds

Our advice with regards to breeding birds is that the following mitigation is required to minimise the impact of the development.

- Ground or vegetation clearance works should be undertaken out-with the main bird nesting season (March-August inclusive). If this is not possible, a suitably experienced ecologist should check the development site before work commences to determine the presence of any nesting birds. If nesting birds are found, a suitably sized buffer zone should be set up around the nest and no work within this zone should commence until the young have fledged or the nest is no longer in use. This will ensure that no nests are destroyed during the site construction works and no offences are committed under the Wildlife and Countryside Act 1981 (as amended).

If the development is not carried out in accordance with this mitigation measure, the applicant may risk committing an offence.

### **Habitats and Peat**

We recommend that habitat surveys should include:

- Phase 1 survey for all terrestrial habitats likely to be affected by the development. This should include an appropriate area beyond the footprint of the development to assess more distant effects and to inform any redesign or micrositing.
- NVC survey of habitats listed on Annex 1 of the EC Habitats Directive and UKBAP Priority Habitats, accompanied by supporting quadrat information.
- Records of any rare and scarce plant species.
- Where peat is present, peat probing at proposed locations of turbines, tracks and other infrastructure, in line with Scottish Government guidance <https://www2.gov.scot/Resource/0051/00517174.pdf> The results should be used to inform a peat slide assessment, if appropriate. We recommend early engagement with SEPA with regard to excavated peat reuse and disposal. The Carbon and Peatland map 2016 provides some context to your more detailed peat survey work – see <https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/soils/carbon-and-peatland-2016-map>

An assessment of impacts of hydrological changes (particularly related to groundwater) on habitats should also be included. Access tracks are the elements that will result in the greatest land take, habitat fragmentation and, potentially hydrological disruption. It is therefore important that the track construction methods are clearly described in the EIA Report, along with the rationale for their type and location, and all direct and indirect impacts assessed.

Survey results should be used to inform the design and layout process, so that the development avoids, where possible, fragile and priority habitats and other sensitive areas e.g. blanket bog and peat. Where this is not possible, suitable restoration and/or compensation measures should be presented in the EIA Report in the form of a draft Habitat Management Plan (HMP). HMPs should follow our guidance on “*What to consider and include in Habitat Management Plans*” available via <https://www.nature.scot/guidance-planning-development-what-consider-and-include-habitat-management-plans>

### **Landscape and Visual Impact Assessment**

We are not able to comment on the landscape and visual impacts of this proposal. We are currently providing detailed landscape and visual advice in only the highest priority circumstances, where the effects of proposals approach or surpass levels that raise issues of national interest or where they affect place-based priorities for SNH. Our advice is that this proposal does not raise landscape issues of national interest in terms of:

1. significant adverse effects on the integrity and objectives of designation of a National Scenic Area
2. significant adverse effects on Special Landscape Qualities of a National Park
3. significant adverse effects on the qualities of a Wild Land Area
4. landscape issues in the wider countryside

SNH guidance on landscape and visual impacts of wind farms can be found on our website. We would recommend that this guidance is taken into account when you consider the landscape and visual impacts of this proposal:

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

You may also find the East Ayrshire Landscape Wind Capacity Study (2018) helpful. It can be accessed at <https://www.east-ayrshire.gov.uk/Resources/PDF/L/Landscape-wind-capacity-study.pdf>

Due to the proximity of Dumfries and Galloway Council you should also refer to the *Dumfries & Galloway Wind Farm Landscape Capacity Study* (2017)

[https://www.dumgal.gov.uk/media/18596/Dumfries-and-Galloway-Wind-Farm-Land-Capacity-Study-Appendix-C/pdf/Wind\\_Energy\\_Appendix\\_C\\_Landscape\\_June\\_2017.pdf](https://www.dumgal.gov.uk/media/18596/Dumfries-and-Galloway-Wind-Farm-Land-Capacity-Study-Appendix-C/pdf/Wind_Energy_Appendix_C_Landscape_June_2017.pdf)

Should you have any queries about this letter, in the first instance, please contact me at our Clydebank office, telephone number 0131 314 6778 or e-mail [Natalie.Ward@nature.scot](mailto:Natalie.Ward@nature.scot)

Yours sincerely

[By e-mail]

Natalie Ward  
Operations Officer  
Strathclyde & Ayrshire

General Letter

**Economy and Skills**

Depute Chief Executive and Chief Financial Officer  
Alexander McPhee ACMA



Head of Planning and Economic Development: Michael Keane  
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Our Ref: 20/0003/EIASCP

Date: 02nd April 2020

Contact: Graham Mitchell  
01563 578213

Gareth Hughes  
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NE3 3AF

Dear Sir/Madam

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017: REGULATION 17 SCOPING OPINION**

Site Address: Enoch Hill 2 Wind Farm, Carsphairn Forest, South west of New Cumnock, East Ayrshire

I refer to your submission of a scoping opinion request which was received by this Planning Authority on 21st February 2020.

The purpose of this response is to provide advice and guidance to you. It has been collated from expert consultees whom the Planning Authority has consulted and includes comments directly by the Planning Authority based on its knowledge of the site and surrounding area. This enables you to consider the issues identified and address these through the EIA process and the EIA Report associated with the application for planning permission.

The Planning Authority has undertaken the relevant consultations required of it as set out by Regulation 17(4) of the above regulations and has also consulted with a number of additional consultees as appropriate. Copies of the consultation responses received are attached at Appendix 1. You should be aware that this

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consultation list is selective and as part of your ongoing consultation and iterative design process, consultation should be undertaken with other consultees as well as those consulted at this stage by the Planning Authority. Appendix 2 lists further consultees that would be useful to engage with as part of this process. Please be aware that any lack of inclusion on this list of a particular party or organisation in no way indicates that the Planning Authority considers that consultation would not be beneficial.

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

A number of consultees have not responded to their consultation request at this time. These include the Ayrshire Roads Alliance (except for the flooding section); Countryside Access Officer; West of Scotland Archaeological Service; Environmental Health; Scottish Forestry; SEPA; Transport Scotland; Scottish Power; New Cumnock Community Council; Dalmellington Community Council; Ochiltree Community Council; Netherthird and District Community Council, and the MOD (although the MOD are expected to provide a response next week which will be passed on once we receive it). If responses are subsequently received they will be forwarded to you for your consideration.

### **Non-technical summary**

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

### **Summary of Environmental Information**

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

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

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



## **Format of the EIA Report**

Two full paper copies including appendices should be provided to the Planning Authority. A number of electronic copies should also be provided including at least one copy that is split into manageable sized files for uploading to the online viewing system by the Planning Authority. These files should be clearly named thus enabling easier public interpretation, consideration and navigation. An example would be splitting the EIA Report by chapter / topic. Any confidential annex should be clearly marked and kept separate from the remainder of the EIA Report but should not contain any non-confidential information or, if it does, this should be replicated within the EIA Report.

## **Land Use Planning/Policy**

As noted within your scoping report, the East Ayrshire Local Development Plan 2017 would provide the relevant policy context for the proposed development. Further to this, the Minerals Local Development Plan, adopted in January 2020, also contains policies which would be of relevance to the assessment of this proposed development.

Details of material considerations including lists of relevant up to date guidance documentation should be detailed, where relevant, in the EIA Report.

## **Consideration of alternatives**

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

## **Baseline Information**

The Council has published a State of the Environment Report on its website:  
<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/State-of-the-Environment-Report.aspx>

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

## **EIA Assessment Methodology**

There should be a degree of flexibility adopted within the EIA Report when reporting the significance of the impacts as moderate effects can be considered as significant in terms of the EIA Regulations and would be based on the assessor's judgement.

## **Noise and Vibration**

Whilst the final turbine model is not likely to be chosen prior to the submission of the EIA Report, the noise assessment will result in noise limits being determined and any model selected would be required to comply with any set noise limits.

The inclusion of a worst case scenario of construction noise is welcomed. With regards to any cumulative operational noise assessment, you are advised to ensure that the most up to date details of appropriate nearby wind farms are taken into account (which would include operational, consented and application stage wind farms). It is expected that the cumulative noise assessment will consider the proposed larger Enoch Hill turbines associated with the variation being sought under Section 36c of the Electricity Act, on the assumption that the application for the variation and this proposed two turbine development will be in the planning system at a similar time. The appropriateness of the proposed methodologies and procedures to assess noise associated with the proposed development would need to be discussed and agreed with the Council's noise consultant, ACCON, before reaching a view as to whether they are acceptable and agreeable to the Council. I would note at this point in time that the Planning Authority would encourage the use of the lower end of the ETSU limits.

The EIA Report should take account of all existing, consented and application stage windfarms and other relevant noise sources in an assessment of cumulative noise.

## **Shadow Flicker**

Paragraph 7.1.4 of the Scoping Report notes that the nearest residential property is approximately 2.5km east of the main part of the development site. From looking at mapping it is not clear exactly where this is (or what the 'main part' of the development site is being considered as) but provided that there are no residential properties within 2.5km of the proposed turbines then it would appear reasonable that a shadow flicker assessment could be scoped out of the EIA Report.

## **Landscape and Visual**

The Planning Authority would agree that a 35km study area is appropriate for the scale of the proposed development. Whilst a 10km detailed study area is proposed "due to the limited visibility of the Proposed Development beyond this distance as illustrated in Figure 8.2," this limited visibility is only most apparent in south-easterly directions. Views arcing from west to north, particularly northerly directions indicate more potential for theoretical visibility and a detailed study area of 15-20km would be more appropriate.

The inclusion within the assessment of settlements, transport routes, core paths,

rights of way and recreational and tourist destinations is welcomed. Whilst it is noted that the Galloway Forest Dark Sky Park and Gardens and Designed Landscapes would be assessed as recreational and tourist receptors, we would still expect visualisations to accompany such assessments. It should also be noted that Gardens and Designed Landscapes, whether inventory or non-inventory are protected and development will not be supported where it will have significant adverse impacts on such sites.

A Residential Visual Amenity Study assessing individual or groups of residential properties within 2km of any turbine shall be provided.

The scoping out of the Merrick Wild Land Area is probably reasonable.

It is noted in paragraph 8.3.17 of the Scoping Report that the hill summits of Cairnsmore of Carsphairn, Blackcraig Hill and Windy Standard would be included in the assessment though some are listed Figure 8.2 as viewpoints scoped out. Visualisations from these locations should be included to assist the assessor in considering the impacts.

The Applicant will need to ensure all works and processes undertaken to gather information and subsequently compile the EIA Report are done to the most up to date legislation and guidance documents. You are advised to keep the cumulative situation under review during the preparation of the EIA Report as this is an evolving situation. In this respect, it is recommended that you make contact with relevant neighbouring local authorities to obtain up to date information on the status of wind farm development sites within their districts where relevant for any cumulative assessments. This area is under increasing cumulative pressure and the Greenburn Wind Farm application is expected to be submitted imminently so the Applicant is advised to keep abreast of that situation as it is likely to require consideration in any LVIA undertaken in associated with this proposed application.

In addition to the cumulative effects with other wind farms, the Applicant should give consideration to potential effects with other tall structures such as electricity pylons and any nearby mines or open cast sites.

Specific comments regarding Table 8.2 within the Scoping Report and the list of wind farms within 35km of the radius of the site are as follows (please note, these relate to schemes in East Ayrshire only and the Planning Authority would reiterate the earlier point made, that the Applicant should contact other local authorities directly to get an up to date status of wind farms/turbines in their areas):

C01 (Pencloe) – it is not clear if this refers to the consented scheme or the scheme currently under consideration as a S36c (although given the heights mentioned it is assumed the variation is being considered). Further Environmental Information has been received recently regarding the movement

of two turbines and this amendment will need to be taken into account when considering the landscape and visual impact assessment. The Applicant is advised to ensure the consented scheme and also the variations are taken into account within the LVIA.

C03 (Enoch Hill) – Whilst the consented scheme will need to be considered, depending on the timings of this application and the S36c for Enoch Hill, you may need to also consider the Enoch Hill variation scheme in the LVIA.

C09 (Lethans) – This has only the consented scheme listed. There is currently a new S36 Lethans Wind Farm under assessment. This scheme includes 22 turbines at varying heights of 176m, 200m and 220m. The Council took the decision not to object to this application in November 2019 and the Scottish Ministers have yet to make their decision on this application. The Applicant is advised to ensure this more recent application is also taken into account in the LVIA.

C10 (Polquhairn) – for information a PAN has been submitted for a new application at Polquhairn for 9 turbines at 126.5m in height. It is proposed that the turbines will be located in the same position as those of the consented scheme. It is expected that this application will be submitted in summer or autumn 2020 and the Applicant is advised to ensure this proposal, if submitted before the Enoch Hill 2 is, be taken into account in the LVIA as well as the consented 100m high scheme.

C11 (Glenmuckloch) – Although not in East Ayrshire, the Applicant should note the new consented height of the Glenmuckloch turbines is 149.9m to blade tip. Dumfries and Galloway Council should be contacted to seek up to date records of relevant wind farms in their area, and these will need to be included in the LVIA.

C19 (Linburn Farm) – Consent for these turbines expired before development commenced, so can be removed from consideration.

Table 8.1 of the Scoping Report lists only 9 viewpoints for consideration, with others listed to be scoped out. Where those listed to be scoped out fall within a neighbouring local authority area, that local authority will need to be contacted to seek their agreement that the viewpoint in question can be scoped out. For clarity, where Table 8.1 has listed a Photomontage would be provided, the Planning Authority would expect the visualisations to comprise of a baseline photograph, wireline and a photomontage, not one or the other. In terms of the specific viewpoints listed:

1. Core Path 667 Water of Deugh – agreed;
2. B741 South West of New Cumnock (NEW – B741 Bankglen) – agreed;
3. New Cumnock Cemetery – agreed;
4. Highpoint north of site (near Auchinross) – agreed;

5. Pathhead, New Cumnock – agreed;
6. Lochside Hotel – agreed;
7. Little Garclaugh, Upper Nith Valley – agreed;
8. Corsencon Hill – agreed;
9. Drumbrochan Road, Cumnock – agreed.

There are a list of lettered viewpoints proposed to be scoped out. The Planning Authority would agree with the list with the exception of the following:

- B. Blackcraig Hill – as the summit of this hill was listed as being assessed, a photomontage shall be provided to aid assessment of this viewpoint;
  - C. Cairnsmore of Carsphairn – as the summit of this hill was listed as being assessed, a photomontage shall be provided to aid assessment of this viewpoint;
  - I. A76 North of Auchinleck – useful to be able to have a photomontage to consider effects from this settlement;
  - K. A76 Mauchline – also useful to have a photomontage to consider the effects on this settlement;
- Windy Standard hill summit to be included for a photomontage as paragraph 8.3.17 lists it as a summit assessment location.

As the turbines would not exceed 149.9m in height, the Planning Authority agree that night time lighting impacts can be scoped out, on the basis that such visible aviation lighting would not be required.

### **Historic Environment**

It should be noted, as mentioned previously within this response, that non-inventory Gardens and Designed Landscapes are protected and developments will not be supported where they have an unacceptable impact on such designations. Both inventory and non-inventory Gardens and Designed Landscapes shall be assessed within the EIA. Historic Environment Scotland have responded to advise that they are content with the scope of assessment identified for their interests, and recommend the assessment methodology makes reference to their Managing Change guidance on setting alongside their recently updated EIA Handbook. No comments have been received from the West of Scotland Archaeological Service (WoSAS) at the time of writing this response. You are advised to discuss historic environment matters with them and take on board their recommendations for inclusion in the EIA. If any comments are subsequently received from these consultees, these will be passed on to you.

### **Ecology**

The EIA Report must state whether or not appropriately qualified environmental scientists or ecologists, independent of the wind farm operator, are to be used as Clerk or Works or in other roles during construction to provide specialist advice. Details of any ecological enhancement identified should be provided. Full details of what monitoring programmes have been / will be put in place during baseline,

construction and post-construction periods shall be detailed.

Whilst the scoping report states that there are no statutory or non-statutory designated biodiversity sites within 2km of the proposed development site, much of the main application site area (where the turbines are proposed) is designated a Local Nature Conservation Site (LNCS) as Connel Burn / Benty Cowan LNCS, whilst much of the length of Afton Road where deliveries would be transported along, and bordering the site boundary where access leaves Afton Road and travels towards Pencloe Farm, is also designated a LNCS. Afton Uplands LNCS is also located approximately 200m east of the application site. Impacts on these LNCS will need to be considered in the EIA.

The Scottish Wildlife Trust (SWT) have responded and note that the report fails to mention the overlap of the site boundary with the LNCS, and also raise concerns about impacts on the Connel Burn, though point out that the impacts on sediment loads in other watercourses will also need to be considered. SWT note that the removal of forestry on the site may allow for the reinstatement of some areas of deep peat on site.

SNH has not provided a consultation response at the time of writing, though if a response is subsequently received this will be passed on to you. You are advised to contact SNH to seek whether the proposed baseline surveys remain up to date or if new surveys will be required to inform the EIA Report.

The Nith District Salmon Fisheries Board (NDSFB) have responded and noted that no fisheries surveys have been conducted to support the proposals. They have requested that a full fisheries audit of all watercourses draining the site be undertaken. NDSFB wish to be kept informed about this proposal and are willing to work with the Applicant to discuss these matters. It is advised that fish surveys be undertaken to provide a baseline and to support the assessment of impacts on fish species which the proposed development might have, so that appropriate mitigation, if necessary, can also be detailed within the EIA Report.

## **Ornithology**

The reporting of baseline surveys and collision risk modelling along with any displacement risks and habitat loss is welcome. RSPB have responded to the scoping consultation to advise that provided all ornithological surveys are carried out in accordance with SNH guidance, they would have no comments to make regarding the ornithological chapter. RSPB note that some data appears to be out of date, though further contact with RSPB is recommended to ensure that any potential concerns over the robustness of the data set can be overcome. Confirmation therefore, from SNH and RSPB that the baseline data remains up to date should be sought and updated if necessary. Agreement should also be reached with SNH as to the acceptability of the proposed approach to cumulative assessment based on the range of each species to be assessed, given the number of other wind farms (existing, consented and proposed) throughout this

area. It is expected that consideration of the potential larger section 36c variation turbines of Enoch Hill wind farm be considered if such a variation is going to be sought.

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

With regards to any Private Water Supplies (PWS), the source, receptor and pathway taken between the two must be considered when assessing risk to such features. The catchment within which the source is located would also need to be considered as development within the catchment could have potential impacts on a PWS source despite being an appropriate distance from the proposed development itself. Therefore only if this is done and this evidences that at no point is the source, its catchment, pathway or receptor at risk from any infrastructure or construction activity associated with the proposed development would it be acceptable to scope out PWS impacts. If it is found that PWS impacts will need to be scoped in or there may be potential impacts, details of any mitigation and / or contingency measures that may be required should be provided in the EIA Report. The Council's Environmental Health Service should be contacted to gather information about potential PWS throughout this area.

Scottish Water have responded to the scoping report consultation request. They have advised that their records indicate there is no public Scottish Water, Water infrastructure within the vicinity of the proposed development, not any public Scottish Water, Waste Water infrastructure. Scottish Water also advise that the proposed development falls partly within a drinking water catchment where a Scottish Water abstraction (designated as a Drinking Water Protected Area (DWPA)) is located. Scottish Water note that reference to the fact the site falls partly within a DWPA should be made in future documentation and that any site specific risks and mitigation measures will require to be assessed in the EIA Report.

There is no indication on the plans as to location of borrow pits and these are not mentioned throughout the Scoping Report other than in paragraph 2.3.1 where they are listed as potential elements of the project description. If borrow pits are proposed, the EIA Report shall include information on the location, size and nature of these borrow pits, including details of the depth of the borrow pit floor and the borrow pit final reinstated profile. The impact of such features (including dust, blasting and impacts on water) should be appraised as part of the overall impact of the scheme. Information on the proposed depth of excavations compared to the actual topography, the proposed restoration profile, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement shall be included in the EIA Report.

The Ayrshire Roads Alliance Flooding section has commented that there is a risk of flooding along the delivery route on Afton Road at the Burnfoot Bridge (Carcow Burn) but do not raise any concerns regarding that.

Baseline site surveys should be undertaken to supplement desk studies and consultations to help form an informed baseline and subsequently better informed EIA Report. This will help to fully understand any potential contamination risks so that the siting of infrastructure is proposed in assessed and understood locations.

### **Traffic and Transport**

Early contact with the Ayrshire Roads Alliance (ARA) is advised. Any other development, not limited to wind farm development, which is likely to add to cumulative traffic volumes on the proposed delivery and access route network should be considered within the EIA Report. The EIA Report should include an outline Traffic Management Plan as a technical appendix. As with recent consents (such as Pencloe Section 36) for wind farm access via the C90 Afton Road, a condition which requires the Developer to seek the Planning Authority's written approval that their construction traffic using the Afton Road, in combination with other similar traffic associated with other nearby sites, is acceptable would be considered on any subsequent consent, if granted, for Enoch Hill 2 to minimise cumulative traffic impacts on the Afton Road.

No borrow pits are shown on any of the plans submitted with the Scoping Report although possible use of borrow pits is mentioned. The EIA Report must detail the volume of stone expected to be required for the development and detail a 'worst case scenario' of traffic volume where all stone would require to be imported from quarries off site. Should borrow pits be proposed it can also be reported what the potential impacts the use of borrow pits would have on the worst case scenario.

The EIA Report should identify potential sources of materials (e.g. stone quarries) if these are off site and consider the impacts of these routes, including on communities along those routes. Such assessment should also include cumulative impacts with other developments.

The site access details should be included as an integral part of the project and be within the application site boundary, incorporating appropriate visibility sightlines.

### **Socio-economics**

The EIA Report should address the consequences of the development for users of the countryside and its direct and indirect impacts on tourism and recreational interests and resources in the vicinity. Strategies for long term public access to the site for recreational uses during its operational phase should be considered including any options for connections to be made with surrounding land and uses. Management of public access to the site during the construction, operational and decommissioning periods of the application site should be detailed.



The EIA Report should also address the economic aspects of the project including any community benefit or other benefits accruing locally, regionally and nationally by way of jobs and investment.

### **Infrastructure and Other Issues**

Existing Infrastructure, Telecommunications and Broadcast Services: Contact should be made with all relevant service providers and operators of such infrastructure within and in close proximity to the application site to ascertain whether any of their infrastructure is likely to face potential impacts as a result of the proposed turbines or whether they are likely to cause broadcast interference on any receivers throughout the area. Mitigation shall be detailed within the EIA Report where it is found that the proposed development has the potential to impact on any such aspects.

Aviation: Continued consultation with MOD, NATS and Glasgow Prestwick Airport is advised. Glasgow Prestwick Airport have responded to the consultation request noting that the 2 proposed turbines would be visible on their Primary Radar and object until suitable mitigation is agreed. NATS have also responded during the scoping consultation undertaken by the Planning Authority and have advised that they would object to the proposed development as terrain screening would not adequately attenuate the signal for turbine 1 on Lowther Radar and false primary plots are likely to be generated. NATS have advised the impacts would be unacceptable. It would be beneficial if it can be confirmed within the EIA Report that there is a demonstrable, operational mitigation capable of overcoming any aviation impacts. The Applicant is strongly advised against submitting a planning application for the proposed development where any aviation bodies indicate they would object to the application, unless and until agreement has been reached with any relevant aviation body that a suitable technical mitigation solution is in place and can be implemented should the development be consented and subsequently constructed.

Population and Human Health: The inclusion throughout the various chapters of the EIA Report of potential impacts on population and human health is acknowledged and the proposal to include a summary table clearly identifying the potential effects (either as an appendix or separate chapter) is welcomed.

Climate: The inclusion of a Peat Slide Risk Assessment, a draft Peat Management Plan and a carbon balance calculation is welcomed. Information on how air-borne pollutants, such as dust, will be managed

Sustainable Resource Use: Contents of Scoping Report noted.

Major Accidents and Disasters: The list of proposed matters to be dealt with in the relevant section of the EIA Report is considered reasonable.

## **Forestry**

The Scoping Report suggests the main area of the development site would be clear felled to allow construction of the proposed development. It is not clear why the felling of forestry on site would not require forestry and associated felling impacts to be assessed within the EIA Report. A Forestry chapter would be expected within the EIA Report which should detail the area of trees to be felled, the species composition, potential impacts on wildlife as a result of proposed felling and details of the level of compensatory planting proposed (area and species). RSPB have commented within their consultation response that compensatory planting should be sympathetic to the biodiversity and recommend native broadleaves and scots pine be used as compensatory species. RSPB also advise against encroaching onto valuable open habitats. Details of the compensatory planting should be included within the Forestry chapter.

## **Decommissioning and Restoration**

An assessment of the likely impacts of decommissioning of the proposed development on all the environmental topics shall form part of the EIA Report, where it is judged that such works have the potential to impact on those topic areas. This is required to enable a reasonable idea as to what the impacts may be and what possible mitigation would be required to address any impacts. An estimate of the costings required for the decommissioning, restoration and aftercare of the proposed development would be required by the Council and these would be based on the observations made within the EIA Report regarding decommissioning.

The planning application and supporting EIA Report should include a programme of work, complete with outline plans and specifications for the decommissioning and reinstatement of the site. The Council would require a financial guarantee for the decommissioning, restoration and aftercare of the site and this would require to be secured via a Section 75 legal agreement. The complete removal of the development, including access tracks and all ancillary infrastructure, as part of the decommissioning and restoration process is the preferred approach of this Council unless a better alternative (taking account of all relevant environmental, social and economic issues) can otherwise be demonstrated by the Applicant.

The Council requires that applicants provide financial estimates and costings for decommissioning and restoring sites to their former condition and how such works would be financed. This could be out with the EIA Report but accompany the planning application although assumptions and costs on decommissioning are likely to be derived from the approach set out within the EIA Report. The Council will arrange an independent assessment of the financial estimates as part of the application assessment and the Planning Authority would seek to agree that such decommissioning, restoration and aftercare costs shall be secured via a Section 75 legal agreement.

## **Planning Monitoring Officer**

The Council promotes the use of a Planning Monitoring Officer (PMO) on all large infrastructure developments. The PMO is appointed by the Council to assist in the assessment of detailed environmental planning conditions and to monitor and report on the construction works. The Council asks that developers fund the cost of the PMO and that this is secured by a Section 75 legal agreement. The benefits of the PMO use include quicker and more robust discharge of planning conditions, communities can have better certainty that proper monitoring is taking place and the developer is doing what they said they would do, and ultimately it provides an independent overview that can be relied upon during the construction phase and afterwards by the Council and the developer.

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

## **Closing Comments**

The Applicant is advised to ensure that all the requirements of the up to date regulations are complied with in undertaking the EIA and subsequent compilation and submission of the EIA Report. The Applicant is advised to contact all relevant consultees, particularly where they have not provided a consultation response to this Scoping Report, to seek their views/input into the various chapters to ensure any matters raised are adequately dealt with or any baseline data remains up to date and relevant for use in compiling the EIA Report. Whilst Dumfries and Galloway Council responded to advise that they would not be providing a formal response to the consultation, the Applicant is still advised to contact them regarding the status and details of any relevant wind farms within their authority area.

Yours faithfully

Graham Mitchell  
**Senior Planning Officer**

Appendix 1 –

Copies of consultations sent separately to this response.

Appendix 2 –

The Ayrshire Roads Alliance;

Countryside Access Officer;

West of Scotland Archaeological Service;

Environmental Health;

Scottish Forestry;

SEPA;

Transport Scotland;

Scottish Power;

BT and other telecommunication providers;

Scottish Gas Network;

New Cumnock Community Council;

Dalmellington Community Council;

Ochiltree Community Council, and

Netherthird and District Community Council

## Murphy, Ainsley

---

**From:** [REDACTED]  
**Sent:** 09 March 2020 15:22  
**To:** Consultations  
**Subject:** Enoch Hill 2 Windfarm

20/0003/EIASCP

F.A.O. Mr David McDowall  
Operations Manager: -  
Building Standards and Development Management

Dear sir

I write in respect of the request for scoping opinion regarding the Enoch Hill 2 windfarm which our Board received on Friday 6<sup>th</sup> of March 2020.

Having read the scoping report relating to this windfarm and most specifically the ecological section there appears to have been no fisheries surveys conducted to support the proposals. Nith District Salmon Fishery Board (NDSFB) have a consistent approach to windfarm development proposals in that our Board have to have current baseline fisheries data prior to any development taking place. This information allows for us to provide mitigation measures necessary for the protection of fish known to reside in the vicinity of the windfarm prior to any development taking place. Whilst NDSFB have previously conducted fisheries surveys in relation to the Afton, Pencloe, South Kyle and other windfarm developments in the area, all of this information is now obsolete and not relevant to this latest proposal. NDSFB are aware that fish reside within the vicinity of the Enoch Hill 2 windfarm within the River Nith catchment and accordingly consider that a full fisheries audit of all watercourses draining the site be undertaken to support the protection of the aquatic environment of this proposal. These surveys are essential for our Board to enable them to fulfil their statutory duty of care to migrating salmonids and to enable developers to demonstrate their care and consideration of protected species of fish.

NDSFB would like to be kept informed about this proposal and are willing to work with the developers in securing a fish friendly project.

Kind Regards

Jim Henderson BSc (Hons), CEnv, MIFM  
Director  
Nith District Salmon Fishery Board  
37 George Street, Dumfries, DG1 1EB

[REDACTED]  
web: [www.river-nith.com](http://www.river-nith.com)

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Please consider the environment before printing this e-mail



Graham Mitchell  
East Ayrshire Council  
The Johnnie Walker Bond  
15 Strand Street  
Kilmarnock  
KA1 1HU

Your ref:  
20/0003/EIASCP

Our ref:  
TS00538

Date:  
09/03/2020

[REDACTED]

Dear Sirs,

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
(SCOTLAND) REGULATIONS 2017**

**ENOCH HILL WINDFARM, B741 FROM ARMOUR WYND TO U720 DALRICKET,  
DALMELLINGTON**

With reference to your recent correspondence on the above development, I wish to inform you that from 1<sup>st</sup> October 2015, planning authorities are no longer required to consult with Scottish Ministers on EIA development.

Historic Scotland has merged with Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) to form Historic Environment Scotland (HES). HES is named as both a statutory consultee in the planning system and as a consultation body for Environmental Impact Assessment (EIA) purposes. Planning authorities are required to make their own arrangements for consulting HES directly on EIA development. Further information on these wider changes can be found in Historic Environment Circular 1.

In light of the above changes, the Scottish Government has taken the opportunity to streamline EIA consultation arrangements such that Transport Scotland will no longer respond to EIA consultations in a statutory capacity. Planning Authorities must, however, continue to consult Transport Scotland on applications where required by Regulation 25 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. These consultations should be sent to Transport Scotland's Development Management Team.

It should be stressed that this response relates only to the EIA consultation and Transport Scotland will respond separately to the planning application for this development by means of a TRNPA2 in due course.

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 myself on 0141 272 7386.

Yours faithfully



**John McDonald**

**Transport Scotland  
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

The Lodge  
Dean Castle Country Park  
Kilmarnock  
KA3 1XB  
T: 01563 554756  
E: [neil.mclauchlan@eastayrshireleisure.com](mailto:neil.mclauchlan@eastayrshireleisure.com)



## **CONSULTATION**

**Town and Country Planning (Scotland) Act 1997**  
(as amended by The Planning etc. (Scotland) Act 2006)

**APPLICATION NO:** 20/0003/EIASCP

**PROPOSAL:** Request for Scoping Opinion.

**ADDRESS:** Enoch Hill 2 Wind Farm, Carsphairn Forest, South West Of New Cumnock, Ayrshire.

**CONSULTATION:** Comments of the Green Infrastructure Development Officer, East Ayrshire Leisure.

### **1.0 COMMENTS ON SCOPING REPORT**

#### **2.1 OUTDOOR ACCESS MANAGEMENT PLAN**

It is noted that the management of public access is not mentioned within the scoping report, nor has an Outdoor Access Management Plan been submitted.

### **2.0 RECOMMENDATIONS**

- I. It is recommended that an Outdoor Access Management Plan is produced and submitted as part of the EIA. This must be a robust document that provides details such as proposed alternative public access provision during the construction and decommission phases, as well as proposed access opportunities that will be provided during the operational phase, including technical specifications. A signage plan for each phase, and a path maintenance and monitoring schedule should also be included.

**Neil McLauchlan**  
**Green Infrastructure Development Officer**  
**East Ayrshire Leisure**  
**2<sup>nd</sup> April 2020**





**Defence  
Infrastructure  
Organisation**

Jill Roberts  
Assistant Safeguarding Manager  
Ministry of Defence  
Safeguarding Department  
Kingston Road  
Sutton Coldfield  
West Midlands B75 7RL  
United Kingdom

Telephone [MOD]: 07929056607

E-mail: [Jillian.roberts156@mod.gov.uk](mailto:Jillian.roberts156@mod.gov.uk)

Mr Graham Mitchell  
East Ayrshire Council  
Planning & Economic Development  
Johnnie Walker Bond  
15 Strand Street  
Ayrshire  
KA11HU

2 April 2020

Dear Graham

**Please quote in any correspondence: DIO10047648**

**Site Name: Enoch 11**

**Proposal: Erection of 2 wind turbines**

**Planning Application Number: 20/003/EIASCP**

**Site Address: Enoch Hill Windfarm B741 From Armour Wynd To U720 Dalricket Dalmellington East Ayrshire**

Thank you for consulting the Ministry of Defence (MOD) on the above Scoping Opinion in your communication dated 6 March 2020.

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

The application is for 2 turbines at 149.9 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	258449	606402
2	258032	605796

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

**Military Low Flying Training**

The airspace over the UK land mass is used to provide the UK Military Low Flying System to deliver essential military low flying training. The proposed development will occupy Low Flying Area TTA 20T within which military fixed wing aircraft are permitted to fly down to 250 feet (76.2 metres) above terrain features.

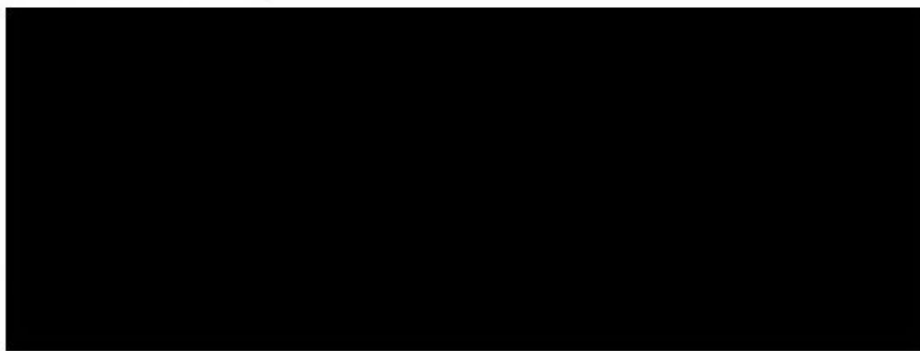
The development proposed will cause a potential obstruction hazard to these military low flying training activities. To address this impact, it would be necessary for the development to be fitted with MOD accredited 25 candela omni-directional red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration or equivalent infrared lighting on individual turbines.

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

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

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

Yours sincerely



Jill Roberts  
Assistant Safeguarding Manager



Your Ref:

Our Ref: 20/0407/CNA

Date: 19 March 2020

Graham Mitchell  
East Ayrshire Council  
Opera House  
8 John Finnie Street  
Kilmarnock  
KA1 1DD

**Dumfries & Galloway Council**  
**Economy and Resources**  
Development Management  
Kirkbank  
English Street  
Dumfries  
DG1 2HS

Any enquiries please contact  
**Case Officer:** Chris McTeir  
**Direct Line:** 01387 260830  
**Mobile:** 07919 300801  
**Email:** [chris.mcteir@dumgal.gov.uk](mailto:chris.mcteir@dumgal.gov.uk)  
**Website:** [www.dumgal.gov.uk/planning](http://www.dumgal.gov.uk/planning)

**Town and Country Planning (Scotland) Act 1997**  
**Town and Country Planning (Development Management Procedure) (Scotland)**  
**Regulations 2013**

**PROPOSAL:** CONSULTATION FROM EAST AYRSHIRE COUNCIL FOR SCOPING OPINION ON ERECTION OF 2 WIND TURBINES (MAXIMUM TIP HEIGHT OF 149.9 METRES), ANEMOMETER MAST, SUBSTATION, FORMATION OF ACCESS TRACKS, TEMPORARY CONSTRUCTION COMPOUND AND ASSOCIATED WORKS

**LOCATION:** Enoch Hill 2 Windfarm , B741 From Armour Wynd To U720 Dalricket , Dalmellington , East Ayrshire

Dear Mr Mitchell

I refer the consultation request relating to the erection of two wind turbines at the above location, received by Dumfries and Galloway Council on 6 March 2020.

At this time, owing to its location outwith the Council's administrative area, the Council will not be providing a formal response.

Should you require any further information please contact Chris McTeir on the above number.

Yours faithfully,

**Steve Rogers**  
Head of Economy and Development

## Mitchell, Graham

---

**From:** Bruce Philp <brucephilp47@gmail.com>  
**Sent:** 10 March 2020 21:01  
**To:** Mitchell, Graham  
**Subject:** Enoch Hill Scoping Report

The Scottish Wildlife Trust would like to raise the following issues regarding the Scoping Report. The Report fails to note that the proposed site overlaps with the Connel Burn/Benty Cowan Local Nature Conservation Site. This is in the area around Strandlud Hill and towards the Craig of Bahoun. There is no information on where the turbines will be placed so at this stage it is unclear what, if any, impact there will be to the wildlife on the site. Further surveys should be carried out to assess any likely impact in particular on any of the very steep ledges and crags where there may be some interesting plants.

The Scottish Wildlife Trust are also concerned about impacts on the Connel Burn in particular as it flows into the Trust's Knockshinnoch Reserve but the impact on sediment loads in the other watercourses would also need to be considered.

The SWT recognise that the majority of the area is currently under forestry and likely to be of little wildlife interest but there may be the opportunity to reinstate some of the areas of deep peat when the trees are removed.

Bruce Philp  
for Scottish Wildlife Trust