Technical Appendix 1.1: Planning and Legislative Framework

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1.1.1 Introduction

1.1.1.1 This Technical Appendix of the Environmental Impact Assessment (EIA) Report (EIAR) describes the legislative and policy background relevant to the Proposed Development. Reference is made to energy and planning policy at a national and local level and a summary of the relevant provisions that have been taken into account in the preparation of the EIAR is provided.

1.1.1.2 This Technical Appendix does not include an assessment of the Proposed Development against planning policy; a separate Planning Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal.

1.1.1.3 Planning Policy inputs to the EIAR are provided by David Bell, Director, and Deirdre Thom, Senior Associate, David Bell Planning Limited. David has over 35 years' experience of planning and development practice in the private sector, advising on a range of developments in the UK and overseas. David is a recognised leading expert in energy planning specialising in onshore wind, solar developments and electricity infrastructure. He frequently acts in the capacity of expert witness in Public Inquiries/Examination. David's experience covers practice in Scotland, England and Wales. He has extensive experience of onshore and offshore wind and solar projects throughout the UK.

1.1.2 The Statutory Framework

The Electricity Act 1989

1.1.2.1 The Proposed Development would have an installed capacity of greater than (>) 50 Megawatts (MW). In Scotland, onshore renewable energy developments that have capacity to generate > 50 MW require consent from the Scottish Ministers under the Electricity Act 1989[1] (the Electricity Act). In such cases the Planning Authority is a statutory consultee in the development management process and procedures.

1.1.2.2 The provisions of Schedule 9 of the Electricity Act are relevant to the determination of the Proposed Development. Scottish Ministers are obliged to consider the matters set out under Schedule 9 Sub paragraph 3(2) and to consider whether reasonable mitigation has been applied.

1.1.2.3 Schedule 9, paragraph 3(1) requires that, when bringing forward proposals, such as the Proposed Development, a holder of a Generation Licence, or a person holding an exemption from holding a Licence:

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

1.1.2.4 In this case the Applicant has as yet no Licence, nor an exemption from the requirement to hold one, as such the matters referred to in Schedule 9 sub-paragraph 3(1)(a) and (b) of the Electricity Act do not apply to the Applicant, but the information in the EIAR provides the Scottish Ministers with the information required to enable them to discharge their duties under paragraph 3(2).

1.1.2.5 Schedule 9, paragraph 3(2) requires the Scottish Ministers, when considering applications for consents, to have regard to the matters set out in paragraph 3(1) (a) and the extent to which the developer has complied with the paragraph 3(1)(b) duty.

1.1.2.6 At sub-paragraph 3(3), the Scottish Ministers [are required to…]:

"Avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters".

1.1.2.7 The provisions of Schedule 9 of the Electricity Act have been addressed through the EIA process.

The Town and Country Planning (Scotland) Act 1997

1.1.2.8 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (as amended) (the 1997 Act)[2].

1.1.2.9 Section 57(2) of the 1997 Act provides:

"On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction".

1.1.2.10 Section 25 of the 1997 Act states that:

"Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise".

1.1.2.11 Section 57(2) of the 1997 Act makes no reference to the provisions of section 25, which requires regard to be had to the provisions of the Development Plan. The Courts have confirmed that section 57(3) does not apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2).

1.1.2.12 The Scottish Ministers will have regard to the statutory duties in Schedule 9 of the Electricity Act, so far as relevant, and any other relevant material considerations, one of which will be relevant aspects of the statutory Development Plan.

1.1.3 Renewable Energy Legislation and Policy

1.1.3.1 In recent years, United Kingdom (UK) and Scottish Government policies have focussed increasingly on concerns about climate change. Each tier of Government has developed targets, policies and actions to deal with the climate crisis and generate more renewable energy.

1.1.3.2 The UK Government retains responsibility for the overall direction of energy policy, although some elements are devolved to the Scottish Government. The UK Government has published a series of policy documents setting out how targets can be achieved. Onshore wind generation, located in Scotland, is identified as an important technology to achieve these various goals.

1.1.3.3 The Scottish Government has published a number of policy documents and its own targets. The most relevant policy, legislation and statements published by the Scottish Government and from the Climate Change Committee (CCC) include:

- The Climate Change (Scotland) Act 2009[3];

[1] Available at: https://www.legislation.gov.uk/ukpga/1989/29/contents
[2] Available at: https://www.legislation.gov.uk/ukpga/1997/8/contents
[3] Available at: https://www.legislation.gov.uk/asp/2009/12/contents

- The Scottish Energy Strategy: The Future of Energy in Scotland (December 2017)[4];
- The Scottish Government's declaration of a Climate Emergency (April 2019)[5];
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019[6] and the legally binding net zero target for 2045;
- The Onshore Wind: Policy Statement (December 2022)[7];
- The Draft Energy Strategy and Just Transition Plan (January 2023)[8];
- The Onshore Wind Sector Deal for Scotland (September 2023)[9];
- CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (March 2024)[10];
- The Climate Change (Emission Reduction Targets) (Scotland) Act 2024[11];
- The Green Industrial Strategy (2024)[12]; and
- CCC, Scotland's Carbon Budgets (2025)[13].

1.1.3.4 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and at section A1(1) requires that "*The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the "net-zero emissions target")*". The target year is 2045.

1.1.3.5 The Climate Change (Emission Reduction Targets) (Scotland) Act 2024 repeals the annual and interim emissions reduction target framework that was established under the 2009 Act and establishes a carbon budget approach to target setting, with budgets to be set through secondary legislation using the latest advice from the CCC to replace the concept of statutory annual and interim targets. This revised approach was forced due to the emissions reductions targets not being met and serves to strengthen Scotland's climate change targets. Renewable energy projects, such as the Proposed Development, play a key role in supporting the decarbonisation of the energy sector and reaching the targets set out. The 2024 Act also makes provision for a new Climate Change Plan to be published which will reflect the carbon budgets.

1.1.3.6 The Proposed Development relates to the generation of electricity from renewable energy sources and comes as a direct response to national planning and energy policy objectives.

1.1.3.7 The Proposed Development would make a significant contribution to the attainment of emissions reduction, renewable energy and electricity targets at both the Scottish and UK levels. Detailed reference to the renewable energy policy framework is provided in the Planning Statement.

1.1.4 Planning Policy Framework

National Planning Framework

Introduction

1.1.4.1 National Planning Framework 4 (NPF4)[14] was approved by the Scottish Parliament and was adopted by the Scottish Ministers on 13 February 2023. The scope of content for the NPF is set out in Section 3A of the 1997 Act.

1.1.4.2 Section 13 of the Planning Scotland Act 2019[15] amends Section 24 of the 1997 Act regarding the meaning of the statutory development plan, such that for the purposes of the 1997 Act, the development plan for an area is taken to consist of the provisions of:

- The National Planning Framework; and
- Any Local Development Plan (LDP).

1.1.4.3 Therefore, NPF4 now forms part of the statutory development plan. A key provision of the 2019 Act is that in the event of any incompatibility between the provisions of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. This will include where a LDP is silent on an issue that is now provided for in NPF4.

1.1.4.4 Section 13 of the 2019 Act amends Section 24 of the 1997 Act to provide that:

"In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail".

The National Spatial Strategy

1.1.4.5 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to Part 1 – A National Spatial Strategy for Scotland 2045 states (page 3):

"The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change."

1.1.4.6 The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework.

1.1.4.7 The Spatial Strategy is aimed at supporting the delivery of:

- 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
- 'Liveable Places': "where we can all live better, healthier lives"; and
- 'Productive Places': "where we have a greener, fairer and more inclusive wellbeing economy".

1.1.4.8 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, inter alia:

"Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030… Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment."

1.1.4.9 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:

"Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.

[4] Available at: https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/
[5] Available at: https://www.gov.scot/publications/global-climate-emergency-scotlands-response-climate-change-secretary-roseanna-cunninghams-statement/
[6] Available at: https://www.legislation.gov.uk/asp/2019/15
[7] Available at: https://www.gov.scot/publications/onshore-wind-policy-statement-2022/
[8] Available at: https://www.gov.scot/publications/draft-energy-strategy-transition-plan/
[9] Available at: https://www.gov.scot/publications/onshore-wind-sector-deal-scotland/
[10] Available at: https://www.theccc.org.uk/publication/progress-in-reducing-emissions-in-scotland-2023-report-to-parliament/
[11] Available at: https://www.legislation.gov.uk/asp/2024/15
[12] Available at: https://www.gov.scot/publications/green-industrial-strategy/
[13] Available at: https://www.theccc.org.uk/publication/scotlands-carbon-budgets/
[14] Available at: https://www.gov.scot/publications/national-planning-framework-4/
[15] Available at: https://www.legislation.gov.uk/asp/2019/13/contents

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."

1.1.4.10 NPF4 identifies Regional Spatial Priorities for each of the regions in Scotland. The Proposed Development is located within the 'South' region. One of the priorities is to *"Protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration…"*. The region will also support a number of national developments as part of the spatial strategy for the region, including strategic renewable electricity generation and transmission infrastructure.

1.1.4.11 Six National Developments support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'. A summary description of this National Development is provided at page 7 of NPF4 as follows:

"Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply".

1.1.4.12 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:

"The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment."

1.1.4.13 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the National Spatial Strategy. The statement also recognises that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

National Developments

1.1.4.14 NPF4 sets the approach to planning and development to help achieve a net zero, sustainable Scotland by 2045. It continues the planning policy approach of identifying 'national developments' which refers to the allocation of national development status to certain classes of development.

1.1.4.15 Page 97 of NPF4 sets out that 18 national developments (NDs) have been identified. These are described as: "*significant developments of national importance that will help to deliver the spatial strategy … National development status does not grant planning permission for the development and all relevant consents are required*".

1.1.4.16 It adds that:

"Their designation means that the principle of development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors… In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies".

1.1.4.17 Annex B of NPF4 sets out the various NDs and the related Statements of Need. It states (page 99) that:

"The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes".

1.1.4.18 Page 103 of NPF4 describes ND3 and it states:

"This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."

1.1.4.19 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas."

1.1.4.20 Page 103 further sets out the classes of development which are considered national development. Development within the category of ND3 'Strategic Renewable Electricity Generation and Transmission' within one or more of the Classes of Development described and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009[16]', is designated a national development. The Proposed Development would fall within the following class of development:

"a) On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;".

The National Planning Polices

1.1.4.21 The national planning policies relevant to the Project are:

- Policy 1 Tackling the climate and nature crises;
- Policy 3 Biodiversity;
- Policy 4 Natural Places;
- Policy 5 Soils;
- Policy 6 Forestry, Woodland and Trees;
- Policy 7 Historic Assets and Places;
- Policy 11 Energy; and
- Policy 22 Flood risk and Water Management.

POLICY 1 (TACKLING THE CLIMATE AND NATURE CRISES)

1.1.4.22 Policy 1 states that:

"When considering all development proposals significant weight will be given to the global climate and nature crises".

[16] Available at: https://www.legislation.gov.uk/ssi/2009/51/contents/made

POLICY 3 (BIODIVERSITY)

1.1.4.23 Policy 3 seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks with an outcome of ensuring biodiversity is enhanced and better connected. Policy 3 states:

"LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;

ii. wherever feasible, nature-based solutions have been integrated and made best use of;

iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;

iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and

v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration".

POLICY 4 (NATURAL PLACES)

1.1.4.24 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions and states:

"LDPs will identify and protect locally, regionally, nationally and internationally important natural assets, on land and along coasts. The spatial strategy should safeguard them and take into account the objectives and level of their protected status in allocating land for development. Spatial strategies should also better connect nature rich areas by establishing and growing nature networks to help protect and restore the biodiversity, ecosystems and natural processes in their area.

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

i. The objectives of designation and the overall integrity of the areas will not be compromised; or

ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

i. will support meeting renewable energy targets; or,

ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration".

POLICY 5 (SOILS)

1.1.4.25 Policy 5 'Soils' seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development and states:

"LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use.

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;

iii. Small-scale development directly linked to a rural business, farm or croft;

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:

i. the extracted peat is supporting the Scottish whisky industry;

ii. there is no reasonable substitute;

iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of peat of at least 1 metre across the whole site, including drainage features;

iv. the time period for extraction is the minimum necessary; and

v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration".

POLICY 6 (FORESTRY, WOODLAND AND TREES)

1.1.4.26 Policy 6 seeks to protect and expand forests, woodland and trees and states:

"LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

vi. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

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

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

POLICY 7 (HISTORIC ASSETS AND PLACES)

1.1.4.27 Policy 7 has a stated intent to protect and enhance historic assets and places. It states:

"a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records".

"d) Development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced.

Relevant considerations include the:

i. architectural and historic character of the area;

ii. existing density, built form and layout; and

iii. context and siting, quality of design and suitable materials.

h) Development proposals affecting scheduled monuments will only be supported where:

i. direct impacts on the scheduled monument are avoided;

ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or

iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting."

"l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved."

"o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures".

POLICY 11 (ENERGY)

1.1.4.28 Policy 11 has a stated intent:

"To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)".

1.1.4.29 The desired outcome of this policy is stated as an "*Expansion of renewable, low carbon and zero emissions technologies*".

1.1.4.30 LDPs are directed to seek to realise their area's full potential for electricity and heat from renewable, low carbon and zero emissions sources by identifying a range of opportunities for energy development.

1.1.4.31 Policy 11 'Energy' states:

"a) Development proposals for all forms of renewable, low carbon and zero emissions technologies will be supported. These include:

i. Wind farms including repowering, extending, expanding and extending the life of existing wind farms.

ii. Enabling works, such as grid transmission and distribution infrastructure;

iii. Energy storage, such as battery storage and pumped storage hydro;

iv. Small scale renewable energy generation technology;

v. Solar arrays;

vi. Proposals associated with negative emissions technologies and carbon capture; and

vii. Proposals including co-location of these technologies.

b) Development proposals for wind farms in National Park and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) in addition, project design and mitigation will demonstrate how the following impacts are addressed:

i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;

ii. significant landscape and visual impacts, recognising that some impacts are to be expected from some forms of renewable energy. Where impacts are localised and /or appropriate design mitigation has been applied, they will generally be considered to be acceptable.

iii. public access, including impact on long distance walking and cycling routes and scenic routes;

iv. impacts on aviation and defence interests including seismological recording;

v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;

vi. impacts on road traffic and on adjacent trunk roads, including during construction;

vii. impacts on historic environment;

vii effects on hydrology, the water environment and flood risk;

ix biodiversity including impacts on birds;

x impacts on trees, woods and forests;

xi proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

xii the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

xiii cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity".

POLICY 22 (FLOOD RISK AND WATER MANAGEMENT)

1.1.4.32 Policy 22 has a stated intent to strengthen resilience to flood risk by promoting avoidance as a first principle. The policy states:

"a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

i. essential infrastructure where the location is required for operational reasons;

ii. water compatible uses;

iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.

iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- *all risks of flooding are understood and addressed;*
- *there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;*
- *the development remains safe and operational during floods;*
- *flood resistant and resilient materials and construction methods are used; and*
- *future adaptations can be made to accommodate the effects of climate change.*

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and

that the proposal does not create an island of development and that safe access / egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will: i. not increase the risk of surface water flooding to others, or itself be at risk. ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing bluegreen infrastructure. All proposals should presume no surface water connection to the combined sewer; iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported".

National Planning Guidance

1.1.4.33 As of the 8 of December 2025, a number of national Planning Advice Notes (PANs) have been withdrawn[17] by the Scottish Government from the planning system. It is the position of the Scottish Government that planning advice and guidance is not intended to remain in place in perpetuity and given the age of most of the documents, it is expected that good practice should by now be established practice. Best practice for each technical discipline has been identified, applied and set out with the EIAR as appropriate.

1.1.4.34 Those relevant PANs that have not been withdrawn are summarised in **Table 1.1.1**.

Table 1.1.1: Relevant PANS

Title	Summary of Content
PAN 1/2013 Environmental Impact Assessment (as amended)	Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management.
PAN 1/2011 Planning and Noise	Provides advice on the role of the planning system in helping to prevent and/or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development.

1.1.5 The Local Development Plan and Relevant Policies

1.1.5.1 The Local Development Plan for the South Lanarkshire Council (SLC) area is the SLC LDP2[18] adopted in April 2021. The relevant policies within the LDP are listed in **Table 1.1.2** and **Table 1.1.3**, together with the summary of the policy provisions.

1.1.5.2 The renewable energy policies in the LDP2 for the SLC area are supported by Supplementary Planning Guidance (SPG) entitled 'Renewable Energy' (2021) which is a material consideration but does not form part of the statutory Development Plan.

1.1.5.3 Other SPG includes the South Lanarkshire Landscape Capacity Study for Wind Turbines (2016) and its Addendum 'Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance' (2016).

1.1.5.4 The LDP2 documentation includes two Volumes as follows:

- LDP2 Volume 1: which contains a Vision and Strategy and development management policies; and
- LDP2 Volume 2: which contains additional policies and furthermore detailed criteria against which development proposals are to be considered.

1.1.5.5 The policies of relevance in LDP2 Volume 1 are summarised below in **Table 1.1.2**.

Table 1.1.2: Relevant LDP2 Volume 1 Policies

Policy	Policy Summary
Policy 1: Spatial Strategy	The spatial strategy seeks to encourage sustainable economic growth and regeneration and move towards a low carbon economy, protect the natural and historic environment and mitigate against the impacts of climate change. To do this the Council will inter alia protect and enhance the natural and historic environment and support renewable energy developments in appropriate locations.
Policy 2: Climate Change	New development must seek to minimise and mitigate against the effects of climate change. The policy contains various considerations including the need for sustainable locations, avoiding flood risk, ensuring no unacceptable effects on the environment and avoiding or minimising disturbance of carbon rich soils and, where appropriate, include provision for restoration of damaged peatlands.
Policy 14: Natural & Historic Environment	All development proposals will be assessed in terms of their impact on the natural and historic environment, including biodiversity, geodiversity, landscape and townscape. The policy sets out that the Council will seek to protect natural and historic designations from adverse impacts.
Policy 15: Travel & Transport	New development proposals must consider and mitigate the resulting impacts from traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions.

[17] Scottish Government (2025) Planning and Architecture Division Publications https://blogs.gov.scot/planning-architecture/2025/12/08/publications-declutter/

[18] Available at: https://www.southlanarkshire.gov.uk/developmentplan2

Table 1.1.2: Relevant LDP2 Volume 1 Policies	
Policy	**Policy Summary**
Policy 16: Water Environment & Flooding	Any development proposals which will have a significant adverse impact on the water environment will not be permitted. Sites where flood risk may be an issue shall be the subject of a local flood risk management assessment.
Policy 18: Renewable Energy	See below.

1.1.5.6 Within Volume 1, Policy 18 'Renewable Energy' is as follows:

"Applications for renewable energy infrastructure developments will be supported, subject to an assessment against the principles set out in the SPP, in particular the considerations set out at paragraph 169.

The Spatial Framework for Wind Energy set out in Table 7.2 and shown on Figure 7.1 applies to applications for wind energy developments of 15m or greater in height, including extensions and repowering proposals.

All renewable energy proposals shall be assessed against the relevant criteria and requirements set out in the Assessment Checklist for Renewable Energy Proposals contained in Volume 2.

Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance."

1.1.5.7 Appendix 1 of Volume 1 of LDP2 lists relevant policies in LDP Volume 2 stemming from Policy 18 as Policies SDCC6 'Renewable Heat', RE2 'Biomass' and RE1 'Renewable Energy'. It is only Policy RE1 that is of relevance to the consideration of the Proposed Development.

Other Relevant LDP2 Polices

1.1.5.8 LDP2 Volume 2 contains additional policies and detailed criteria against which development proposals are to be considered. These are summarised in **Table 1.1.3**.

Table 1.1.3: Relevant LDP2 Volume 2 Policies	
Policy	**Policy Summary**
Policy DM1 - New Development Design	New development will be required to ensure there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of noise or disturbance.
Policy SDCC2 - Flood Risk	The Council will seek to prevent increases in the level of flood risk and refuse development where it would be at risk from flooding.
Policy SDCC3 – Sustainable Drainage Systems	The design of SuDS should be considered an integral part of any development and should be considered early in the design process. Reference is made to a range of technical documents which provide advice and guidance in relation to SuDS.
Policy NHE2 – Archaeological Sites and Monuments	Seeks to preserve scheduled and non-scheduled monuments in situ and in an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances.
Policy NHE3 – Listed Buildings	Development affecting a Listed Building or its setting shall, as a first principle, seek to preserve the building and its setting, and any features of special architectural interest which it has.
Policy NHE4 – Gardens and Designed Landscapes	Development affecting sites listed in the Inventory of Gardens and Designed Landscapes shall protect, preserve and, where appropriate, enhance such places and shall not significantly impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.
Policy NHE6 – Conservation Areas	Development and demolition within a Conservation Area or affecting its setting shall preserve or enhance its character and be consistent with any relevant Conservation Area appraisal or management plan that may have been prepared for the area.
Policy NHE7 – Natura 2000 Sites	All development which would have a likely significant effect on Natura 2000 sites will be subject of an appropriate assessment. The requirements of the policy apply to all proposed or designated Natura sites which could be affected by the proposals, including those which are located out with the boundary of South Lanarkshire Council.
Policy NHE8 – National Nature Reserves and Sites of Special Scientific Interest (SSSI)	Seeks to protect SSSI/National Nature Reserves. Development which affects either designation will be expected to demonstrate that the overall integrity will not be compromised or any significant adverse effect on the qualities of the area are clearly outweighed by social, environmental or economic benefits of national importance.
Policy NHE9 – Protected Species	Development that would impact on a European Protected Species will be resisted unless there is demonstratable evidence that the development is required, there is no satisfactory alternative, or the development would not be detrimental to the maintenance of the population of the species.
Policy NHE11 – Peatland and Carbon Rich Soils	The Council shall seek to protect peatland and carbon rich soils from adverse impacts resulting from development. Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO_2) emissions. Where peatland is drained or otherwise disturbed, there is likely to be a release of CO_2 to the atmosphere. Developments should aim to minimise this release.
Policy NHE12 – Water Environment and Biodiversity	Development proposals should protect and where possible enhance the water environment in accordance with the Water Framework Directive. Development proposals which will have a significant adverse impact on the water environment will not be permitted. Consideration will be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment.
Policy NHE13 – Forestry and Woodland	Development proposals should seek to manage, protect and enhance existing ancient semi-natural woodland (ASNW), other woodlands, hedgerows and individual trees. In all cases involving the proposed removal of existing woodland, the acceptability of woodland removal and the requirement for compensatory planting will be assessed against the criteria set out in the Scottish Government's Policy on Control of Woodland Removal.
Policy NHE16 – Landscape	Sets out criteria for the assessment of development proposals within Special Landscape Areas (SLAs) and seeks to protect and enhance the wider landscapes of SLC through the maintenance and enhancement of landscape character.
Policy NHE18 – Walking, Cycling and Riding Routes	Walking, cycling, riding routes core water routes and water access/ egress points will be safeguarded. Development proposals adjacent to or on the line of any route will require to take account of the route in the design and layout.
Policy NHE20 – Biodiversity	Development should demonstrate that they have no significant adverse impact on biodiversity. Where proposals are likely to lead to significant loss of biodiversity, they will only be supported if adequate mitigation and offsetting measures can be agreed with the council. Developments should consider opportunities to contribute positively to biodiversity conservation and enhancement.
Policy RE1 - Renewable Energy	See below.

1.1.5.9 Policy RE1 states:

"Proposals for renewable energy development must take into account the considerations, criteria and guidance contained in:

Volume 2 Appendix 1 Assessment Checklist for Renewable Energy Proposals

Supporting Planning Guidance on Renewable Energy

Landscape capacity study for wind energy 2016 (as amended by the Tall Wind Turbines Guidance 2019).

Other relevant policies in LDP2."

1.1.5.10 Appendix 1 of Volume 2 contains a 'renewable energy assessment checklist'. This is intended to supplement Policy 18 in LDP2 which as noted sets out general policy relating to renewable energy.

Additional Planning Guidance

1.1.5.11 In terms of 'additional guidance', Appendix 1 of Volume 1 of the LDP lists this as follows:

- SLC Supporting Planning Guidance 'Renewable Energy';
- Landscape Capacity Study for Wind Energy (2016) and its Addendum (2017);
- Tall Wind Turbines Landscape Capacity, Siting and Design Guidance (2019);
- South Lanarkshire Landscape Character Assessment (2010); and
- South Lanarkshire Validating Local Landscape Designations (2010).

Emerging Local Development Plan 3

1.1.5.12 SLC has commenced preparation of LDP3 which will replace LDP2 when adopted. The first stage of LDP3 focuses on the preparation of an Evidence Report with the production of reports on different themes bringing together data and information and the results of public engagement. The evidence will be used to support the development of the proposed LDP3. Topic paper 6 has been prepared in relation to 'Energy and Heat and cooling'. The topic papers have been produced to describe the evidence identified so far, the assessment and understanding of it and what this might mean for LDP3. At this stage in the plan preparation process no weight should be afforded topic papers in decision making.

1.1.5.13 Once complete the Evidence Report is submitted to Scottish Ministers for a Gate Check, which is targeted for October 2025 to February 2026. Thereafter, if the Evidence Report is accepted by Ministers, the Council will move to prepare the Proposed LDP3. Current timescales indicate adoption of LDP3 in Q3 2028.

1.1.6 Conclusion

1.1.6.1 This Technical Appendix has set out the legislative background, a summary of the national energy policy framework, and the national and local planning policies and guidance relevant to the consideration of the Proposed Development.

1.1.6.2 It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIAR in order to ensure that it provides the appropriate information for the consideration of the Section 36 application.

1.1.6.3 As noted, the policy appraisal for the Proposed Development is contained in a separate stand-alone Planning Statement.

Technical Appendix 1.2: Consultation Register

Technical Appendix 1.2: Consultation Register

Table 1.2.1: Consultation Register – Pre-Scoping

Consultee Name	Date	Topic	Summary of Consultee Comments	Response
No pre-scoping consultation was conducted				

Table 1.2.2: Consultation Register - Scoping

Consultee Name	Date	Topic	Summary of Consultee Comments	Response
Scottish Government				
Energy Consents Unit	13/03/2025	Consultation	Consultation on the scoping report was undertaken by the Scottish Ministers and commenced on 04 December 2024 and closed on 06 January 2025. Extensions to this deadline were granted to NatureScot, Crown Estate and RSPB Scotland.	Noted
			Unless stated to the contrary in this scoping opinion, Scottish Ministers expect the EIA report to include all matters raised in responses from the consultees and advisors.	Noted. All matters raised, where appropriate, are included in EIAR.
			No responses were received from: Scottish Forestry, Civil Aviation Authority, Crown Estate Scotland, Fisheries Management Scotland, Clyde River Foundation, John Muir Trust, Scottish Wildlife Trust, Scottish Wild Land Group, Visit Scotland, Woodland Trust, Scottish Power Energy Networks, Scottish Fire and Rescue service, West of Scotland Archaeology Service and the Community Councils (all who were consulted). With regard to those consultees who did not respond, it is assumed that they have no comment to make on the scoping report, however each would be consulted again in the event that an application for section 36 consent is submitted subsequent to this EIA scoping opinion.	Noted. Scottish Forestry did submit a late scoping response in July 2025. Refer to Scottish Forestry details below.
			The Scottish Ministers are satisfied that the requirements for consultation set out in Regulation 12(4) of the Electricity Works (Environments Impact Assessment) (Scotland) Regulations 2017 have been met.	Noted.
		Scope of the EIA	Scottish Ministers are satisfied with the scope of the EIA set out at Section 3 of the scoping report.	Noted.
			The Scottish Ministers expect the EIA report which will accompany the application for the proposed development to consider in full all consultation responses attached in Annex A.	Noted. This Consultation Register forms a Technical Appendix to the EIAR and includes details of where the matters raised in the Scoping Opinion have been addressed.
		Generating Stations	The proposed development set out in the scoping report refers to wind turbines, and other technologies including battery storage. Any application submitted under the Electricity Act 1989 requires to clearly set out the generation station(s) that consent is being sought for. For each generating station details of the proposal require to include but not limited to: - the scale of the development (dimensions of the wind turbines and battery storage) - components required for each generating station - min and max export capacity of megawatts (MW) and MW hours of electricity for battery storage.	Noted. **Chapter 2: Description of Proposed Development (EIAR Volume 2)** includes a description of the key elements of the Proposed Development.
		DWPA / Scottish Water Assets	Scottish Water provided information on whether there are any drinking water protected areas or Scottish Water assets on which the development could have any significant effect. Scottish Ministers request that the company contacts Scottish Water (via EIA@scottishwater.co.uk) and makes further enquires to confirm whether there any Scottish Water assets which may be affected by the development and includes details in the EIA report of any relevant mitigation measures to be provided.	Noted. **Chapter 8: Hydrology, Hydrogeology, Geology and Soils (EIAR Volume 2)** includes details of the assessment on DWPA/Scottish Water assets.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		PWS	Scottish Ministers request that the Company investigates the presence of any private water supplies which may be impacted by the development. The EIA report should include details of any supplies identified by this investigation, and if any supplies are identified, the Company should provide an assessment of the potential impacts, risks, and any mitigation which would be provided.	South Lanarkshire Council has been contacted to provide records of PWS and these have been verified through site survey (as required). The location of PWS has been considered in the design and where required an assessment of potential impacts, risks, and any mitigation which would be provided is included in **Chapter 8: Hydrology, Hydrogeology, Geology and Soils (EIAR Volume 2)**.
		Fish	In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.	Noted. There are no Special Areas of Conservation within 10 km of the Site.
			Marine Directorate - Science Evidence Data and Digital (MD-SEDD) provide generic scoping guidelines for onshore wind farm and overhead line development (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm or overhead line development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process. MD-SEDD also provide standing advice for onshore wind farm or overhead line development (which has been appended at Annex B) which outlines what information, relating to freshwater and diadromous fish and fisheries, is expected in the EIA report. Use of the checklist, provided in Annex 1 of the standing advice, should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process. Developers are required to submit the completed checklist in advance of their application submission.	Noted. Refer to MD-SEDD response below. Electrofishing and fish habitat suitability surveys were undertaken on watercourses within the Site in line with relevant guidance in June 2023, June 2024 and August 2025. Results of the survey and assessment are presented in **Chapter 6: Ecology (EIAR Volume 2)**. The completed Marine Directorate - Science Evidence Data and Digital Checklist is provided as a standalone document attached to the application package.
		Peat slide risk	Scottish Ministers consider that where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), the assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at https://www.gov.scot/Publications/2017/04/8868, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures. Where a PLHRA is not required clear justification for not carrying out such a risk assessment is required.	A PLHRA is detailed in **Technical Appendix 8.6 (EIAR Volume 4).** The stated guidance has been taken into consideration.
		LVIA Viewpoints	The scoping report identified proposed viewpoints at Table 3.4 to be assessed within the landscape and visual impact assessment. South Lanarkshire Council state that they are content with the extent of the proposed viewpoints which are detailed in Table 3.4 and do not consider that any additional viewpoints need to be added to those already identified. NatureScot have no further requests with regards to the viewpoints.	Noted. Viewpoints used to inform the Landscape and Visual Impact Assessment are detailed in **Chapter 4: Landscape and Visual Amenity (EIAR Volume 2)** and supporting Technical Appendices and Figures.
		Noise Assessment	Noise assessment should be carried out in line with relevant legislation and standards as detailed in section 3.9 of the scoping report. The noise assessment report should be formatted as per Table 6.1 of the IOA "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise".	Noted. The noise assessment has been undertaken in accordance with the guidance noted and is presented in **Chapter 10: Noise (EIAR Volume 2)**.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Eskdalemuir Seismological Recording Station	The Scottish Ministers are aware that the proposed development falls within the statutory safeguarded area around Eskdalemuir Seismological Recording Station. Scientific research has established that wind turbines of current design generate noise emissions that cause seismic vibrations which can interfere with the effective operation of the array. In order to ensure the United Kingdom can continue to implement its obligations in maintaining the Comprehensive Nuclear Test Ban Treaty, a noise budget has been allocated to regulate the development of wind turbines within a 50km radius of the array. As advised by the Defence Infrastructure Organisation ("the DIO"), the budget has been set at 0.336nm rms and at present the reserved noise budget has been reached. Consequently, the DIO has stated there would be concerns if this proposal progresses to application based upon current information. The Scottish Ministers request that the company keep up to date with the information provided by the Eskdalemuir Working Group (EWG) and contact the Defence infrastructure Organisation at the earliest opportunity to discuss any possible mitigation measures. Enquiries regarding the work being undertaken by EWG can be directed to onshorewindpolicy@gov.scot.	Noted. Refer to MOD response. The Eskdalemuir Seismic Impact Study is included in **Technical Appendix 1.7 (EIAR Volume 4).**
		Nighttime Assessment	As the maximum blade tip height of turbines exceeds 150 m the LVIA as detailed in section 3.3 of scoping report must include a robust Nighttime Assessment with agreed viewpoints to consider the effects of aviation lighting and how the chosen lighting mitigates the effects.	An Aviation Lighting Assessment is included in **Technical Appendix 4.5 (EIAR Volume 4),** with nighttime visualisations contained in **EIAR Volume 3b.**
		Ornithology Surveys	It is recommended by the Scottish Ministers that decisions on bird surveys – species, methodology, vantage points, viewsheds & duration - site specific & cumulative – should be made following discussion between the Company and NatureScot.	Refer to NatureScot response.
		Borrow Pits	Where borrow pits are proposed as a source of on-site aggregate they should be considered as part of the EIA process and included in the EIA report detailing information regarding their location, size and nature. Ultimately, it would be necessary to provide details of the proposed depth of the excavation compared to the actual topography and water table, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement, and details of the proposed restoration profile. The impact of such facilities (including dust, blasting and impact on water) should be appraised as part of the overall impact of the working. Information should cover the requirements set out in 'PAN 50: Controlling the Environmental Effects of Surface Mineral Workings'.	A Borrow Pit Assessment has been prepared in accordance with the requirements set out in PAN 50 and this detailed in **Technical Appendix 2.2 (EIAR Volume 4).**
		Other existing and/or planned infrastructure	Scottish Ministers request that the company assess the impact of the proposed development on existing and/or planned infrastructure. In particular, the company should carry out the necessary assessments to confirm if any part of the proposed development is within the consultation zone of any of the following:- a licenced explosives site; gas (or any other) pipeline; existing overhead electric lines; underground cables; water pipes; and telecommunications links.	Noted. Existing/planned infrastructure has been considered in the design process and is described in **Chapter 2: Description of Proposed Developmen**t **(EIAR Volume 2)** and **Chapter 3: Design Evolution and Alternatives (EIAR Volume 2)**. Further details regarding telecommunications links, as relevant, are also included in **Technical Appendix 1.6 (EIAR Volume 4).**
		Chemicals	Scottish Ministers request the company to assess if any flammable, toxic or explosive chemicals detailed in The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 would be stored on site in quantities such that a Hazardous Substances Consent would be required under section 2 of the Planning (Hazardous Substances) (Scotland) Act 1997.	Noted. Construction and operational substances will be screened against the thresholds in The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 to confirm whether Hazardous Substances Consent under section 2 of the 1997 Act is required; if any threshold is exceeded, the Applicant will seek consent and consult HSE/the planning authority. Storage and handling controls are detailed in **Chapter 13: Schedule of Environmental Commitments (EIAR Volume 2)**.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Mitigation Measures	The mitigation measures suggested for any significant environmental impacts identified should be presented as a conclusion to each chapter. Applicants are also asked to provide a consolidated schedule of all mitigation measures proposed in the environmental assessment, provided in tabular form, where that mitigation is relied upon in relation to reported conclusions of likelihood or significance of impacts.	Noted. Mitigation measures identified in each chapter are summarised in **Chapter 13: Schedule of Environmental Commitments (EIAR Volume 2)**.
		Conclusion	It is acknowledged that the environmental impact assessment process is iterative and should inform the final layout and design of proposed developments. Scottish Ministers note that further engagement between relevant parties in relation to the refinement of the design of this proposed development will be required, and would request that they are kept informed of on-going discussions in relation to this.	Noted.
			When finalising the EIA report, applicants are asked to provide a summary in tabular form of where within the EIA report each of the specific matters raised in this scoping opinion has been addressed.	Noted. This Consultation Register forms a Technical Appendix to **Chapter 1: Introduction (EIAR Volume 2)** and includes details of where the matters raised in the Scoping Opinion have been addressed throughout the EIAR.
Statutory Consultees				
South Lanarkshire Council	23/01/2025	Scope of EIA	The structure of the scoping report is considered clear and sets out a prudent approach to the topics that may give rise to likely significant environmental effects and should be fully assessed in the EIA Report. The topics listed in the scoping report are acceptable to the Council and should be fully assessed within the EIA Report.	Noted
		Mitigation and Enhancement	In addition to the proposed topics, the Council would ask that the EIAR contain a standalone chapter which sets out clearly the proposed mitigation and enhancement measures which are to be brought forward to address those impacts that will/may arise because of the proposed development.	Noted. Mitigation measures identified in each chapter are summarised in **Chapter 13: Schedule of Environmental Commitments (EIAR Volume 2)**.
		Questions to Consultees - LVIA	LV1: SLC agrees that the extent of the proposed Study Areas is appropriate and as such can be agreed. LV2: SLC is content with the methodology to be followed in the preparation of the LVIA. LV3: SLC is content with the approach which has been proposed in relation to undertaking the viewpoint photography and in the preparation of the visualisations. LV4: SLC is content with the extent of the proposed viewpoints which are detailed in Table 3.4 and does not consider that any additional viewpoints need to be added to those already identified. LV5: SLC is content as to the suggested approach in relation to the assessment of cumulative impacts associated with the proposed development. LV6: SLC agrees that there are unlikely to be any significant effects arising during the decommissioning phase of the proposed development and that as such it is reasonable that this issue be scoped out of the LVIA.	Noted. LVIA assessment is provided in **Chapter 4: Landscape and Visual Amenity (EIAR Volume 2)** and supporting Technical Appendices and Figures.
		Questions to Consultees - Cultural Heritage	CH1: SLC agrees that the assessment methodology and proposed Study Areas are acceptable. CH2: SLC agrees that there are no further assets beyond the boundary of the proposed study area which could be subject to any significant effects. CH3: SLC agrees that no additional assets are required to be the subject of any visualisations.	Noted. Cultural Heritage assessment is provided in **Chapter 5: Cultural Heritage (EIAR Volume 2)**.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Questions to Consultees - Ecology	ECO1: SLC is content as to the extent of the identified consultees. ECO2: SLC agrees that the identified field surveys, augmented by a suitable desk top study are suitable and sufficient to ensure that full and robust impact assessment can be undertaken. ECO3: SLC agrees that both the methodology and scope of the assessment is acceptable and appropriate. ECO4: SLC agrees that the features listed within Table 3.8 can be scoped out of the proposed assessment.	Noted. Ecology assessment is provided in **Chapter 6: Ecology (EIAR Volume 2)**.
		Questions to Consultees - Ornithology	ORN1: SLC agrees that the range of ornithological surveys undertaken are both sufficient and appropriate. ORN2: SLC agrees that survey areas and associated buffers adopted for each of the ornithological surveys are appropriate. ORN3: SLC does not consider that any additional consultees are required to be consulted. ORN 4: SLC agrees that the identified features/impacts that may be scoped out for further assessment without affecting the overall integrity of the assessment.	Noted. Ornithology assessment is provided in **Chapter 7: Ornithology (EIAR Volume 2)**.
		Questions to Consultees - Hydrology	HYD1: SLC considers that the assessment methodology and associated Study Areas are appropriate and acceptable. HYD2: SLC does not consider that any further consultees need be consulted. HYD3: SLC agrees with the extent of those features which it is proposed be scoped out for any further assessment.	Noted. Hydrology and Hydrogeology assessment is provided in **Chapter 8: Hydrology, Hydrogeology, Geology and Soils (EIAR Volume 2).**
		Questions to Consultees - Traffic and Transport	TT1: SLC agrees with the extent of the proposed Study Area. TT2: SLC agrees that impacts arising during the operational and decommissioning phases of the proposed development can be scoped out of the EIA.	Noted. The operational and decommissioning phases have been scoped out of the assessment in **Chapter 9 Traffic and Transport (EIAR Volume 2).**
		Traffic and Transport - Site Entrance	The EIA Scoping Report does not specify a proposed point of access off the public road for HGV and specialist component delivery vehicles, with general reference to using either the A702 or B7076 from the M74 and that further details will be developed.	The final access strategy for both AIL and general construction traffic is yet to be confirmed, however, for the purposes of the Traffic and Transport assessment (**Chapter 9: Traffic and transport, EIAR Volume 2**) it has been assumed that Abnormal Indivisible Loads (AILs) would be delivered to the Site through the Western Access via the A702 and construction vehicles would access the Site through the Eastern Access via Daer Water road, the road to Daer Reservoir. Details of the Abnormal Indivisible Load (AIL) components are provided in the Route Survey Report (RSR) provided as part of **Technical Appendix 9.1 (EIAR Volume 4)**.
		Traffic and Transport - Transport Statement	As part of a formal planning application we would expect the applicant to submit a transport statement assessing development impacts. The assessment should include the following: - Delivery route plans for HGV and abnormal loads from the M74 to the proposed site entrance(s); this should include battery loads and substation/transformers. Routes and distribution for HGV movements should be detailed. This will be used to develop an 'Agreed Route' plan for inclusion within planning agreements.	Transport Assessment included in **Technical Appendix 9.1 (EIAR Volume 4).** Details of the worst case AIL components are provided in the RSR provided in **Annex B** to this appendix.
			- An anticipated development programme to be included in the EIA broken down to show monthly movements for HGV and abnormal loads and in case of HGV movements this should be subdivided by construction activity e.g., timber extraction, stone delivery, concrete delivery, steel delivery, compound, battery, solar, transformers, substation, cabling etc. This will inform the profile of trips and peak movements.	The anticipated construction traffic profile is shown in **Technical Appendix 9.1 (EIAR Volume 4).**

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			- Scenario to be included for 100% importation of aggregates in the event that suitable borrow pits cannot be identified. Borrow pits and their estimated volumes should be clarified where such pits are expected to be used. We also require volumes/vehicle movements associated with any expected removal of surplus material.	Suitable borrow pits locations have been identified within the Site and in combination with site won material from the construction of the BESS and substation compounds, these are expected to provide 100% of aggregate materials for tracks, hardstanding and compounds (refer to **Chapter 2: Description of Proposed Development (EIAR Volume 2)** and **Technical Appendix 2.2 (EIAR Volume 4)**. However, as a worst-case assessment, it has been assumed that 100% of these materials, along with any materials for concrete batching, would be imported to Site. Prior to construction ground investigation surveys would be undertaken to determine the specific quality of rock and the rock head depth underlying the locations for Site infrastructure, including the borrow pit locations. This would provide a greater certainty on the suitability and quantity of on-site material available for use in construction.
			- Assessment of baseline traffic against anticipated trips for all construction vehicle movements at key locations along the route within South Lanarkshire.	This is provided in **Technical Appendix 9.1 (EIAR Volume 4)**, as well as in the Baseline Conditions section of **Chapter 9: Traffic and Transport (EIAR Volume 2)**.
			- Impact on existing walking and cycling routes to be assessed. The applicant should seek advice from the Council's Access Development Officer (CAG@southlanarkshire.gov.uk).	This is provided in **Technical Appendix 9.1 (EIAR Volume 4)**, as well as in the Baseline Conditions section of **Chapter 9: Traffic and Transport (EIAR Volume 2)**.
		Traffic and Transport - ALRA	Swept path analysis to identify pinch points requiring road widening, overrun areas and/or alterations to street furniture as part of an Abnormal Load Route Assessment (ALRA). The applicant should also consider whether these works will have an impact on existing trees/vegetation in accordance with BS5837: Trees in Relation to Design, Demolition and Construction to Construction – Recommendations.	Swept path assessments of the worst case AIL components along the proposed delivery route are provided in the RSR in **Technical Appendix 9.1 (EIAR Volume 4)**.
		Traffic and Transport - Bridge Inspections	Bridge assessments and principal inspections will be required for all abnormal loads transported along on the A702 and B7076 to the site entrances. Further advice can be sought on those structures affected by the route and Bridge Bond requirements by contacting the Council's Bridges and Structures Team Leader (james.gray@southlanarkshire.gov.uk). A minimum four- month period is recommended for submission of abnormal load route/bridge assessments in advance of any movements for approval.	A weight review was undertaken via an Electronic Service Delivery for Abnormal Loads (ESDAL) search has been undertaken as part of the RSR in **Technical Appendix 9.1 Annex B (EIAR Volume 4)**.
		Grid Connection	There are no proposals at this stage which we expect will be addressed under a separate application	The grid connection would be subject to a separate application.
		Traffic and Transport - Visibility	**Visibility** No definitive point(s) of access are provided therefore we are unable to comment at this stage; however, we would provide the following guidance. Visibility splays shall be appropriate to the speed limit in force at the point of access with 2.4metres x 215metres splays being required at locations subject to the national speed limit. We acknowledge however that vehicle speeds may be lower than the signed speed limit given the local characteristics on a stretch of road which may allow a reduction in the visibility splay requirements. Therefore, we are willing to consider visibility splay reductions where the applicant can demonstrate, by means of a continuous 7-day vehicle speed survey, that the 85th percentile speed is lower than the signed speed limit in force on this section of road. Separate vehicle speed survey points should be established on each approach at the limit of the anticipated visibility splay and not at the access itself. The two survey points may yield	Visibility splays of the Western and Eastern site accesses are provided in **Annex A** of **Technical Appendix 9.1 (EIAR Volume 4)**.

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Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
			different results therefore visibility splays may be different in each direction. The resultant 85th percentile speed (wet weather) for each direction can be compared to the provisions in Table 8 of the SCOTS National Roads Development Guide to determine an appropriate junction visibility splay for each direction. Furthermore, the applicant must demonstrate that they have legal rights to remove everything within the visibility envelope that exceeds 1.05metres in height above the adjacent road channel level and to maintain the visibility splay free of obstructions for the life of the project. Depending on the length of the visibility splay the applicant may also need to demonstrate how the splays can be achieved in the vertical plane considering physical characteristics such as neighbouring boundary features (walls/hedges/fences/steep verges). The applicant may need to undertake a topographical survey of the verge features and levels in both directions to help demonstrate what can be achieved.	
			The applicant shall provide plans showing required visibility splays and where necessary results of vehicle speed surveys to support a reduction in the Y-distance where sought. The splays shall be assessed in the horizontal and, where necessary, the vertical plane. The applicant shall also demonstrate that they have all necessary agreements to implement and maintain the visibility splays for land out with their ownership/control.	Noted. Visibility splays of the Western and Eastern Accesses are provided in **Annex A** of **Technical Appendix 9.1 (EIAR Volume 4)**.
		Traffic and Transport - Drainage	Any works associated with formation of the site access off the public road shall be designed to prevent surface water discharging onto the public road. The applicant will be expected to provide proposals for this.	Site entrance design is included as part of **Chapter 2: Description of Proposed Development (EIAR Volume 2)**. Specific mitigation in relation to drainage is included in **Chapter 8 Hydrology, Hydrogeology, Geology, and Soils (EIAR Volume 2)**.
			The Council's Developer Design Guidance: Flood Risk Assessments and Sustainable Drainage Systems (May 2020) highlights requirements in respect of Flood Risk Assessment and Drainage Strategy. We note that you have consulted our Flood Risk Management colleagues who will be able to provide advice on their requirements for information in support of the current application including proposals for future maintenance access and responsibilities.	Noted.
			Notwithstanding the above comments, any works associated with formation of the site access off the public road shall be designed to prevent surface water discharging onto the public road. The applicant will be expected to provide proposals for this.	Noted. Site entrance roads would be well maintained and monitored during the operational life of the Proposed Development. Regular maintenance would be undertaken to keep the Site access track drainage systems fully operation and to ensure there are no run-off issues onto the public road network.
		Traffic and Transport - Road Safety Audit	The detailed planning application shall include a Stage 1 Road Safety Audit and Designers response covering any proposed site access(es)/alteration to existing access(es) and for any works to amend the existing public road. It should be noted that a Stage 2 Road Safety Audit along with the Designer's Response will be required to accompany the detailed drawing submission as part of the future Section 56 applications or road construction consent applications	A Stage 1 and Stage 2 RSA would be provided post consent and it is anticipated that this would be secured via an appropriately worded planning condition.
		Traffic and Transport - Other	The developer will need to provide turning areas on site to enable all vehicles to enter and exit site in a forward gear. Proposals shall include arrangements for wheel wash facilities to prevent mud and debris being deposited onto the public road during the construction phase. Staff and contractor car parking will be required based on estimated peak staffing levels. No construction vehicles will be permitted to park on any part of the public road. A roads dilapidation survey will be required for the site access which shall be undertaken in conjunction with the Roads Department, during and on completion of all site work with the frequency of interim inspections as directed by the Roads Department. Written reports shall	Noted. Car parking would be provided within the Site and would be controlled via a staff travel plan. A road condition survey would be undertaken, prior to construction commencing, on the A702 and Daer Water road within the vicinity of the Site, which can be secured via a suitably worded planning condition.

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			include photographs, records plans and defect descriptions for each inspection and be submitted for record purposes within timescales set by the Council. The applicant will be responsible for repairing any damage to the road deemed by the Council to be a consequence of their activities within timescales and specification acceptable to the Council.	
			The requirement for road cleaning, road dilapidation surveys and a traffic management plan can all be addressed by suitably worded pre-commencement planning conditions and shall include, where appropriate, any timber felling activities.	Agreed.
			The developer will be expected to enter into a Section 96 Agreement with the Council as Roads Authority covering extraordinary wear and tear to the public road (B7076) although consideration will be given to an upfront payment in lieu of a Section 96.	Noted. The Applicant would be willing in principle to enter into a Section 96 Agreement in the event that consent is granted.
			The windfarm developer will be expected to enter into a Section 96 Agreement covering structures and will need to lodge a Bridge Bond before works commence on site.	The Applicant is willing to enter into discussions regarding a Section 96 agreement.
		Questions to Consultees - Noise	NV1: SLC agrees to the proposed assessment methodologies and to the application and use of the various "standards" specified. NV2: SLC agrees to these specific matters being scoped out of the EIA.	The noise assessment is included **in Chapter 10 Noise (EIAR Volume 2)**.
		Noise - Additional Guidance	EHO would agree that the controlling receptors for the development and the cumulative emission should be considered. 10dB below contribution to receptors would not influence the acoustic climate. The Service agrees that levels shall be within the available headroom and comply with relevant standards. Vibration is unlikely to be an issue. Construction noise associated with the BESS could be covered relative to BS5228 guidelines such as the ABC method. Noise projections for construction would not be required unless target values are likely to be exceeded. Low frequency infrasound can be scoped out based on the current evidence base. Construction noise for the wind farm is welcomed.	Noted. Construction and operational noise assessment is detailed in **Chapter 10: Noise (EIAR Volume 2)**. The assessment of vibration, infrasound and low frequency noise from operational wind turbines has been scoped out of the EIAR.
		Noise - Additional Guidance	The assessment shall use the principles set out in the document "The Assessment and rating of Noise from Wind Farms (ETSU-R-97)". In addition, cognisance shall be given to- • AMWG Final Report-09-08-2016 • IOA statement on wind farm noise assessment 19-12-2014. • IOA Good Practice Guide on Wind Turbine Noise - May 2013. • IOA GPG SGN No 1 Final Sept 2014. • IOA GPG SGN No 2 Final Sept 2014. • IOA GPG SGN No 3 Final July 2014. • IOA GPG SGN No 4 Final July 2014. • IOA GPG SGN No 5 Final July 2014. • IOA GPG SGN No 6 Final July 2014	The noise assessment included in **Chapter 10 Noise (EIAR Volume 2)** has been undertaken in line with relevant guidance.
		Noise - BESS	Part 1: Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the development (LAr,1hr) shall not exceed the background noise level (LA90,30 min) by more than 4dB within the curtilage any residential amenity space. This shall be measured in accordance with British Standard BS 4142:2014+A1:2019- Method for Rating and Assessing Industrial and Commercial Sound at the proposed development. Between the hours of 20:00 and 08:00 the noise rating level emitted from the development (LAr,15 min) shall not exceed the background noise level (LA90,30min) by more than 4dB. This shall be measured in accordance with BS 4142:2014+A1:2019 at the proposed development.	Noted. Given the separation distance from the BESS to the nearest receptor (approximately 1.6 km) and the relatively small scale of the BESS, operational noise from the BESS and substation at the nearest noise receptors would be very low such that the noise limits recommended would be met by a comfortable margin. On this basis, operational noise from

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			Part 2: The resultant internal noise levels within any residential property shall comply with BS8233:2014 Guidance on sound insulation and noise reduction for buildings as follows: (a) The internal levels with windows open do not exceed an LAeq,16hr of 40dB daytime (07:00 – 23:00) (b) The internal levels with windows open do not exceed an LAeq,8hr of 30dB night-time (23:00 – 07:00). (c) The internal levels with windows open do not exceed an LAmax of 45dB night-time (23:00 – 07:00). (d) The external levels shall not exceed an LAeq,16hr of 50dB daytime in any garden amenity areas, when measured free-field.	the BESS and Substation has been scoped out of the EIAR. Refer to **Chapter 10: Noise (EIAR Volume 2)** for further information.
			Part 3: The Internal Noise Rating Values, within any residential property and resultant from the development shall not exceed - • NR25 between 23.00hrs and 08.00hrs • NR35 between 08.00hrs and 23.00hrs	
		Noise - Blasting	Where Blasting is intended for borrow pits a blasting method statement shall be submitted in writing and approved by the Planning Authority.	Noted. The extent of any blasting requirement cannot be determined until intrusive site investigation tests are completed. A Blasting Method Statement is considered to be implemented through a suitably worded planning condition associated with the section 36 consent. Consultation on the content of the Method Statement would be undertaken with SLC prior to submission. Refer to **Chapter 10: Noise (EIAR Volume 2)**.
		Questions to Consultees - Aviation	AV1: SLC agrees with the proposed methods to be followed in terms of establishing the baseline position in respect of this aspect of the overall assessment. AV2: SLC agrees to the extent of those matters which are to be scoped into the assessment. AV3: SLC agrees to the extent of those matters that are to be scoped out of the assessment.	Aviation assessment is included in **Chapter 11 Aviation (EIAR Volume 2)**.
		Questions to Consultees - Telecommunications	TEL1: SLC agrees with the proposed methods to be followed in terms of establishing the baseline position in respect of this aspect of the overall assessment. TEL2: SLC agrees to the extent of those matters which are to be scoped into the assessment. TEL3: SLC agrees to the extent of those matters that are to be scoped out of the assessment.	Telecommunications assessment is included in **Technical Appendix 1.6 (EIAR Volume 4)**
SEPA	17/12/2024	Consultation	SEPA would welcome further pre-application engagement once initial peat probing, peat condition assessment and habitat survey work has been completed and the layout developed further as a result.	Details of the Stage 1 and Stage 2 peat probing survey findings are illustrated on a figure with the survey method and results included in **Technical Appendix 8.4 (EIAR Volume 4)**. Surveys to inform the Peatland Condition Assessment (PCA) have been undertaken on Site, and the results of these surveys are included in **Technical Appendix 6.2b (EIAR Volume 4)**. NVC surveys, incorporating Phase 1 Habitat and potential Groundwater Dependent Terrestrial Ecosystem (GWDTE) habitat characterisation work have been completed within the Site Boundary + a 250m buffer. Full details of survey methodologies and findings are presented in **Technical Appendix 6.2a (EIAR Volume 4)**. Results of these surveys have been used to inform the design, including placement of turbines and infrastructure as described in **Chapter 3: Design Evolution and Alternatives (EIAR Volume 2)**.

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Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Scope	To avoid delay and potential objection the EIA submission must contain a series of scale drawings of sensitivities, for example peat depth, peat condition, Groundwater Dependent Terrestrial Ecosystems (GWDTE), proximity to watercourses, overlain with the proposed development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, then reduce and then mitigate significant impacts on the environment.	Noted. A description of the design evolution is provided in **Chapter 3: Design Evolution and Alternatives (EIAR Volume 2)**, which notes the constraints that were taken into account during the design process, including the siting of turbines and infrastructure following completion of a GWDTE risk assessment, the stage 1 and stage 2 peat probing, and to allow minimisation of watercourse crossings. Drawings are included which show these constraints overlain with the Proposed Development.
		Scope	The issues covered in Appendix 1 below must be addressed to SEPA's satisfaction in the EIA process. This provides details on SEPA's information requirements and the form in which they must be submitted.	Noted.
		Peat Management Plan	We expect the application to be supported by a comprehensive site-specific peat management plan (PMP).	Outline Peat Management Plan is detailed within **Technical Appendix 8.5 (EIAR Volume 4)**.
		Peatland Condition Assessment	The applicant proposes to scope out the undertaking of a peatland condition assessment. The condition of peat and/or carbon-rich soils is an important factor in determining whether potential impacts are acceptable. As such, we do not agree with this being scoped out and request that a peat condition assessment is undertaken. Please see section 4.3 of Appendix 1 to this letter for further guidance.	Noted. Peatland Condition Assessment is included in **Technical Appendix 6.2b (EIAR Volume 4).**
		NVC Survey	We note that a National Vegetation Classification (NVC) survey has been carried out, so the information we require in this respect will be presented. Due to discrepancies in habitat definition and ambiguity in correspondence with types, we do not accept the use of The UK Habitat Classification System (UKHab) as an alternative to NVC.	Noted. NVC survey results are included in **Technical Appendix 6.2a (EIAR Volume 4)**.
		GWDTE	At section 3.7.24 of the Scoping Report, the applicant proposes to scope out the assessment of impacts on GWDTE based on further surveys and assessments. Should the results of the further work find that the potential GWDTE features are not dependent on groundwater, then we would not require any further risk assessment.	The GWDTE assessment confirmed that the majority of potential GWDTE habitats within the Site have a low likelihood of groundwater dependency, with one community assessed as having a moderate likelihood. However, following a further site review and inspection this community was confirmed to be maintained primarily by surface water and rainfall inputs rather than groundwater. Therefore, in line with SEPA Guidance, no significant effects on GWDTE are anticipated, and no further detailed risk assessment is required. Further details have been provided in **Technical Appendix 8.3 (EIAR Volume 4)**. Further consultation has been undertaken with SEPA (detailed in the Post-Scoping Consultation Section below) following further surveys and assessment to confirm the scoping out of GWDTE from the assessment.
		PWS	At section 3.7.26 of the Scoping Report, the applicant proposes to undertake further work to confirm there are no private water supplies (PWS) which have not already been identified. Provided that proposed development is outwith the relevant buffers from ground water abstractions, we would not require further consideration of impacts in this respect.	Noted. No further PWS have been identified following a site walkover. There are two PWS located within the Site and one close to the northeastern boundary. The PWS are either situated outside the 250 m assessment buffer or positioned upslope and beyond the area proposed for infrastructure and therefore fall out with the zone within which hydrogeological impacts on water

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				abstractions are required to be assessed by SEPA. Further details are provided within **Chapter 8: Hydrology, Hydrogeology, Geology and Soils (EIAR Volume 2).**
		GWDTE / PWS Guidance	We have recently updated our guidance covering impacts on GWDTE and existing abstractions and new versions will be available on our website from January 2025. Copies of these documents are provided as attachments to the cover email which can be shared with the applicant to aid the EIA process.	Noted.
		Flood Risk	Provided watercourse crossings are designed to accommodate the 1 in 200 year event plus climate change and other infrastructure is located well away from watercourses we do not foresee from current information a need for detailed information on flood risk.	Noted. Watercourse crossings will be designed, in line with SEPA requirements, to accommodate flows of a 1 in 200 (0.5%) annual probability, inclusive of an allowance for climate change. A Watercourse Crossing Assessment is detailed in **Technical Appendix 8.2 (EIAR Volume 4).** Flood risk at the access points to the Site is included in the assessment and further details are included in **Chapter 8: Hydrology, Hydrogeology, Geology and Soils (EIAR Volume 2)**.
		Questions to consultees - Ecology	ECO2 – Sufficiency of ecological surveys and studies. We ask that a peat condition survey is undertaken to support the assessment of impacts on peat and carbon rich soils.	Noted. A peatland condition survey has been undertaken and a Peatland Condition Assessment is included in **Technical Appendix 6.2b (EIAR Volume 4).**
		Questions to consultees - Hydrology	HYD1 – We generally agree with the proposed assessment methodology but refer the applicant to Appendix 1 of the letter for our minimum information guidance. HYD2 – Further consultees/information sources. We have nothing further to add in this respect. HYD3 – Scoped out features. Subject to the further surveys/assessments being undertaken to confirm that potential GWDTE features are not groundwater dependent and to rule out the possibility of additional ground water abstraction locations, we agree.	Noted. Assessment has adhered to SEPA minimum information guidance (see response to SEPA on GWTDE areas above).
		Detailed Scoping Requirements - General	Please note that some of the planning guidance referenced in this response is being reviewed and updated to reflect the National Planning Framework 4 (NPF4) policies. For example the Flood Risk Standing Advice and Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems. It still provides useful and relevant information, but some parts may be updated further in the future.	Noted.
		Appendix 1: Detailed Scoping Requirements - Site Layout	<u>Site layout</u> Drawings must detail all proposed upgraded, temporary and permanent infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. All drawings must be based on an adequate scale with which to assess the information. The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable, cabling must be laid in ground already disturbed such as verges, and existing built infrastructure must be re-used or upgraded where possible. A comparison of the environmental effects of alternative locations of infrastructure elements may be required.	Noted. Description of and drawings showing all proposed upgraded, temporary, and permanent infrastructure are included within **Chapter 2 Description of Proposed Development (EIAR Volume 2)**. Description of alternative locations for infrastructure elements is included in **Chapter 3: Design Evolution and Alternatives (EIAR Volume 2)**.

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		Appendix 1: Detailed Scoping Requirements - Water Environment	<u>Water environment</u> The proposals should demonstrate how impacts on local hydrology have been minimised and the site layout designed to minimise watercourse crossings and avoid other direct impacts on water features. Measures should be put in place to protect any downstream sensitive receptors. The submission must include a set of drawings showing: (a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses; (b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works; (c) A map showing the location, size, depths and dimensions of all borrow pits overlain with all lochs and watercourses within 250 m and showing a site-specific buffer around each loch or watercourse proportionate to the depth of excavations. The information provided needs to demonstrate that a site specific proportionate buffer can be achieved. 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.	Noted. **Chapter 3: Design Evolution and Alternatives (EIAR Volume 2)** provides information on the design process and describes mitigation measures incorporated into the design. A Borrow Pit Assessment is included as **Technical Appendix 2.2 (EIAR Volume 4).** **Chapter 8: Hydrology, Hydrogeology, Geology and Soils (EIAR Volume 2)** details the Proposed Development's impact on surface water features, and specific mitigation to reduce its effects.
		Appendix 1: Detailed Scoping Requirements - Flood Risk	<u>Flood risk</u> Advice on flood risk is available at Flood Risk Standing Advice and reference should also be made to Controlled Activities Regulations (CAR) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities. Crossings must be designed to accommodate the 0.5% annual exceedance probability flows (with an appropriate allowance for climate change), or information provided to justify smaller structures. If it is considered the development could result in an increased risk of flooding to a nearby receptor, then a flood risk assessment (FRA) must be submitted. Our Technical Flood Risk Guidance for Stakeholders outlines the information we require to be submitted in an FRA.	Noted.

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Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Appendix 1: Detailed Scoping Requirements - Peat	<u>Peat and peatland</u> Where proposals are on peatland or carbon rich soils (CRS), the following should be submitted to address SEPA's requirements in relation to NPF4 Policy 5 to protect CRS and the ecosystem services they provide (including water and carbon storage). Peatland in near natural condition generally experiences low greenhouse gas emissions, is accumulating and may be sequestering carbon, has high value for supporting biodiversity, helps to protect water quality and contributes to natural flood management, irrespective of whether that peatland is designated for nature conservation purposes or not. It should be clearly demonstrated that the assessment has informed careful project design and ensured, in accordance with relevant guidance and the mitigation hierarchy in NPF4, that adverse impacts are first avoided and then minimised through best practice. The submission should include a series of layout drawings at a usable scale showing all permanent and temporary infrastructure, with extent of excavation required. These plans should be overlaid on the following: (a) Peat depth survey showing peat probe locations, colour-coded using distinct colours for each depth category. This must include adequate peat probing information to inform the site layout in accordance with the mitigation hierarchy in NPF4, which may be more than that outlined in the Peatland Survey – Guidance on Developments on Peatland (2017); (b) Peat depth survey showing interpolated peat depths; (c) Peatland condition mapping – the Peatland Condition Assessment photographic guide lists the criteria for each condition category and illustrates how to identify each condition category. The detailed series of layout drawings above should clearly demonstrate that development proposals avoid any near natural peatland and that all proposed excavation is on peat less than 1 m deep. The layout drawings should also demonstrate that peat excavation has been avoided on sites where this is possible. On other sites where complete avoidance of peat and carbon rich soils is not possible then it should be clearly demonstrated that the deepest areas of peat have been avoided and the volumes of peat excavated have been reduced as much as possible, first through layout and then by design making use of techniques such as floating tracks.	The assessment follows SEPA and NPF4 guidance, prioritising avoidance and minimisation of peat impacts through detailed surveys and design measures like floating tracks to limit disturbance. **Chapter 3: Design Evolution and Alternatives (EIAR Volume 2)** provides information on the design process and details mitigation by design. This includes reference to mitigation hierarchy in relation to peat and the use of floating tracks, where required and feasible. **Chapter 8: Hydrology, Hydrogeology, Geology and Soils (EIAR Volume 2)** details the Proposed Development's impact on peat, and specific mitigation to reduce its effects. Drawings show the design of the Proposed Development in relation to peat depth survey data (including interpolated peat depths). **Technical Appendix 8.4 (EIAR Volume 4)** includes details of the peat depth surveys. A Peatland Condition Assessment is included in **Technical Appendix 6.2b (EIAR Volume 4)**, with associated drawings.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Detailed Scoping Requirements - Peat Management Plan	The Outline Peat Management Plan (PMP) must include: (a) Table setting out the volumes of acrotelmic, catotelmic and amorphous peat to be excavated, including contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes; (b) Table clearly setting out volumes of acrotelmic, catotelmic and amorphous excavated peat (1) used in making good site specific areas disturbed by development, including borrow pits (quantities used in making good areas disturbed by development must be the minimum required to achieve the intended environmental benefit and materials must be suitable for the proposed use), (2) used in on and off site peatland restoration, and (3) disposed of, and the proposed means of disposal (if deemed unavoidable after all other uses of excavated peat have been explored and reviewed); (c) Details of proposals for temporary storage and handling of peat - Good Practice during Wind Farm Construction outlines the approach to good practice when addressing issues of peat management on site and minimising carbon loss; (d) Suitable evidence that the use of peat in making good areas disturbed by development, including borrow pits, is genuine and not a waste disposal operation, including evidence on the suitability of the peat and evidence that the quantity used matches and does not exceed the requirement of the proposed use. If peat is to be used in borrow pits on site, SEPA will require sections and plans including the phasing, profiles, depths and types of material to be used; Use of excavated peat in areas not disturbed by the development itself is now not a matter SEPA provides planning advice on. Please refer to Advising on peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot 2023, and the Peatland ACTION – Technical Compendium which provides more detailed advice on peatland restoration techniques. Unless the excavated peat is certain to be used for construction purposes in its natural state on the site from where it is excavated, it will be subject to regulatory control. The use of excavated peat off-site, including for peatland restoration, will require the appropriate level of environmental authorisation. Excavated peat will be waste if it is discarded, or the holder intends to or is required to discard it. These proposals should be clearly outlined so that SEPA can identify any regulatory implications of the proposed activities. This will allow the developer and their contractors to tailor their planning and designs to accommodate any regulatory requirements. Further guidance on this may be found in the document Is it waste - Understanding the definition of waste.	An Outline Peat Management Plan is included in **Technical Appendix 8.5 (EIAR Volume 4).**
		Appendix 1: Detailed Scoping Requirements - GWDTE	<u>GWDTE and existing groundwater abstractions</u> Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas. A National Vegetation Classification (NVC) survey should be submitted which includes the following information: (a) A set of drawings demonstrating all GWDTE and existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. The survey needs to extend beyond the site boundary where the distances require it. (b) If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. Please refer to the guidance attached to the cover email for further advice and the minimum information we require to be submitted. Please note that due to discrepancies in habitat definition and ambiguity in correspondence with NVC types we do not accept the use of The UK Habitat Classification System (UKHab) as an alternative to NVC.	Noted. A description of the design evolution is provided in **Chapter 3: Design Evolution and Alternatives (EIAR Volume 2)**, which notes the number of constraints that were taken into account during the design process, including the siting of turbines and infrastructure following completion of a GWDTE risk assessment. Further consultation with SEPA (detailed in the Post-Scoping Consultation Section below) confirmed that GWDTE can be scoped out of further assessment within the EIAR. NVC survey results are detailed in **Technical Appendix 6.2a (EIAR Volume 4)** and referenced in **Chapter 6: Ecology (EIAR Volume 2)**.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Appendix 1: Detailed Scoping Requirements - Forestry	<u>Forest removal and forest waste</u> If forestry is present on the site, the site layout should be designed to avoid large scale felling, as this can result in large amounts of waste material and a peak in release of nutrients which can affect local water quality. The submission must include drawings with the boundaries of where felling will take place and a description of what is proposed for this timber in accordance with Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS.	Forestry is present within the Site. Felling or removal of young trees would be restricted to the two access routes (Western and Eastern Access routes) into the main area of the Site. A Forestry and Woodland Assessment is included in **Technical Appendix 2.3 (EIAR Volume 4)**, which includes a drawing showing the location of required felling and details the proposed use of the felled timber.
		Appendix 1: Detailed Scoping Requirements - Mitigation	<u>Pollution prevention and environmental management</u> The submission must include a schedule of mitigation, which includes reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils and peat at any one time) and regulatory requirements. Please refer to the Guidance for Pollution Prevention (GPPs) and our water run-off from construction sites webpage for more information.	A schedule of mitigation is detailed in **Chapter 13 Schedule of Environmental Commitments (EIAR Volume 2)**. This includes reference to pollution prevention measures.
			<u>Life extension, repowering and decommissioning</u> 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. The discarding of materials as waste should be avoided. However, if there is an intention to discard materials then further guidance on this may be found in the document Is it waste - Understanding the definition of waste.	Noted. Application is for a new wind farm development and as such life extension and repowering is not applicable. Guidance noted in relation to decommissioning will be taken into account as part of the Decommissioning Plan to be prepared in relation prior to decommissioning of the Site. This is expected to be secured via a planning condition of the section 36 consent or associated deemed planning permission.
NatureScot (NS)	10/01/2025	Summary	Key natural heritage considerations requiring consideration within the EIA are: – Potential impact on Shiel Dod Site of Special Scientific Interest (SSSI); – Potential impacts on Golden Eagles; – Potential impacts on rare freshwater fish, vendace; – Potential impacts on carbon-rich soil and priority peatland habitats; and – Landscape and visual impacts, including cumulative impacts.	Noted. These have been considered where relevant within **Chapter 4: Landscape and Visual Assessment (EIAR Volume 2), Chapter 6: Ecology (EIAR Volume 2)** and **Chapter 7: Ornithology (EIAR Volume 2).**
		Ecology	In addition to the detailed advice given below, the applicant should refer to our pre-application advice for onshore wind farm proposals on our website[1]. This provides guidance on the issues that developers and their consultants should consider for wind farm developments and includes information on recommended survey methods, sources of further information and guidance and data presentation. Attention should be given to the full range of advice included in the guidance, which sets out our expectations of what should be included in the Environmental Impact Assessment Report (EIAR). The recent update to the guidance encompasses, for example, advice on expectations for peatland restoration, biodiversity enhancement, etc. Where relevant we have discussed our pre- application guidance advice below.	Noted.

[1] NatureScot pre-application guidance for onshore wind farms | NatureScot

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Shiel Dod SSSI	The application area overlaps with the Shiel Dod SSSI, designated for its upland habitat. According to the Scoping Report we understand that no turbines, or any other development, are to be situated within the SSSI. While we agree that only turbines 15 and 16 of the current proposed layout (*Scoping Layout*) may have an effect on the SSSI due to the potential connectivity of watercourses feeding into the designated site and potential for pollution impacts, we also advise that potential effects during the operational phase of the wind farm should also be scoped in to the EIAR. Also, due to the unknown locations of associated infrastructure, including access tracks, we do not think that assessment of construction and operational phases should be scoped out at this point with regards to associated infrastructure. We would be happy to advise further once the locations of associated infrastructure is available.	The application boundary has been revised following the scoping phase and now does not include the SSSI. Shiel Dod SSSI lies 160 from the closest point of the proposed works footprint and no direct effects are expected. The potential for indirect impacts on the qualifying features of Shiel Dod SSSI are also scoped out of detailed assessment as the SSSI lies upstream of the planned works, and also on the basis of embedded good practice measures to be implemented during the construction, operation and decommissioning of the Proposed Development through a CEMP which would include measures for pollution prevention, the main indirect risk to the SSSI. Further details are included in **Chapter 6: Ecology (EIAR Volume 2).**
		Landscape and visual	The proposed development would be located within the southern part of the South Lanarkshire Council Leadhills and Lowther Hills Special Landscape Area (SLA), and there are no apparent operational, consented or application wind farms within this SLA. The high sensitivity of nearby landscapes is reflected by other local landscape designations including the Dumfries and Galloway Council Thornhill Uplands Regional Scenic Area (RSA) approximately 700 m west of the site and the Moffat Hills Regional Scenic Area (RSA) approximately 8.3 km east of the proposed development. Tala Hart Wild Land Area is located approximately 11.5 km to the northeast of the proposed site. We agree with the applicant that a Wild Land Impact Assessment is not required given the intervening distance, existing presence and influence of other operational wind farms, and consideration of NPF4 Policy 4g. However, given that the applicant proposes to scope in consideration of effects of the proposed development on the Moffat Hills Regional Scenic Area (RSA), we advise that it would be beneficial to look at Wild Land Area qualities in relation to the RSA. Guidance is available on our website for assessing landscape impacts in relation to wind farms (Assessing the cumulative landscape and visual impact of onshore wind energy developments) and there is also some guidance on assessing impacts of aviation lighting (Guidance on Aviation Lighting Impact Assessment).	Noted. Consideration of the potential effects on landscape is included in **Chapter 4 Landscape and Visual Amenity (EIAR Volume 2)**.
		Peat	In addition to our pre-application guidance, our detailed advice for applicants is contained in our revised guidance on Advising on peatland, carbon-rich soils and priority peatland habitats in development management (November 2023).	Noted. Guidance has been considered as part of the assessment detailed within **Chapter 8: Hydrology, Hydrogeology, Geology and Soils (EIAR Volume 2).**
		Golden eagle	We welcome the intention to undertake consultation with the South of Scotland Golden Eagle Project (SSGEP) as part of the desk study for the proposed development. Potential impact on birds associated with this project is likely to be a key consideration for this proposal and one which could result in an objection from NatureScot if any significant impacts identified cannot be adequately avoided, mitigated or compensated. As such, we do not agree with the proposal to scope golden eagle out of assessment in the EIAR at this stage. To assist with the preparation of the EIAR, we would be pleased to discuss with the applicant how any relevant information received from the SSGEP should be considered in the assessment, for both the proposal alone and in-combination, once this has been obtained by the applicant.	Golden eagle has been scoped into the EIAR and details of this assessment are included in **Chapter 7: Ornithology (EIAR Volume 2).** Satellite tag data was received from SSGEP regarding a recently established golden eagle pair in the wider area. Consideration will be given to supporting regional conservation efforts for golden eagle with peatland restoration measures set out in **Technical Appendix 6.7 (EIAR Volume 4)** serving to provide foraging habitat enhancements for golden eagle and dispersing golden eagle populations away from operational infrastructure, offsetting any habitat displacement effects to some extent.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Freshwater Fish - Vendace	Vendace, Britain's rarest freshwater fish and a species given full protection through inclusion on Schedule 5 of the Wildlife & Countryside Act 1981 (as amended), were translocated to Daer reservoir in the mid-1990s and have become established in small numbers. They are highly susceptible to declines in water quality, increased siltation and de-oxygenation. The presence of Vendace in the reservoir should be fully factored into the design of the development and proposals for pollution prevention and monitoring of fish populations/water quality before, during and after development presented in the EIAR.	Consultation has been undertaken with Clyde Rivers Foundation (CRF) with regards to vendace and local populations data. Vendace is present in the Daer Reservoir and therefore included in the assessment (see **Chapter 6: Ecology, EIAR Volume 2)**.
		North American signal crayfish	A key potential threat to vendace and wider fish populations in this area is the presence of the highly invasive and non-native North American signal crayfish in the surrounding landscape. Their presence has been confirmed in watercourses immediately downstream of Daer reservoir. They are very resilient and will voluntarily leave the water to travel over land in search of food or a new habitat. A specific North-American signal crayfish biosecurity plan should be included as part of the submission for consent. This should detail how the presence or continuing absence of the species during the construction phase will be monitored and set out details of working methods designed to avoid accidental transference of the species, should it be present or become established, a) between watercourses in the same catchment, and b) between catchments. Such measures may include, but not be limited to, visual inspections of clothing, equipment and plant, disinfecting clothing, equipment and plant with a disinfectant such as 'Virkon' and using avoiding any cross-catchment movement from the Clyde. More information is available on SEPA's website - SEPA – Biosecurity and management of invasive non-native species for construction sites and Controlled Activities.	Consideration of the risk associated with North American signal crayfish is included in **Chapter 6: Ecology (EIAR Volume 2).** A commitment is made in the Species Protection Plan (SPP), detailed in **Technical Appendix 6.6 (EIAR Volume 4)**, to the provision of a biosecurity management plan for North-American signal crayfish within the CEMP.
		Ornithology	We are widely supportive of the surveys conducted thus far and the intention to work closely with local raptor groups and RSPB Scotland. We encourage construction to take place outside of the breeding bird season (March-August) but where this is not possible we advise that a Breeding Bird Protection Plan be in place.	Noted.
		Questions to consultees - LVIA	Do consultees agree with the extent of the Study Areas proposed? Given the 240 m blade tip height of the proposed turbines we request a minimum 20 km study area for consideration of all landscape and visual effects including cumulative effects. Are consultees content with the proposed methodology for the LVIA? We agree with the proposed methodology. Are consultees content with the proposed approach to undertaking viewpoint photography and preparing visualisations? We consider that night-time lighting affects both landscape character and visual receptors in line with the jointly drafted Guidance on Aviation Lighting Impact Assessment. Are consultees content with the proposed viewpoints identified in Table 3.4, and could they advise of any additional viewpoints they consider necessary to assess the effects of the Proposed Development or indeed any that you think are not required? We have no further requests. Are consultees content with the proposed approach to the cumulative assessment and could they advise of any specific cumulative sites they consider should be included in the assessment? We consider that South Lanarkshire, Scottish Borders, Dumfries & Galloway and East Ayrshire Councils are best placed to advice. Do consultees agree that there are unlikely to be significant effects from decommissioning of the Proposed Development and accordingly this will be scoped out of the LVIA? We consider that effects during decommissioning are likely to be similar to those of construction.	Responses noted. LVIA assessment is provided in **Chapter 4 Landscape and Visual Amenity (EIAR Volume 2)**, with accompanying Technical Appendices, Figures and Visualisations.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Questions to consultees - Ecology	Are there any other relevant consultees who should be consulted, or other sources of information that should be considered? Local raptor study groups and South of Scotland Golden Eagle Project. Regarding American signal crayfish biosecurity and monitoring water quality, we suggest that you consult with Scottish Water and Clyde River Foundation, who have previously studied the presence of American signal crayfish in the area. Do consultees agree that the suite of field surveys in addition to a desk study are sufficient to inform a robust impact assessment? We agree with the proposed suite of field surveys Do consultees agree that the methodology and scope of assessment is appropriate? We agree with the proposed methodology. We advise that Vendace are scoped into further assessment, and with this proposals for pollution prevention and monitoring of fish populations/water quality before, during, and after development presented in the EIAR. Do consultees agree with the features proposed to be scoped out from further assessment as detailed in Table 3.8? We advise that, due to the location of the SSSI in the application area and the unknown elements of associated infrastructure and access layouts, the impacts of the operational phase on the designated site should not be scoped out. Impacts on wild deer during the operational phase should not be scoped out - please see the section on 'Wild deer' in the pre-application guidance referenced in the letter, and guidance on what to consider and include in deer assessments and management at development sites. Impacts on resident fish should also not be scoped out during the operational phase given the presence of Vendace in the Daer reservoir.	Consultation was undertaken with local raptor study groups and South of Scotland Golden Eagle Project (SSGEP). The SSGEP provided information that the Study Area overlaps with a single active golden eagle breeding range. Satellite tag data has been obtained which provides a very high level of information on golden eagle flight activity, and which largely occurs outside of the Site Consultation has been undertaken with the Clyde River Foundation regarding American signal crayfish and Vendace in respect of local populations. Vendace, the Shiel Dod SSSI and wild deer have been considered in the ecology assessment and reported in **Chapter 6: Ecology (EIAR Volume 2).** Water quality management and monitoring will be noted as standard mitigation for the development as detailed in **Chapter 13: Schedule of Environmental Commitments (EIAR Volume 2).**
		Questions to consultees - Ornithology	Do consultees agree that the range of ornithology surveys carried out are sufficient and appropriate? Yes although with the addition of surveys for Golden Eagle Do consultees agree that the survey areas and buffers adopted for each ornithology survey are appropriate? Yes – although we are happy to discuss appropriate survey areas and buffers following consultation with South of Scotland Golden Eagle Network. Are there any other relevant consultees who should be consulted, or other sources of available information that should be considered? Local raptor groups, RSPB, and South of Scotland Golden Eagle Network. Do consultees agree with the features / impacts proposed to be scoped out from further assessment? We do not agree that Golden Eagle are scoped out of further assessment.	Golden Eagle is scoped into the assessment presented in **Chapter 7: Ornithology (EIAR Volume 2)**. Consultation has been undertaken with the South of Scotland Golden Eagle Network (SSGEP) (who are currently actively monitoring golden eagle). Satellite tag data has been obtained which provides a very high level of information on golden eagle flight activity, and which largely occurs outside of the Site. Consultation has also been undertaken with the RSPB Data Unit, South Strathclyde Raptor Study Group (SSRSG), Dumfries and Galloway Raptor Study Group (DGRSG) and the Southern Upland Partnership for provision of existing ornithological information within proximity to the Proposed Development to inform the assessment.
Historic Environment Scotland (HES)	21/02/2025	Guidance	We recommend that the applicant refers to the EIA Handbook for best practice advice on assessing cultural heritage impacts. We have identified the potential for significant impacts on our historic environment interests.	Noted
		General	At this early stage with the limited information provided by the Zone of Theoretical Visibility (ZTV), this response highlights our concerns surrounding a number of assets that may experience moderate or significant impacts as a result of the proposed development.	Noted

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Physical Impacts	There is a single scheduled monument located within the proposed development boundary that has the potential for direct and indirect physical impacts: Smithwood, bastle house 900m SW of Daerside (SM5647) No information regarding access tracks or other infrastructure has been provided at this stage (Scoping) and there is therefore the potential for physical impacts on this scheduled monument from these elements of the development. The monument occupies a very large proportion of the narrow section of the development area running north towards Wintercleuch. It may be difficult to incorporate any development in this area without directly impacting the monument. We expect a commitment from the applicant to prevent any damage to this asset and to ensure it is not subject to adverse effects through construction activity. It may also be necessary to consider indirect physical impacts to the fabric of these assets from construction effects such as vibration or dewatering.	The Eastern Access to the Site passes in close proximity to this Scheduled Monument. No direct impacts are expected, and mitigation including the erection of secure fencing during the construction period will be employed to ensure this, and the assessment considers indirect impacts as a result of construction and use of this access track. The assessment of this is included in **Chapter 5: Cultural Heritage (EIAR Volume 2).**
		Setting Impacts	We expect all nationally designated assets within the ZTV to undergo an initial assessment to determine the potential for effects to their setting. This assessment should demonstrate a full appreciation of the setting of each heritage asset where potentially significant impacts are identified. This consideration should recognise that impacts may occur on views from, towards or across individual heritage assets as well as from potential changes to their experience. Our Managing Change guidance note on Setting provides further detail on this matter.	The ZTV has been used as the basis for an initial assessment to review assets that are to be included within the settings assessment. Justification for the scope of this assessment is detailed in **Chapter 5: Cultural Heritage (EIAR Volume 2).** Further consultation has been undergone with HES and is included in the Post Scoping Consultation section below.
			While we expect all nationally designated sites to be considered within the EIA process, we recommend that any assessment should pay particular attention to the potential for impacts on the settings of the heritage assets listed below. This list is not exhaustive, it simply highlights those assets where we consider there is an obvious risk of significant setting impacts.	Noted. Refer to comments below.
		Drumlanrig Castle, Outbuildings and Pavilion Blocks Piers, Balustrades and Quadrant Walls and Garden Urns (Cat A) and Drumlanrig Castle (GDL)	Located approximately 10km to the southwest of the proposed development and within the submitted ZTV. The Lowther Hills, where the proposed development would be located, form an important backdrop to views north and north-east from both the castle and the formal terraced gardens which immediately surround the castle. We welcome the proposal to produce a visualisation showing the predicted view from Drumlanrig Castle itself. It would be helpful if this photomontage could be taken from the elevated main entrance to the Castle at the head of the horseshoe stair and balustraded terrace, which provide elevated panoramic views in the direction of the proposed development. There are important longer views towards the Castle in its designed landscape setting from the south-west, in which the proposed development may also be visible. We would also request a visualisation showing the proposed development from such a location to help in assessing the impact of the proposed development on the setting of the Castle and its designed landscape.	Drumlanrig Castle is included within the cultural heritage assessment with visualisations included within EIAR Volume 3b. It is confirmed that the viewpoint location can be from the front of the castle at approx. 285177, 599234. Further consultation has been undertaken with HES to confirm suitable location for the additional visualisation noted from with the GDL. This is detailed in the Post-Scoping Consultation section below.
		Smithwood, bastle house 900m SW of Daerside (SM)	The monument consists of the remains of a narrow rectangular dwelling which has been identified through fieldwork as a bastle house, a type of fortified farmhouse dating from the late 16th or early 17th century. The main aspect of the setting of the bastle house is its relationship with the more open agricultural land surrounding it, particularly the area to the north towards the Dear Water. However, the close proximity of the proposed turbines has the potential to dominate the experience of being at the monument. We welcome the proposal to produce a photomontage of the view from this monument towards the development.	Noted.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Questions for Consultees - Cultural Heritage	<u>Is the proposed assessment methodology, including proposed Study Areas, accepted?</u> Generally we do not consider that a study area based on simple distance is an appropriate methodology for identifying assets for assessment as this risks missing assets at further distances which have particularly sensitive settings. We recommend that a wide ZTV is used in the first instance to establish which assets should be assessed. We would note however, that even where a detailed ZTV indicates that no intervisibility would be possible from any such assets identified, the potential may remain for turbines to appear in the background of key views towards these assets, and this should be considered as part of the assessment. However, we note and welcome the statement in paragraph 3.4.30 that a ZTV will be used to identify assets beyond the proposed 10km study boundary.	Noted. Detailed methodology and scope of assessment is included in **Chapter 5: Cultural Heritage (EIAR Volume 2)**. This identifies all assets to be considered as part of the assessment and justification for this selection/exclusion from assessment. Further consultation has been undertaken with HES and is detailed in the Post Scoping Consultation section below.
			<u>Are there any additional assets beyond the proposed Study Areas that consultees consider significant effects are likely to occur?</u> No assets have been referenced within the scoping report. The applicant's cultural heritage experts should provide this information in the first instance through an initial assessment. Once this exercise has been undertaken, the subsequent setting assessment will allow them to identify the potential for significant adverse impacts on assets. We would be happy to provide comments on the outputs of such an assessment. Given the scale of the turbines and the high visibility of the development demonstrated on the ZTV, designated assets with long-distance views which may contribute to their settings and thus to their cultural significance, should be included and we would recommend that the applicant's consideration of these and the reasons for scoping them in/out of further assessment should be included in the EIA report.	Noted. Detailed methodology and scope of assessment is included in **Chapter 5: Cultural Heritage (EIAR Volume 2)**. This identifies all assets to be considered as part of the assessment and justification for this selection/exclusion from assessment. Further consultation is proposed with HES to confirm assets to be included within the assessment.
			<u>The Smithwood, Bastle House 900 m south-west of Daerside (SM 5647) has been identified as an asset for a photomontage visualisation. Are there any additional assets for which consultees would like to see visualisations?</u> We advise that visualisations should be provided for any asset where a significant effect is identified. At this stage we therefore suggest that visualisations are likely to be required for those monuments where the potential for moderate or significant effects is identified. Where initial assessment identifies potential significant impacts on an asset, we recommend that wireframe visualisations should be produced to help analyse the impacts. If impacts are identified as significant, photomontages should be prepared to illustrate these impacts. If wireframes can be provided at an early stage this would assist both with the identification of significant effects and the scoping out of any monuments where significant effects are not likely, as well as identifying if potential mitigation by design is possible. It would also assist with identifying whether wireframes will be sufficient for the detailed assessment of impacts or whether photomontages would be required. We would be happy to discuss this in more detail as the EIA proceeds.	Noted. Further consultation with HES is detailed in the post-scoping consultation section below
Internal Scottish Government Advisors				
Transport Scotland	19/12/2025	Traffic and Transport – Access Route	The proposed Watchman Energy Park comprises a wind farm of approximately 16 turbines with a maximum tip height of 240m and associated infrastructure including a BESS with approximately 50MW capacity, located approximately 9km west of the M74 and 10km south of Crawford in South Lanarkshire. The SR states that the final choice of access route to site has yet to be finalised but will either be from the A702 or B7076.	Number of wind turbines reduced following design development. Refer to **Chapter 3: Design Evolution and Alternatives (EIAR Volume 2).** Refer to response for SLC 'Site Entrance' above re access route into the Site.

Table 1.2.2: Consultation Register - Scoping

Consultee Name	Date	Topic	Summary of Consultee Comments	Response
Transport Scotland	19/12/2025	Traffic and Transport - Assessment	Section 3.8 of the SR presents the proposed methodology for the assessment of Traffic and Transport. This states that the assessment will be carried out in accordance with the Institute of Environmental Management and Assessment (IEMA) Guidelines, entitled Environmental Assessment of Traffic and Movement (July 2023). These specify that road links should be taken forward for further assessment where the following two rules are breached: • Rule 1: Include road links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%) • Rule 2: Include road links of high sensitivity where traffic flows have increased by 10% or more. We note that the proposed study area encompasses both access options, and includes the M74 between Junctions 13 and 15, the A702 between Junction 13 of the M74 through to Carronbridge, the B7076 from Junction 12 of the M74 through to Junction 15 and the Daer Water Road. We also note that base traffic data will be obtained from the Department of Transport (DfT) traffic survey database, Traffic Scotland database and other public datasets that are available for the M74. In addition, future traffic flows will be factored using Low Growth factors estimated from National Road Traffic Forecasts (NRTF). Transport Scotland is satisfied with this approach. It is noted that any impacts associated with the operational and decommissioning phases of the development are to be scoped out of the EIA. We would consider this to be acceptable in this instance.	Note. Please note that future year growth factors have been estimated using Tempro Scotland data.
			The SR states that detailed swept path analysis will be undertaken for the main constraint points on the route from the port of entry (likely to be KGV Docks in Glasgow) through to the site access junction to demonstrate that the turbine components can be delivered to site and to identify any temporary road works which may be necessary. We would add that Transport Scotland will require to be satisfied that the size of turbines proposed can negotiate the selected route and that their transportation will not have any detrimental effect on structures within the trunk road route path. For your awareness, Transport Scotland is currently undertaking essential works on the Woodside Viaduct on the M8 northern flank. Temporary traffic management measures and weight restrictions are in force. The route is therefore not appropriate for abnormal loads, with all HGV traffic encouraged to use the M74 and M73 as an alternative. At this time, there is no timeframe for completion of the works.	Swept path assessments of the worst case AIL components along the proposed delivery route are provided in the RSR in **Annex B** of **Technical Appendix 9.1 (EIAR Volume 4).** It is expected that construction would commence in 2035, and as such should not be affected by the essential works noted. Prior to the delivery of the AILs, appropriate consents and agreements would be sought with the appropriate Road Authorities.
Scottish Forestry	23/07/2025	Baseline Data	I note that the proposals do not impact on the forestry assets within and adjacent to the site and that the small blocks internal to the site boundary have been excluded from the site proposals. I also note that a desk search of the Ancient Woodland inventory has not identified any such sites.	The Scoping Layout excluded the two access routes (Western and Eastern Access routes) to the main area of the Site. These access routes would affect forestry assets and this is covered in **Technical Appendix 2.3 (EIAR Volume 4).**
		Surveys and Biodiversity Enhancement	From the maps provided a number of watercourses are visible. It is possible that these retain remnants of old woodlands. I would recommend that where the site surveys identify such areas, they be recorded. It is possible that such areas, if they are indeed identified, could be enhanced by carefully considered tree planting to improve biodiversity and create habitat connectivity across what is an environmentally degraded landscape. I would urge the developers to consider this as part of any environmental improvement considerations.	Refer to **Chapter 6: Ecology (EIAR Volume 2)** and **Technical Appendix 6.7 (EIAR Volume 4)** for details of the biodiversity enhancement proposals.
		Questions to Consultees	In response to the specific questions relevant to tree, woodland and forestry interests, I would confirm that the suite of field surveys in addition to a desk study proposed in relation to Ecology, are sufficient to inform a robust impact assessment in terms of any remnant woodland interest.	Noted

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
Marine Directorate – Science Evidence Date and Digital (MD-SEDD)	13/03/2025	General	Standing advice from Marine Directorate – Science Evidence Date and Digital (MD-SEDD) has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 36 of the Electricity Act 1989. Located in ANNEX B MD-SEDD Standing Advice.	Noted. MD-SEDD guidance has been followed.
		Scoping Guidelines	MD-SEDD provide generic scoping guidelines for onshore wind farm and overhead line development (Onshore Renewables Interactions - gov.scot) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm or overhead line development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.	Noted. MD-SEDD guidance has been followed (see **Chapter 6: Ecology, EIAR Volume 2**)
		Guidelines - SAC	In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.	Noted. There are no SAC's within 10km of the Site.
		EIA Checklist	The generic scoping guidelines should ensure that all matters relevant to freshwater and diadromous fish and fisheries have been addressed and presented in the appropriate chapters of the EIAR. Use the checklist, provided in Annex 1 of the standing advice, should ensure that the EIA contains the required information.	Noted. MD-SEDD guidance followed (see **Chapter 6: Ecology, EIAR Volume 2)**.
Non-Statutory Consultees				
British Horse Society	13/12/2024	Outdoor Access	Disappointed to note that the applicant proposes to scope socio-economics, recreation and tourism out of the EIAR. They do propose a separate Socio-Economic and Tourism Report, but outdoor access and recreation are not included in proposed content.	A separate Maximising Socio-Economic Benefits Report has been prepared to accompany the application. This includes consideration of recreation and outdoor access. An outline Outdoor Access Management Plan has also been prepared and included as **Technical Appendix 9.2 (EIAR Volume 4). Chapter 4 Landscape and Visual Amenity (EIAR Volume 2)** also considers potential effects on visual amenity from long distance paths, scottish hill tracks, core paths, hill tops and visitor attractions.
		Outdoor Access	The applicant does note that the Southern Upland Way, a designated core path and one of Scotland's Great Trails (www.scotlandsgreattrails.com) passes through the site. In addition, South Lanarkshire's Core Path Plan shows other routes passing through the site which, whilst not designated as core paths, are likely to be rights of way and are important parts of the wider path network. Forestry tracks and hills tracks, like those found within and close to the site are often ideal routes for equestrians, as well as other non-motorised access users. Consideration should therefore be given to how access will be managed both during the construction phase and when the wind farm is operational. The creation of new tracks and upgrading of existing ones within wind farms can be an opportunity to improve outdoor access and provide the local community with additional amenity, especially if tracks can offer circular routes for walkers, cyclists, horse riders and others. Obstructions to access like cattle or deer grids and locked gates with no side gate should be avoided. The BHS is here to help and can provide guidance on suitable surfaces and infrastructure to accommodate equestrians and other access takers. We would be very willing to work with the applicant on these aspects. I strongly advise the applicant to properly consider outdoor access and to produce and Access Management Plan to accompany their application.	The onsite paths including the Southern Upland Way (SUW) would be managed through an Outdoor Access Management Plan (OAMP) which can be secured via a suitably worded planning condition. An Outline OAMP is provided as **Technical Appendix 9.2 (EIAR Volume 4).**

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Traffic and Transport	Access to safe off-road riding routes is vital to the health and wellbeing of horses and their riders. Equestrian road users are classed as vulnerable as they are more likely to be involved in a road accident and more likely to suffer the worst consequences. Most riding accidents happen on minor roads and with increasing numbers of horses and riders seeking to access the countryside, adequate access to off-road riding should be a priority, especially in rural and semi-rural areas, and areas of high horse ownership, like South Lanarkshire and the adjoining areas of Dumfries and Galloway and Scottish Borders. Few riders access busy roads by choice (although the horse has as much right to be on public roads as cars, bikes and pedestrians) - but they often have few other places to ride or no other way to access their safe off-road riding. Vehicles travelling two and from the site are likely to meet equestrians on the road and drivers should be advised of this risk. I have enclosed a copy of our "Guidance to drivers of large vehicles" document. I strongly advise the applicant to produce a Construction Traffic Management Plan. This should include a clear plan of how vulnerable road users, including equestrians, will be accommodated and their safety prioritised alongside wind farm traffic during both the construction and operational phases.	As noted above. A Construction Traffic Management Plan (CTMP) would be provided as well as an OAMP. Details of the CTMP is provided in **Chapter 9: Traffic and Transport (EIAR Volume 2).**
BT	18/12/2025	Telecommunications	We have studied this proposed wind farm for Watchman Energy Park South Lanarkshire - ECU00006030, with respect to EMC and related problems to BT point-to-point microwave radio links. Using the locations provided in Table A.C1 - Indicative Turbine Coordinates the conclusion is the proposed locations should not cause interference to BT's current and presently planned radio network. BT requires 100 m minimum clearance from any structure to the radio link path. If the proposed locations change, please let us know and we can reassess this for you. Please note this refers to BT Radio Links only, you will need to contact other providers separately for information relating to other supplier links / equipment. Please direct all queries to radionetworkprotection@bt.com	Noted.
Civil Aviation Authority - Airspace	No response provided		-	-
Clyde River Foundation	No response provided		-	-
Crown Estate Scotland	No response provided		-	-
Edinburgh Airport	19/12/2024	Aviation and radar	The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.	Noted
Fisheries Management Scotland	No response provided		-	-
Glasgow Airport	19/12/2024	Aviation and radar	The scoping report submitted has been examined from an aerodrome safeguarding perspective and we would make the following observations: ▪ The site is outwith the obstacle limitation surfaces and radar consultation area for Glasgow Airport; ▪ It is within instrument flight procedures safeguarding area and may impact. Detailed assessments will be required. Our position with regard to this proposal will only be confirmed once the turbine details are finalised and we have been consulted on a full planning application. At that time we will carry out a full safeguarding impact assessment and considers our position in light of, inter alia, operational impact and cumulative effects.	**Chapter 11 Aviation (EIAR Volume 2**) includes the aviation assessment for the Proposed Development**.** This indicates that turbines in the Proposed Development are located beyond the areas within which obstacles must be assessed for potential effects on Glasgow Airport's current and proposed future IFPs.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
Glasgow Prestwick Airport	17/12/2024	Aviation and radar - Concerns	The Initial Safeguarding Assessment confirms that the proposed development lies beyond the lateral limits of Glasgow Prestwick Airport's Controlled Airspace (CAS), it is in an area where the Airport's ATC regularly provide an air traffic control service. Other issues identified in the assessment include: i. Direct radar line of sight between the Primary Surveillance Radar(s) at GPA and the turbines. ii. Potential disruption to multiple Instrument Flight Procedures and minimum safe altitudes due to the site's location on the approach to Runway 30. iii. Potential loss of VHF Ground to Air communications in the vicinity of the windfarm as a consequence of the large turbines and proximity to other developments in the area. iv. The need for aviation lighting for obstacles above 150m in height;	Noted. Following further assessment by Prestwick Airport it has been determined that the Proposed Development would have no effect on the Prestwick Airport PSR or radio communications. Potential effects on Prestwick Airport IFPs will be determined by a formal IFP assessment commissioned by the Applicant from the airport's Approved Procedure Design organisation (APDO). Pending the conclusion of this assessment a preliminary assessment has been included in the EIAR and details of this are included in **Chapter 11 Aviation (EIAR Volume 2).**
		Aviation and radar - Lighting	The Airport are keen to understand how the Developer intends to address the aviation warning obstruction lighting as required by UK CAA for obstacles greater than 150m in height above local ground level in accordance with Article 222 of the UK Air Navigation Order (ANO) 2016. GPA note that while solely a matter for the CAA to consider, should the aviation lighting scheme consider the use of Aircraft Detection Lighting System (ADLS) dependent upon Electronic Conspicuity (EC) Equipment, GPA respectfully request that they are consulted with further, should such an ADLS lighting scheme be incorporated into the finalised design.	Noted. The Applicant intends to submit a reduced lighting scheme to the CAA for approval. ADLS is not currently being proposed.
		Aviation and radar	This development raises aviation safety concerns, and would have a potential operational impact on the Airport as an Air Navigation Services Provider (ANSP). The Airport will continue to develop its full ATC Operational Impact Assessment and the Technical Safeguarding Assessment(s) to consider the various impacts once the proposed development is at a developmental stage appropriate to the commission of those assessments and a credible result can be obtained. As part of those assessments, the Airport would wish to discuss with the Developer the terms of a suitable agreement to address the reasonable and demonstrable costs and risks which will be imposed upon it as a result of the proposed development. Consequently, the Airport would lodge an initial holding objection to this development should the scoping proceed to a full Section 36 application.	Noted. Further consultation to be undertaken with Glasgow Prestwick Airport. Assessment of the impact of the development on aviation, including details of any proposed mitigation, is included in **Chapter 11 Aviation (EIAR Volume 2).**
Health and Safety Executive (HSE)	11/12/2024	General	The proposed development, being a wind farm and battery energy storage system, is not a type that would store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015. The development is not located within a safeguarding zone of an Explosives site licensed under the Explosives regulations 2014 or the Dangerous goods in harbour area regulations 2016. The proposed development is located within HSE's land use planning consultation zones for a major accident hazard pipelines - 7923_2180 – 11 Feeder Bathgate/Moffat operated by National Gas.	Noted.
		Gas Pipeline	There is potential to initiate a major accident at the major accident hazard pipeline, for example, during the development construction phase and potentially the operational phase, because the development area intersects the route of the major accident hazard pipeline. HSE suggests that the EIA should show that the operator of the pipeline has been consulted regarding the following issues or that these issues have been considered in the assessment: • the development restricted area due to the pipeline and ensuring the integrity of the pipeline and protecting it from development/operational works.	Noted. Eastern Access to the Site is within buffer for gas pipeline. Further consultation to be undertaken with the gas pipeline operator, National Gas Transmission, following submission of the consent application.
John Muir Trust	No response provided		-	-
Joint Radio Company	06/12/2024	Telecommunications	In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. This proposal is cleared - subject to 50m Micrositing - with respect to radio link infrastructure operated by the local energy networks.	Noted.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
NATS Safeguarding	13/01/2025	Aviation and radar	The proposed development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria. Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection are outlined in the attached report TOPA SG37731.	Noted.
		Lowther Radar	The terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.	Further consultation with NATS to review mitigation options is underway. Assessment of potential impacts on Lowther radar, including mitigation, is included in **Chapter 11 Aviation (EIAR Volume 2).**
		Cumbernauld RADAR	Terrain screening available will not adequately attenuate the signal for 12 of the turbines and therefore these are likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.	As above.
		Prestwick Centre ATC	Technical report notes unacceptable impacts	As above.
		Military ATC	Technical report notes acceptable impacts	Noted.
		Other	No impact is anticipated on NATS' navigation aids or on NATS' radio communications infrastructure.	Noted.
MOD / DIO	18/12/2024	General	The MOD has concerns with the proposal. The proposal concerns a development of 16 turbines each with maximum blade tip heights of 240 metres above ground level and a battery energy storage system. The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to the impact of the development on the Eskdalemuir Seismological Recording Station and the potential for the turbines to create a physical obstruction to air traffic movements.	The number of turbines associated with the development has been reduced to 13 turbines. Concerns of MOD are noted and these aspects are considered in **Chapter 11 Aviation (EIAR Volume 2).**
		Eskdalemuir Seismological Recording Station	At this time, there is no seismic noise capacity available. The MOD must, therefore, make you aware that we will likely object to proposals for wind energy development in this location due to the unacceptable impact the proposed wind energy development would have on the operation and capability of the array.	Noted. A technical report demonstrating the anticipated performance of the Proposed Development in relation to the Eskdalemuir Seismological Recording Station is provided in **Technical Appendix 1.7 (EIAR Volume 4)**.
		Aviation and radar	The application site falls within Tactical Training Area 20 (TTA 20T), an area within which fixed wing aircraft may operate as low as 100 feet or 30.5 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area. There may be scope for the introduction of a physical obstruction to be addressed by planning conditions. If the developer is able to overcome other issues, the MOD would require that conditions are added to any consent that might be issued requiring that the submission, approval, and implementation of an aviation lighting scheme and requiring the submission of sufficient data to ensure that structures can be accurately charted to allow deconfliction.	Noted. Lighting of turbines >150 m and prior notification of structures >100 m are requirements under civil aviation law. The Applicant will comply with these requirements. Further details of the lighting proposals and reduced lighting scheme see **Chapter 11: Aviation (EIAR Volume 2)** and **Technical Appendix 4.5 (EIAR Volume 4)**.
Mountaineering Scotland	05/12/2024	Landscape and visual	Mountaineering Scotland endorses the hillwalking viewpoints listed in the Report: 1, 3, 6-9, 11, 12 and 14. It is our opinion that viewpoint 2, Pykestone Hill, selected to represent the view from the Tweeddale NSA, at a distance of 32km will have negligible impact in the LVIA. We suggest a more useful viewpoint from a hillwalking perspective would be Broad Law, in the same angle of view, significantly more popular and closer, and suggest this as a replacement for Pykestone Hill.	Noted. The location of viewpoint 2, Pykestone Hill, has been updated to be located at Broad Law. An assessment of this viewpoint is included in **Chapter 4 Landscape and Visual Amenity (EIAR Volume 2)**.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
RSPB Scotland	21/01/2025	Consultee Questions - Ornithology	ORN1 - Do consultees agree that the range of ornithology surveys carried out are sufficient and appropriate? Whilst we agree that the range of survey work is appropriate, we do not consider that the scope of this work is sufficient to assess the ornithological status at this site due to limitations in survey coverage as we summarise below in ORN2.	Noted - refer to ORN2 response below.
		Consultee Questions - Ornithology	ORN2 - Do consultees agree that the survey areas and buffers adopted for each ornithology survey are appropriate? Vantage Point Survey (VP): Section 3.6.17 of the Scoping Report states that proposed turbines 6, 7, 8, 11 and 13 were not visible during VP surveys in the 2022/23 non-breeding season or the 2023 breeding season (Figure 3.6.1). NatureScot guidance (SNH (2017) Recommended bird survey methods to inform impact assessment of onshore wind farms) states that VP surveys should encompass "*the proposed turbine envelope if known, or the maximum extent of potential turbine layouts*". We therefore disagree with the statement in section 3.6.18 of the Scoping Report that "*this is not considered a limitation to subsequent assessment"* and consider that the exclusion of approximately one third of the turbine envelope from VP assessment for one year of survey effort is likely to have a direct effect on the robustness of the EIA assessment. Black Grouse: It is not clear from the Scoping Report whether two years of Black Grouse lek surveys were carried out, as Section 3.6.28 only discusses surveys carried out in 2023. Although no Black Grouse were recorded during these surveys, the Scoping Report states that "possible lekking calls" were heard during VP surveys (3.6.29). We are aware of recent records of lekking Black Grouse from within the boundary of the proposed development, as confirmed through survey work for Daer wind farm. Survey work for other wind farms in the area also recorded lekking Black Grouse within or just beyond the 1.5km buffer: Clyde (operational), Daer (in planning ECU00000740), and Rivox (in planning ECU00003293). We therefore consider that the status of Black Grouse at this site has been under-recorded. NatureScot guidance (SNH (2017) *Recommended bird survey methods to inform impact assessment of onshore wind farms*) states that the survey area must cover the entire development footprint plus a 500m buffer for breeding and wintering bird surveys, increasing to 1.5km for Black Grouse and 2km for raptors. Whilst we agree that the recommended buffer distances given above have been used, Figure 3.6.1 shows that the 2022/23 non-breeding and 2023 breeding bird surveys and Black Grouse surveys did not include the northern part of the development area. Therefore, these surveys did not encompass the entire development plus the appropriate buffer zones. Walkover surveys undertaken in 2023/24 appear to have covered the whole of the turbine envelope, but not the southern part of the site (Figure 3.6.2). Based on the above issues, we recommend that an additional year of survey work (VP, breeding and wintering birds, Black Grouse) encompassing the whole of the development boundary plus appropriate buffers is undertaken, to ensure two full years of baseline survey to inform the assessment of ornithological status at this site.	Further ornithology surveys were undertaken in 2025 which provided coverage of all turbine locations. Details of the survey scope and methodology are provided within **Technical Appendix 7.1 (EIAR Volume 4).**
		Consultee Questions - Ornithology	ORN3 - Are there any other relevant consultees who should be consulted, or other sources of available information that should be considered? We strongly recommend that a data search is made with the South of Scotland Golden Eagle Project (SSGEP) to obtain data on Golden Eagle tracking data for the development footprint and appropriate buffer area to inform the EIA assessment. Due to the presence of recently active Black Grouse leks within the site boundary and nearby as identified through survey work for other wind farms, we recommend that additional Black Grouse lek records are sought from neighbouring wind farms to inform the status of Black Grouse at this site and to assist survey effort.	Consultation has been undertaken with SSGEP and satellite tag data has been obtained which provides detailed information on golden eagle flight activity, and which largely occurs outside of the Site. Consultation has been undertaken with the RSPB Data Unit and the Southern Upland Partnership who are the main third-party holders of black grouse records. Publicly available information from the planning applications listed above has also been reviewed.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
			ORN4 - Do consultees agree with the features/ impacts proposed to be scoped out from further assessment? Golden Eagle: As Golden Eagle were recorded on site through survey work, and as consultation with the SSGEP does not appear to have taken place, we do not agree with the decision to scope out Golden Eagle from the EIA. We recommend that Golden Eagle is scoped in for further assessment at EIA. Black Grouse: Black Grouse is a BoCC red-listed, UK BAP species which is undergoing severe declines in southern Scotland, with fewer than 200 lekking males recorded across the region in recent years. As such, it is a high priority for conservation action, and full consideration needs to be given to the impacts of this development on Black Grouse, both lekking and nesting. Therefore, due to the likely presence of Black Grouse on site and within 1.5km of the site, and due to the lack of coverage of survey effort to date, we recommend that Black Grouse is scoped into the EIA. Breeding Waders: This development falls within a key area for breeding waders, as identified through RSPB's work with the Clyde Valley Wader Initiative (CVWI); a project working closely with farmers and landowners in South Lanarkshire to increase breeding wader productivity through habitat enhancement and innovative management. Many breeding wader species are declining across the UK, and it is important that the impacts of development on these key species are fully considered. Therefore, we recommend that breeding waders are scoped into the EIA, with particular regard to cumulative impacts on Curlew and Lapwing.	Golden Eagle, Black Grouse and Breeding Waders are scoped into assessment and reported in **Chapter 7: Ornithology (EIAR Volume 2).** Habitat enhancement/restoration measures are included for Golden Eagle and Black Grouse as detailed in **Technical Appendix 6.7 (EIAR Volume 4).** Opportunities to provide positive management for breeding waders to be identified within the Site and wider area, in consultation with relevant landowners and stakeholders as necessary. Measures detailed in **Technical Appendix 6.7 (EIAR Volume 4).**
		Disturbance	We note that in Section 3.6.63 no mention is made of the potential impact of disturbance to birds, however, disturbance can have a large impact on breeding birds in particular, especially during the construction period, and it is important that this impact is fully considered in the EIA.	A Bird Disturbance Management Plan will form part of the proposed mitigation. This would be produced prior to construction commencing (during the discharge of conditions) to ensure the safeguarding of wild birds. Further details are provided in **Chapter 7: Ornithology (EIAR Volume 2).**
Scottish Fire and Rescue Services	No response provided		-	-
Scottish Rights of Way and Access Society (ScotWays)	18/12/2024	Outdoor Access	The enclosed map shows that rights of way SL170 and SL171 as recorded in the National Catalogue of Rights of Way (CROW) cross or are close to the application site as shown on Figure 1.1 Site Location. The enclosed map shows other path SL180 as recorded in the National Catalogue of Rights of Way (CROW) crosses or is close to the application site as shown on Figure 1.1 Site Location. The enclosed map shows the Heritage Paths project promotes routes, Daer Water to Thornhill and Daer Water to Kirkpatrick for their historic interest. These old routes cross or are close to the application site as shown on Figure 1.1 Site Location. The enclosed map shows that our book Scottish Hill Tracks describes routes SHT(6)063 and SHT(6)064 which cross or are close to the application site as shown on Figure 1.1 Site Location.	Details of the information provided by ScotWays has been used to inform this assessment (refer to **Chapter 4: Landscape and Visual Amenity, EIAR Volume 4** and **Technical Appendix 9.2, EIAR Volume 4).**
		Other Access to Land	You should be aware that other forms of public access to land may affect the proposed application site. More detail about these other types of access is set out in the enclosed Catalogue of Rights of Way Guidance Notes. The applicant may already be aware that SL180 forms part of the Southern Upland Way, a long distance route which is used by walkers, runners and cyclists. This route is promoted by NatureScot (formerly Scottish Natural Heritage) as one of Scotland's Great Trails.	As above.
		Recreational Amenity	It is our understanding that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way, so we use the following starting principle in considering what could be reasonable: "a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line." ScotWays considers the above sets out a reasonable principle for a recommended minimum	The turbines are located in excess of blade tip height from existing paths within the Site. It should be noted that a permanent diversion would be provided so that users of the Southern Upland Way (SUW) can avoid infrastructure associated with the Proposed Development. During the construction phase, the

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
			separation distance. There could also be site specific factors which would lead us to prefer a larger minimum separation distance; these could include the affected route being one of Scotland's Great Trails or it being known for equestrian use, for example. Whilst it appears that turbines are not proposed in close proximity to the Southern Upland Way (where we would prefer a larger separation distance) we request that the applicant provides information with regard to turbine distances in relation to the rights of way noted above as it appears some may be proposed closer than the principle noted above. ScotWays is likely to object to any proposal where the above principle is not followed, including where a micro-siting allowance could lead to turbine encroachment upon a route because it has been insufficiently buffered.	permanent diversion would not be used by construction traffic associated with the Proposed Development, instead it would provide continuing access for existing users away from the Proposed Development. A temporary diversion during construction would be put in place for the part of the SUW which is impacted by construction traffic. Further details are provided in the **Technical Appendix 9.2 (EIAR Volume 4)**.
Scottish Water	17/01/2025	General	Scottish Water has no objection to this proposal.	Noted.
		Drinking Water Protection Areas	A review of our records indicates that the proposed activity falls within drinking water catchments where Scottish Water abstractions are located. Some infrastructure from Watchman Energy Park lies within the Daer Reservoir catchment, which supplies the Daer & Camps WRZ. It is essential that water quality and water quantity in the area are protected. This development is classed as a Medium risk with regard to water resource (quantity) and water quality impact. The Daer & Camps WRZ is currently in yield deficit and the reservoir is a crucial resource for this zone. The Water Resources Team preference would be for turbines to be outside of the catchment.	Following a review of the design, T10, 12, 14 and 15 (of Scoping Layout) remain on the border of the Daer Reservoir catchment (now turbines 4, 6, 7 and 8). T13 (Scoping Layout) was removed from the layout due to other Site constraints. **Chapter 3: Design Evolution and Alternatives (EIAR Volume 2)** set out details of the design process.
		Daer Catchmant	For turbines remaining in the Daer catchment it is important that during construction drainage is not directed out of the catchment [to maintain water draining into catchment] and it may be worth considering if turbine 3 (of Scoping Layout) should be removed all together or the turbine layout at least considered.	Following a review of the design T3 (of Scoping Layout) (now Turbine 11) remains within the layout. An outline Construction Environmental Management Plan (OCEMP) has been prepared for the development which will manage construction drainage across the Site. An Outline CEMP is provided as **Technical Appendix 2.1 (EIAR Volume 4)**
		Wind Turbine Components	We also require confirmation if the turbines and associated infrastructure will be PFAS free. Scottish Water now sample for PFAS and detections are acted upon with the DWQR.	Noted. Presence of PFAS in infrastructure components will be confirmed during detailed design and turbine selection. Scottish Water will be notified should the Proposed Development infrastructure include such materials and any required monitoring will be agreed prior to construction.
		Catchment Boundaries	We should be notified of any pollution incidents impacting the watercourse as a result of the works. Catchment boundaries derived at this map scale can be subject to uncertainty and ground-truthing may be required to confirm whether borderline infrastructure is within or outside the catchment.	An outline CEMP is provided as **Technical Appendix 2.1 (EIAR Volume 4)**. This includes details of how pollution incidents would be managed including guidance on who should be notified.
		Mitigation	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 http://www.scottishwater.co.uk/slm	Noted. Best practice and site-specific mitigation measures are detailed in **Chapter 8 Hydrology, Hydrogeology, Geology, and Soils (EIAR Volume 2)** and summarised in **Chapter 13 Schedule of Environmental Commitments (EIAR Volume 2)**.
		Asset Impact Assessment	Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals. The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response. Written permission must be obtained before any works are started within the area of our apparatus.	Noted.

Table 1.2.2: Consultation Register - Scoping				
Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
		Surface Water	Scottish Water will not accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at (Connecting to Our Network - Scottish Water) which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.	No connection request is required.
		Connection to Infrastructure	All developments that propose a connection to the public water or waste water infrastructure are required to submit a Pre-Development Enquiry (PDE) Form via our Customer Portal prior to any formal technical application being submitted, allowing us to fully appraise the proposals.	No connection request is required.
Scottish Wildlife Trust	No response provided		-	-
Scottish Wild Land Group (SWLG)	No response provided		-	-
SPEN	No response provided		-	-
Visit Scotland	No response provided		-	-
West of Scotland Archaeology Service (WoSAS)	No response provided		-	-
Woodlands Trust	No response provided		-	-
Relevant Community Councils (CC)				
Carronbridge CC	No response provided		-	-
Crawford and Elvanfoot CC	No response provided		-	-
Thornhill CC	No response provided		-	-
Closeburn CC	No response provided		-	-
Kirkpatrick CC	No response provided		-	-
Moffat and District CC	No response provided		-	-

Table 1.2.3: Consultation Register – Post Scoping

Consultee Name	Date	Topic	Summary of Consultee Comments	Response
Start HES	01/09/25	HES email response to the below request for further consultation from CFA Archaeology: *I am writing to you in response to the Scoping Opinion you provided for the proposed Watchman Energy Park (HES Case ID 300077056). I would like to request further consultation, which has been outlined in the attached consultation letter and supplementary materials. I would be grateful for your comments.*	Thank you for contacting us for further pre-application consultation on the Watchman Energy Park. I am currently in the process of reviewing the documents contained within your consultation, however I have a number of queries in the first instance. I note in our original scoping response dated 21 February 2025, we requested that the applicant undertake an exercise to identify assets for inclusion within the EIA report: "*The applicant has not proposed any assets within the scoping report. The applicant's cultural heritage experts should provide this information in the first instance through an initial assessment. Once this exercise has been undertaken, the subsequent setting assessment will allow them to identify the potential for significant adverse impacts on assets. We would be happy to provide comments on the outputs of such an assessment.*" Can you confirm if this has been produced, or if the current consultation relates only to the three assets identified in your letter. In addition, your cover letter states that "no works proposed within or close to the scheduled area" are you able to confirm the distance from the edge of the access track to the curtilage of the Smithwood Bastle House (SM5647)?	The assessment has considered all assets within the ZTV and those with potential views within 10 km of the Proposed Development. With the exception of Drumlanrig Castle (LB3886), no heritage assets beyond 10km have been identified to require assessment for potential setting impacts. Detailed setting assessments have been provided for Smithwood Bastle House and Drumlanrig Castle (including its GDL) in **Chapter 5: Cultural Heritage (EIAR Volume 2).** An explanation of the methodology, along with a tabulated setting assessment for other designated assets within the ZTV, is included in the technical appendices associated with **Chapter 5: Cultural Heritage (EIAR Volume 2).** Confirmed via subsequent email (see below) that the eastern access would be located approximately 20 m from the wider scheduled area of the bastle house, and around 120m from the immediate footing of the bastle house itself.
	08/09/25	HES email in response to provision of additional information on the Eastern Access track route. "*At its closest, the eastern access would be located approximately 20m from the wider scheduled area of the bastle house, and around 120m from the immediate footing of the bastle house itself*"	Are you able to confirm that the 20m distance you reference, is from the centre line of the proposed eastern access? If so, we will require confirmation of the distance from the edge of the proposed eastern access including any associated work (e.g. drainage ditches, bunding of soil etc), to the curtilage of the scheduled monument. In addition, we note references in the Gatecheck report that multiple phases of peat probing have taken place. We would take the opportunity to reiterate our earlier advice that any physical impacts within the curtilage of Smithwood, bastle house 900m SW of Daerside (SM5647), will require Scheduled Monument Consent (SMC) as administered by HER and that based on the current information, we would be unlikely to grant consent for the works within the scheduled area. Any direct impacts to this asset without SMC would be likely to trigger our Compliance Procedure	At its closest, the Eastern Access track will lie approximately 20 m from the outermost border of the scheduled area. No works are proposed within the Scheduled Monument area.
	15/09/25	Email from HES	Given that we have not had visibility of an initial assessment of impacts from the proposed development, we have no additional comments to supply on any assets which may or may not be required to be taken through for detailed assessment within the EIA report. Please note that on submission of the EIA report, if there is insufficient information to enable us to understand the impacts of the proposed development on any asset within our remit, we may have to request that further information is provided. With regards to the three assets identified within your consultation letter, we have the following additional comments: <u>Smithwood, bastle house 900m SW of Daerside Scheduled Monument SM5647</u> We have concerns due to the proximity of the proposals to the asset and the potential for physical impacts on the monument alongside adverse impacts on its setting. We request further information on the proximity of the works and reiterate our earlier advice that any physical impacts within the curtilage of, will require Scheduled Monument Consent (SMC). <u>Drumlanrig Castle, Ourbuildings and pavilion Blocks Piers, Balustrades and Quadrant Walls and Garden Urns Category A Listed Building LB3886</u> We welcome the production of the wireline Cultural Heritage Viewpoint 2: Drumlanrig Castle (LB3886) which has been supplied. We note that you reference that the wireline has been produced from 'the head of the horseshoe stairs'. It has been difficult for us to ascertain the	Noted. Further information provided on the proximity of works to the Smithwood Bastlehouse SM (see below response). Cultural Heritage visualisations are provided in **Volume 3b Visualisations** and assessed in **Chapter 5: Cultural Heritage (EIAR Volume 2).**

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Consultee Name	Date	Topic	Summary of Consultee Comments	Response
			height from which the draft visualisation has been produced due to the lack of detail on the draft wireline, however if this presents an accurate representation from the view from the top of the horseshoe stairs, we request the provision of a photomontage to supplement the wireline. Drumlanrig Castle Inventory Garden & Designed Landscape GDL00143 A number of suggested visualisation locations have been provided. We note that you state 'The current wirelines have been created using points located on Google Earth which may have visibility, but given the densely wooded nature of the area, this has been difficult to confirm". At this stage, we do not have any specific locations or additional information regarding tree cover. A precautionary approach should be adopted, and it may be that multiple viewpoints should be taken forward to aid in assessment of impacts on the GDL. We would encourage you to rely on your own professional judgement when identifying locations, and suggest that a visit to the GDL will support you in the identification of locations that have important longer views towards the Castle in its designed landscape setting. Please note that during your visit to identify suitable visualisation locations, it may become apparent that there are multiple areas in which the proposed development may be visible, for example in the area of Mount Malloch to the south-west.	
	06/10/25	Response to submission of additional information regarding proximity of works in relation to Smithwood, bastle house. *"The Eastern Access Track will be ~20 m from SM border and >100 m from house itself. Section of earthworks will be located slightly closer. No works proposed within SM area. Applicant proposes enforcement of stand-off buffer, with protective fencing"*	Thank you for passing through that additional information regarding the proximity of the works in relation to *Smithwood, bastle house 900m SW of Daerside (SM5647)*. We retain significant concerns on direct physical impacts on the asset, alongside impacts on its setting. In addition, it may also be necessary to consider indirect physical impacts to the fabric of the asset from construction effects such as vibration or dewatering. We welcome that you recommend mitigation through the implementation of a *'stand-off buffer'*, this will encourage avoidance of direct physical impacts on the asset. We note however that within the scoping report, a description of the proposed development indicates a 100m micro-siting allowance will be applied to infrastructure *(section 2.4.6).* The micro siting allowance in the area adjacent to the scheduled monument would need to be reduced or removed in entirety to ensure protection of the monument. I note reference to the proximity to *'the house itself'* – please note that the full curtilage of the scheduled monument is protected under the Ancient Monuments and Archaeological Areas Act 1979. Any physical impacts within the curtilage of the monument without scheduled monument consent will likely trigger our compliance procedures. This includes any preparatory work including ground investigations or peat probing. Please also note, the suggested mitigation will not lessen setting impacts from the introduction of earthworks and permanent access track in close proximity to the asset. These elements will require assessment and should be included on any visualisations.	Noted. No works (including any that may be undertaken as part of a micrositing allowance) are proposed within the full curtilage of the scheduled monument area. The stand-off buffer would supersede the Proposed Development's micrositing allowance. A specialist consultant has considered the likelihood of indirect impacts to the Smithwood Bastle House as a result of construction vibrations. This assessment is detailed in **Chapter 5: Cultural Heritage EIAR Volume 2)**. Visual impacts to the integrity of the Scheduled Monuments setting has been assessed in **Chapter 5: Cultural Heritage (EIAR Volume 2)**, with visualisations contained in **Volume 3b: Visualisations.**
Joint Radio Company	16/09/25	Telecommunications	This proposal is *cleared* - subject to 50m Micrositing - with respect to radio link infrastructure operated by the local energy networks.	Noted
AtkinsRéalis UK Limited	04/09/25	Telecommunications	The above application has now been examined in relation to UHF Radio Scanning Telemetry communications used by our Client in that region and we are happy to inform you that we have NO OBJECTION to your proposal.	Noted
Arqiva	16/09/25	Telecommunications	We have considered whether this development will have any adverse effect on our operations and have concluded that we have no objection.	Noted
Mobile Broadband Network Ltd	25/09/25	Telecommunications	I can confirm that there are no infringement issues with the EE/3UK mobile microwave network from the proposed turbine cluster at the coordinates you have supplied.	Noted

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Consultee Name	**Date**	**Topic**	**Summary of Consultee Comments**	**Response**
Gate check 1 Report				
SEPA	25/08/2025	Hydrology, Hydrogeology, Geology and Soils	We have reviewed the submission and are pleased to see that our scoping comments of 17 December 2024 (our ref: PCS-20003909) will be taken into account in preparing the EIA Report. In particular, we are satisfied that peat condition information will be provided. We welcome the changes to the design layout which have been made to avoid areas of deep peat and areas of groundwater dependent terrestrial ecosystems (GWDTEs) and encourage any further minimisation of impact on these features. In terms of the further work on potential impacts to GWDTEs and private water supplies, our preference is for development to be outwith the relevant buffer areas but, if there is, then we advise the applicant to follow the guidance available on our website	Noted.
HES	01/09/2025	Historic Environment	We are broadly content that the details provided in the gatecheck report reflect Historic Environment Scotland's involvement with and advice regarding the EIA process for this development. We would take the opportunity to highlight that the advice we provided in our scoping response and subsequent pre-application consultation, as summarised in the gatecheck report, was based on an earlier design iteration of 16 wind turbines up to 240 m maximum tip height and not the current layout. We would expect the applicant's cultural heritage advisors to revisit and refresh any previous sifting exercise or assessment which may have been based on earlier design iterations or material such as their Zone of Theoretical Visibility (ZTV). We have yet to engage in additional pre-application consultation with the applicant's heritage consultants and have no additional comments to provide at this stage, until receipt of updated information.	The Cultural Heritage assessment is based on the Proposed Development layout, as described in **Chapter 2: Description of Proposed Development (EIAR Volume 2).** Cultural Heritage assessment is detailed in **Chapter 5: Cultural Heritage (EIAR Volume 2).**

Technical Appendix 1.3: Technical Team

Technical Appendix 1.3: Technical Team

1.3.1 Introduction

1.3.1.1 In accordance with regulation 5(5) of the EIA Regulations, the EIAR has been prepared by 'competent experts'.

1.3.1.2 **Chapter 1: Introduction (EIAR Volume 2), Table 1.1** presents the project team and **Table 1.3.1** below presents the technical leads within the project team and their relevant qualifications and experience.

Table 1.3.1: Technical Team Experience

Company Name	Roles & Responsibility	Team Lead	Qualifications & Professional Memberships	Experience
Ramboll UK Limited	EIA Project Director / Shadow Flicker / Carbon Balance	Peter Bruce	▪ MSc Environmental Protection and Management ▪ BSc (Hons) Geography ▪ Chartered Environmentalist (CEnv) ▪ Member of Institute of Sustainability and Environmental Professionals (formerly Institute of Environmental Management and Assessment)	Peter Bruce is a Principal (Director) and Chartered Environmentalist with over 19 years' experience in environmental consultancy. Peter has taken a lead role in the co-ordination and management of numerous complex environmental impact assessments (EIA) in the power, renewables, transmission, urban development and oil and gas decommissioning sectors, guiding a wide range of clients through the consenting process. Peter has extensive experience of facilitating workshops, liaising and leading discussions with statutory bodies and other stakeholders, and in engaging with local communities through public consultation events. Peter also has deep experience in construction environmental management and sustainability strategy.
	Hydrology and Hydrogeology	Melanie Hooper	▪ BSc Geography (Hons) ▪ MSc Flood Risk Assessment, Modelling and Engineering	Melanie Hooper has over four years of experience in environmental consultancy. She has extensive experience working on renewable energy projects, including proposed wind farms, solar farms, and energy infrastructure sites. Her expertise encompasses Flood Risk Assessments, Sustainable Drainage Systems (SuDS), Geographical Information Systems (GIS), Environmental Impact Assessments, and Flood Mitigation Strategies.
	Hydrology and Hydrogeology	Jo Thorp	▪ Member of the Chartered Institution of Water and Environmental Management ▪ BAEd Education, MSc Sustainable Environmental Management	Jo has eight years' experience of hydrological environmental assessment for renewables projects including proposed wind farms, solar farms, hydrogen production and energy infrastructure sites. Jo has carried out field data collection, stakeholder consultation and preparation of written and visual material for planning and EIA submissions. Jo is experienced in the use of geospatial data collection methods and GIS in carrying out hydrological assessment for EIA submissions. He also provides advice to clients on the implementation statutory guidance, planning guidance and best practice measures for drainage and pollution prevention to meet regulatory standards and the requirements of international funding bodies.
	Peat	Jeff Turner	▪ Chartered Environmentalist (CEnv) ▪ Member of the Society for the Environment (MIEnvSc) ▪ Member of the Institute of Environmental Science ▪ Member of the Institute of Sustainability and Environmental Professionals (formerly Institute of Environmental Management and Assessment) (PIEMA) ▪ BSc (Hons) Marine and Freshwater/Aquatic Biology	Jeff Turner is a Senior Managing Consultant and Director at Ramboll. Jeff is a Chartered Environmentalist and member of the Society for the Environment, Institute of Environmental Science, and Institute of Sustainability and Environmental Professionals (formerly Institute of Environmental Management and Assessment) (CEnv, MIEnvSc, PIEMA, BSc (Hons)). Jeff has over 25 years' experience in the co-ordination and management of Environmental Impact Assessments, including those for renewable energy developments. As part of this experience, Jeff has been responsible for managing the potential effects of wind farm infrastructure on peat and carbon rich soils, including the identification of suitable mitigation measures to minimise the effects from development.
David Bell Planning Ltd	Planning	David Bell	▪ BSc (Hons) Town & Country Planning ▪ Dip Urban Design ▪ Member Royal Town Planning Institute ▪ Member Chartered Institute of Highways and Transportation	David Bell is a Chartered Town Planner with over 30 years' experience of planning and development practice in the private sector, advising on a range of developments in the UK and overseas. David is a recognised leading expert in energy and infrastructure planning specialising in onshore and offshore wind, solar, battery storage developments and overhead line projects and substations. He advises on feasibility studies, planning and section 36 and 37 applications and planning Appeals and frequently acts in the capacity of expert witness in Public Inquiries. David's experience covers practice in Scotland, England and Wales.
MVGLA Ltd	Landscape and Visual	Marc van Grieken	▪ MSc Landscape Architecture ▪ Chartered Member of the Landscape Institute (CMLI)	Marc van Grieken, is a Fellow of the Landscape Institute, with more than 37 years' experience in LVIA and giving evidence as an expert witness at public inquiries. Marc who founded MVGLA in 2015, was a member of the Landscape Institute advisory panel which oversaw the drafting and publication of the "Guidelines for Landscape and Visual Impact Assessment" (3rd edition). He also drafted the LI guidance on Residential Visual Amenity Assessment and contributed to LI guidance on visualisations. Marc has expertise in the design and assessment of wind farms, having advised clients on in the order of 200 sites.
CFA Archaeology	Cultural Heritage	Jack Litchfield	▪ BA (Hons) in History ▪ MA in Medieval Studies ▪ PhD in Medieval Studies ▪ Associate Chartered Institute for Archaeologists (ACIfA)	Jack Litchfield is a Consultant Archaeologist with several years post-graduate experience in cultural heritage and historical studies. Jack has experience in producing historical background research reports, cultural heritage desk-based assessments, and contributing to Environmental Impact Assessments. Jack has worked on a range of large-scale development projects, including those associated with renewable energy, national infrastructure, and housing development across the UK. This work has been undertaken for a range of private and public sector clients, including the Environment Agency, Scottish Water, and Highways England.

Table 1.3.1: Technical Team Experience

Company Name	Roles & Responsibility	Team Lead	Qualifications & Professional Memberships	Experience
SLR	Ecology	Kate Hobbs	▪ Chartered Environmentalist (CEnv) ▪ Full Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) ▪ BSC (hons) Zoology	Principal Ecologist with over ten years' experience in consultancy, leading on ecological impact assessments for onshore renewables, grid connections and strategic infrastructure developments, undertaking biodiversity metric assessments and development of Biodiversity Enhancement Management Plans (BEMPs).
SLR	Ecology and Ornithology	Eleanor Stacey	▪ BSc (hons) Marine Biology with Oceanography ▪ Qualifying member of CIEEM	Senior Ecologist with four years' experience in consultancy, leading on protected species technical appendices, species protection plans and inputting into ecological impact assessments for onshore renewables.
SLR	Ornithology	Nicole Robinson	▪ BSc (Hons) in Ecological Sciences ▪ MSc in Ecological Management and Conservation Biology	Nicole Robinson is a Principal Ornithologist, with over 14 years' experience in ecological consultancy, leading on ornithological impact assessment for onshore renewables, grid connections and strategic infrastructure developments. Nicole has extensive experience in the design and undertaking of baseline ornithological studies in accordance with industry guidance, collision risk modelling, Habitats Regulations Appraisals (HRAs), Biodiversity Enhancement Management Plans (BEMPs) and engagement with statutory bodies and other stakeholders.
Pell Frischmann	Traffic and Transport Assessment	Gordon Buchan	▪ B.Eng. (Hons) Civil & Transport Engineering ▪ MSc Transport Engineering & Planning ▪ Chartered Engineer ▪ Fellowship of Chartered Institution of Highways and Transportation (FCIHT) ▪ Chartered Member of the Institution of Logistics and Transport (CMILT)	Gordon Buchan is a Divisional Director in the Transport Planning team with over 24 years' experience and has provided abnormal load route survey, Transport Assessment and traffic impact review advice on over 600 wind farm sites across the UK, Ireland and Scandinavia.
TNEI Services Ltd	Noise	Andrew Birchby	▪ MEng Systems Engineering ▪ Diploma in Acoustics & Noise Control ▪ Full Member of the Institute of Acoustics (MIOA) ▪ MSc Environmental Governance	Andrew is a Principal Consultant with over 15 years' experience in the renewables industry and over 10 years of acoustics experience with a particular focus on wind farm noise. Andrew has been involved in all stages of the assessment process from site feasibility through to planning applications, detailed design, construction and compliance monitoring.
Aviatica	Aviation and Telecommunications	Malcolm Spaven	▪ MSc Rural & Regional Resources Planning ▪ MA (Hons) Politics	Malcolm Spaven has more than 29 years' experience of aviation consultancy in the wind industry, with in-depth technical and operational knowledge of the aviation and telecommunications industry. Malcolm has worked on the development of solutions through sound analysis and negotiation with stakeholders and has a wide range of competencies in supporting planning applications, from pre-planning feasibility studies to expert witness at inquiries.
Biggar Economics	Socio Economics	Simon Cleary	▪ MA (Hons) Economics and Mathematics ▪ Member of Economic Development Association Scotland ▪ Member of Institute of Economic Development	Simon Cleary is the Energy Transition Director at BiGGAR Economics and in the last 14 years has become a well respected expert in assessing the socio-economic impacts of renewable energy projects and has developed expertise in modelling the economic impact of individual renewable energy projects and industry wide developments. Simon has contributed to socio-economic impact assessments of over 100 wind farm developments around the UK including projects that have focused on the development of clusters of projects within a given geography and cumulative potential of these. Simon has particular experience of assessing the economic impact of wind farms and has designed the economic models that are currently used to assess impacts of individual projects and the model used as part of our work for DECC and RenewableUK on the economic contribution of the onshore wind energy sector to the UK economy.
McKay Forestry	Forestry	Neil McKay	▪ National Diploma in Forestry ▪ Professional Member of Institute of Chartered Foresters (MICFor)	A chartered forester since 1994, with a wide-ranging forest management and forestry related responsibilities in both the public and private sectors. Since 2010 Neil has provided forestry EIAR and forestry support to numerous onshore renewables developments in Scotland and Wales, ten of which are within South Scotland. Forestry support during the construction of the Clyde Wind Farm. Neil has provided forestry evidence at a wind farm Public Inquiry.