

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Scoping Opinion of South Ayrshire Council for the proposed development at Darnaconnar, by Barrhill

1. Introduction

South Ayrshire Council received a request under Regulation 17 of The Town and Country Planning (Environmental Impacts Assessment) (Scotland) Regulations 2017 ('The Regulations') for a scoping opinion in respect of a proposed development at Darnaconnar, by Barrhill. The purpose of this scoping opinion is to provide the applicant with details of what the Council considers to be the main issues and therefore the issues upon which the EIA Report should focus.

As part of the process of preparing this scoping opinion the Council has consulted with a range of agencies (both statutory and non-statutory). Each of the consultees has provided a response relating to their own particular remit and they are attached to the scoping opinion for your information. Please note that the responses submitted by the consultation authorities form part of the scoping opinion and should therefore be read in full.

There are a narrow range of issues associated with this particular proposal which should be covered within the EIA Report. This cover note summarises what the Council considers to be the issues upon which there will be likely significant effects, and therefore those upon which the EIA Report should focus:-

- The EIA Report is required to focus on the cumulative impacts of the proposed development in relation to existing windfarm development in the locality in terms of landscape, visual, natural heritage and noise impacts.

There are clearly a wide range of other matters, summarised below, which will require to be considered and addressed within planning supporting documentation, not within the EIA Report itself but in separate supporting documentation accompanying any planning application.

2. Description of your development

The proposed site relates to land immediately adjacent to a property known as Darnaconnar, which is located approximately 3.5km to the north east of the settlement of Barrhill.

The proposal consists of 2 wind turbines; the generating capacity of which has not been stated. The turbines have a maximum blade tip height of 150m. The proposed development will also comprise one permanent switchgear housing unit at each turbine base (approximately 4m x 4m x 3m), one central DNO switchgear housing unit (approximately 4m x 4m x 3m), temporary access tracks, underground cabling and temporary crane hardstanding areas at each turbine (approximately 45m x 25m).

The proposed turbines would be sited on agricultural land, with one sited on land suited only to improved grassland and rough grazing and the other on land capable of producing a narrow range of crops.

3. Planning policy context

In developing the proposal and preparing the EIA Report, particular regard should be afforded to the relevant provisions of Scottish Planning Policy (SPP), The Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017, Circular 1/2017: The Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017 as well as other relevant national policy guidance; the provisions of the South Ayrshire Local Development Plan, the South Ayrshire Supplementary Guidance on Wind Energy, the South Ayrshire Wind Capacity Study and other material planning policy considerations.

The proposed site is situated within the Scenic Area as defined by the Local Development Plan. The South Ayrshire Landscape Wind Capacity Study (August 2018) identifies the proposed site as falling within the Plateau Moorland with Forest character area.

There are several natural and built heritage designations within and around the proposed development site. Of particular note are the wildlife sites, the SSSI (and SWT Reserve), there are also flood risk areas around the site and listed buildings. Accordingly, there are a number of relevant policies within the development plan which would be taken into consideration in the determination of any future planning application. It is considered that the following policies of the local development plan would be particularly relevant to an evaluation of the environmental impacts of the proposed development:

- Spatial Strategy
- Sustainable Development
- Landscape Quality
- Protecting the Landscape
- Central Scotland Green Network
- Water Environment
- Flooding and Development
- Air, Noise and Light Pollution
- Renewable Energy
- Wind Energy
- Historic Environment
- Archaeology
- Natural Heritage
- Outdoor Public Access and Core Paths

4. Consideration of Alternatives

Schedule 4, paragraph 2 of the Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2017 requires that all EIA Reports should include information on the main alternatives studied and an indication of the main reasons for choosing the selected option, with reference to the environmental effects. The applicant should therefore include details of the alternative approaches to development which have been considered.

5. Landscape Implications

The EIA Report should assess the landscape implications of the proposed development using the most up-to-date methods and best practice. Consideration should be given to the potential effects of the development upon local scenic designations, as defined in the South Ayrshire Local Plan; other built and natural heritage designations (e.g. listed buildings) within the study area and wider landscape. Regard should be had to the impact of the development on landscape character, as defined in the Ayrshire Landscape Character Assessment. The landscape and visual assessment should address all aspects of the proposal (access to the site and within the site, control/ transformer buildings etc) as well as turbine locations and should be conducted in accordance with industry best practice.

The South Ayrshire Landscape Wind Capacity Study (which is a material consideration) offers useful information in relation to the landscape character of the area and the sensitivities involved in positioning wind energy developments within the locality. This document identifies the proposed development site as being located within a distinct landscape character typology: plateau moorlands, forestry and wind farms. In general terms, turbines over 130m within the remaining undeveloped edges of this character type would be likely to significantly intrude on smaller scale Pastoral Valleys and adjacent Upland Glens. The environmental statement should include information on how the proposed turbines would integrate within the landscape.

The environmental statement should include a detailed description of the landscape as it currently exists, including reference to the special features of the landscape and how it will be affected by the

proposed development. In this regard, particular cognisance should be given towards impacts upon the locally designated scenic area.

6. Cumulative Impacts

The cumulative impacts (visually and ecologically) arising from windfarm developments are a key consideration in the assessment of such proposals, particularly given the number of existing operational windfarms in the area, windfarms with permission and windfarm developments at application, scoping and pre-scoping stages.

The relationship of the proposal to operational (Mark Hill and Arecleoch, in particular) and consented windfarms should be assessed, together with other developments which are the subject of undetermined Section 36 applications or planning applications and, where possible, proposals at formal scoping stage. The cumulative landscape and visual impacts of the proposal would be key considerations within the assessment of any future application. It is important that any cumulative assessment should not only address inter visibility and the visibility of multiple windfarms from key viewpoints, but should also address the consequences of travelling through the landscape and sequential views.

7. Zones of Theoretical Visibility (ZTVs)

It is desirable that individual and cumulative ZTVs be prepared early on in the assessment process. A minimum of 25km ZTV is recommended, which should include a provisional list of views, with an indication of distance and the evaluation and justification for their inclusion or omission (e.g. sequential road view/ fixed view from distant hill/ key skyline views; views on approach to/ impact on the landscape setting of settlements and built and cultural heritage features; locally important views/ landmarks; views from rights of way/ walking routes/ residents views/ popular recreation areas etc).

These should be used to influence the site layout process, and the zone should include wind farm projects known to be at application or decision stage within 25km distance from the proposed development site.

8. Design Principles

The layout of the site should be designed so as to minimise the impact of the development upon key environmental features, significant views and sites designated for their ecological, historical, cultural or scenic qualities. The principles to be adopted in the design process should be made explicit, and could take the form of a Design Statement as advocated in PAN 68.

9. Nature Conservation Designations

As stated earlier, there are several natural heritage interests around the site. The site lies within Shentulloch Knowe and Black Cluachrie provisional Wildlife Site and there are a variety of botanical and ornithological interests around the site. There is a SWT Reserve to the south of the site which also encompasses a SSSI. The Feoch Meadow Reserve to the south of the site supports breeding barn owls. Please refer to the responses of SNH and SWT, set out within Appendix 1.

Based on the response from SNH, the impact on the SSSI Feoch Meadow reserve can be scoped out of the EIA Report, however the impacts upon the wildlife site designation should be addressed within the EIA Report.

Particular attention should also be given to any impacts upon European protected species within the vicinity of the site.

10. Short-term Impacts

The consequence of construction works should be assessed and addressed by means of a method statement, environmental management plan, mitigation programme, reinstatement measures and monitoring regime. These techniques should deal with the timing of works and site restoration proposals following decommissioning.

The effects of construction activities on water quality should be assessed, to avoid in particular, sedimentation and accidental spillages. This will apply to turbine base formation and access road construction. Any private water supplies should be protected during and after construction. The development should maximise the use of secondary aggregates or recycled materials and the production of waste materials should be minimised.

It is noted that there are flood risk areas along the boundary of the site. The advice of SEPA will be pertinent in order to ensure that the existing flood risk problems within the area are not exacerbated by the proposed development. These issues can be scoped out of the EIA.

11. Built and Cultural Heritage Resources

The ES should assess the direct and indirect impacts of the proposed development (individually and in association with other existing and proposed windfarms) upon heritage resources and their settings within the zone of visual influence of the development, including scheduled monuments, unscheduled archaeological sites, listed buildings, conservation areas and gardens and designated landscapes. Please see the response from HES in Appendix 1.

12. Tourism/ Recreation and Public Access Resources

The application submission should address the consequences of the development for users of the countryside and its direct and indirect impacts on tourism and recreational interests and resources in the vicinity. However, it is not considered that the ES requires to address this issue.

13. Amenity Issues

The consequences of the proposed windfarm for occupiers of properties within the vicinity of the development, as well as countryside users, should be assessed in terms of impact on views from properties and access routes; noise from the construction and operational phases of the development; dust from the construction phase of the development; fumes and vibration from HGV traffic movements; and shadow flicker. A noise assessment methodology should be submitted in respect of both the construction and operational phases of the development, with cumulative noise issues of particular note.

14. Traffic and Transportation Issues

A Transport Report should assess the impact of the construction and operational phases of the proposed development on the public road network in terms of the effects of the additional vehicular traffic generated, particularly heavy good vehicles and abnormal loads comprising turbine components, on traffic management, road safety, road layout and road condition. Transportation issues can be scoped out of the EIA.

15. Aviation

The consequences of the proposal for military and civil aviation should be assessed, notably the impact of the wind turbines on operations within the MOD Low Flying Tactical Training Area 20T and upon airport approach and en-route air traffic control radar systems, including impact with other operational, consented and proposed windfarms.

It is recommended that the applicant familiarise themselves with any aviation implications as a result of their proposal and provide any evidence of their assessments. NATS have produced self-assessment maps which will help prospective applicants identify any potential issues.

16. Telecommunications

The impact of the proposed development on domestic television reception in the area and on any civil or military broadcast linkages traversing the site should be assessed and any necessary mitigation measures identified.

Appendix 1 – Comments received by consultation authorities

SEPA

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Request for Scoping Opinion regarding erection of 2 no. wind turbines (up to 150m to tip), Darnaconnar, near Barrhill, South Ayrshire

Thank you for your consultation email which SEPA received on the 02 December 2019

To assist with streamlining the consultation process, we now focus our site specific advice where we can add best value in terms of enabling good development and protecting Scotland's environment.

We note you consider the proposal to be EIA development due to '*potential cumulative landscape, visual, noise and natural heritage impacts relative to the adjacent Mark Hill and Arecleoch Windfarms*'. These are issues outwith our remit. We therefore recommend you make reference to Appendix 1 of our [standing advice for planning authorities and developers on development management consultations](#) which provides guidance for wind turbine developments below 10 MW.

If, after consulting this guidance, you still require our comment on some site specific issue which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

If you have any queries relating to this letter, please contact me by telephone on 01698 839 000 or by e-mail to planning.sw@sepa.org.uk.

Historic Environment Scotland

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Darnaconnar, near Barrhill - erection of 2 no. wind turbines (up to 150m to tip)
Scoping Opinion

Thank you for your consultation which we received on 02 December 2019 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers World Heritage Sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

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

Proposed Development

I understand that the proposed development comprises 2 wind turbines to a maximum blade tip height of 150m, plus ancillary infrastructure including temporary access tracks, switchgear housing and underground cabling.

Scope of assessment

Potential direct impacts

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

Potential setting impacts

There is a scheduled monument in the vicinity of the development whose setting has the potential to be impacted by the proposed development. The annex to this letter gives further details about the potential impacts.

Potential cumulative impacts

There are several other existing, consented and proposed wind developments in the surrounding area. We would recommend that the potential cumulative impacts of the proposed development in combination with other developments in the vicinity be assessed. This should assess the incremental impact or change when the proposed development is combined with other present and reasonably foreseeable developments.

Scoping information

We note that the information provided to us comprises information submitted at screening stage. We have reviewed the information provided and note that the applicant considers that significant impacts on the historic environment are unlikely. Based on the limited information provided so far we consider that there is the potential for impacts to the setting of a scheduled monument in the vicinity of the proposed turbines.

At this stage we do not consider that sufficient information has been provided to be confident that any impacts to the setting of the monument will not be significant. If the applicant can supply further information we may be able to scope out these impacts during the iterative design process. We have provided further details on potential impacts in the attached annex.

We strongly recommend that our [Managing Change Guidance Note on Setting](#) is used to inform setting assessments and further information on good practice in cultural heritage assessment can be found in [Appendix 1 of the EIA Handbook](#)

Further information

A new Historic Environment Policy for Scotland (HEPS 2019) was adopted on the 01 May 2019, which replaced the Historic Environment Scotland Policy Statement (HESPS 2016). The new Historic Environment Policy for Scotland is a strategic policy document for the whole of the historic environment and is underpinned by detailed policy and guidance. This includes our Managing Change in the Historic Environment Guidance Notes. All of these documents are available online at www.historicenvironment.scot/heps.

Practical guidance and information about the EIA process can also be found in the [EIA Handbook \(2018\)](#). Technical advice is available on our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

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

Annex

Historic Environment Scotland's interest

The following designated historic environment asset is in the vicinity of the development and has the potential to be impacted by it. In this instance, we are content that this is the only asset within our remit which has the potential for significant impacts to its setting.

Scheduled monuments

- Balmalloch, chambered cairn (SM 2503)

Although this scheduled monument is currently located within commercial forestry it is situated in open moorland within a large clearing, with the line of planting at some distance from the cairn itself, which allows relatively clear views out from the cairn to the north east, east and south east. The turbines of the existing Mark Hill wind farm are clearly visible to the west of the monument and are prominent in views towards the monument. Currently there are no other similar modern features visible in the setting of the monument in other directions.

We note that the screening request suggests that there will be little to no impact on the setting of this asset due to undulating topography and screening by forestry. As laid out in our Managing Change guidance not on [setting](#) we do not consider that screening by forestry is likely to present sufficient mitigation for setting impacts as forestry is subject to windblow, disease and felling which may all alter the level of screening over the lifetime of a development.

It is possible that the undulating topography may provide sufficient screening to reduce the level of impact on the setting of this monument to less than significant levels, however that information has not yet been provided to us. We note that the ZTV provided with the screening information indicates visibility of the turbines from the asset.

Given the height of the turbines and their relative proximity at less than 1.5km from the scheduled monument there is the potential for impacts on the setting of the asset, particularly in views out to the south east from the monument. There is also the potential for cumulative impacts on the setting of the monument in combination with the existing Mark Hill turbines.

We would therefore suggest that an assessment of the potential impacts is carried out and visualisations provided to demonstrate the impacts on the setting of this asset. Should visualisations demonstrate that the impact will be minimal due to screening by topography it may be that we can then agree to scope out impacts on our remit from the EIA. We would recommend that a wireline is produced showing the view towards the proposed turbines from the scheduled monument and submitted to us at an early

opportunity. This may allow us to scope out impacts on the setting of this monument from the EIA or allow us to provide more detailed comments regarding assessment and potential mitigation. We would be happy to discuss this further if that would be helpful.

Scottish Water

KA26 South Ayrshire Land at Darnaconnor 150m

PLANNING APPLICATION NUMBER: CE7333-OP8716

OUR REFERENCE: 785960

PROPOSAL: Erection of a pair of wind turbines, up to 150m to tip, on land at Darnaconnor.

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

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

Foul

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

any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Drinking Water Protected Areas

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

SNH

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 Request for Scoping Opinion regarding erection of 2 wind turbines (up to 150m to tip), at Darnaconnar, near Barrhill, South Ayrshire

Many thanks for your consultation dated 2 December 2019 requesting a scoping opinion for the above development.

Background

We understand that the development being considered would comprise two wind turbines with a maximum tip height of 150m and associated infrastructure. The development site lies approximately 4km west of the village of Barrhill, situated within the administrative boundary of South Ayrshire Council.

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

General advice

We refer the applicant to our "general pre-application/scoping advice to developers of onshore wind farms" which can be found via <https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-development/onshore-wind-energy/advice-wind-farm>

This provides guidance on issues that developers and their consultants should consider for wind farm developments and includes information on recommended survey methods, sources of further information and guidance and data presentation. Attention should be given to the full range of advice included in the guidance. The checklist in Annex 1 of our guidance sets out our expectations of what should be included in the ES.

Scottish Natural Heritage, Caspian House, 2 Mariner Court,
Clydebank Business Park, Clydebank G81 2NR
Tel: 0131 314 6750 www.nature.scot

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

The guidance document will be updated over time to reflect any changes to available information and our guidance, so users should ensure they download the most up to date version before use.

Collecting and presenting information

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

Statutory designated sites

Glen App and Galloway Moors Special Protection Area (SPA)

The proposed development site is situated approximately 13km to the east of Glen App and Galloway Moors SPA which is classified for its breeding population of hen harrier. Information on the SPA (including the site conservation objectives) can be found on the SiteLink pages of our website: <https://sitelink.nature.scot/site/8615>

The SPA's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, South Ayrshire Council will be required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements - <https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal/habitats-regulations-appraisal-hra-appropriate>

To help you to do this we can advise that given the separation distance between the development site and the SPA, in line with our Guidance on Assessing Connectivity with Special Protection Areas (SPAs) (June 2016) - <https://www.nature.scot/sites/default/files/2018-08/Assessing%20connectivity%20with%20special%20protection%20areas.pdf> , the development would be situated out with the core foraging range for hen harrier, which is the area in which we would consider there may be connectivity between the development site and the qualifying interests of the SPA. Therefore in our view, it is unlikely that the proposal will have a significant effect on the qualifying interests either directly or indirectly. An appropriate assessment is therefore not required and we consider that Glen App and Galloway Moors SPA can be scoped out of the EIA.

Feoch Meadows Site of Special Scientific Interest (SSSI)

The proposed development lies within 1km of Feoch Meadows Site of Special Scientific Interest (SSSI), which is classified for fen meadow and lowland neutral grassland habitats. Information on the SSSI can be found on the SiteLink pages of our website:

<https://sitelink.nature.scot/site/629>

Given the separation distance we do not consider that the SSSI habitats are connected to the development site. Therefore we advise that this SSSI does not require further consideration and can be scoped out of the EIA.

Statutory Protected Species

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

Details of species and associated legislation can be found on our website at <https://www.nature.scot/professional-advice/planning-and-development/natural-heritage-advice-planners-and-developers/planning-and-development-protected-animals>

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

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

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

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

Therefore the expectation is that SNH case officers will no longer look at protected species survey and mitigation information in EIA Reports (or other protected species surveys, including 'wider countryside' bird surveys). We are expecting applicants to read the guidance, undertake the surveys and devise mitigation proposals without reference to SNH, and for consenting authorities to then process cases using the standing advice. We are also

expecting applicants and consenting authorities to flag up to us any 'exceptional circumstances' not covered by standing advice.

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

Wider Countryside/Nesting birds

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

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

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

Habitats and Peat

We recommend that habitat surveys should include:

– Phase 1 survey for all terrestrial habitats likely to be affected by the development. This should include an appropriate area beyond the footprint of the development to assess more distant effects and to inform any redesign or micro-siting.

– NVC survey of habitats listed on Annex 1 of the EC Habitats Directive and UKBAP Priority Habitats, accompanied by supporting quadrat information.

– Records of any rare and scarce plant species.

– Where peat is present, peat probing at proposed locations of turbines, tracks and other infrastructure, in line with Scottish Government guidance <https://www2.gov.scot/Resource/0051/00517174.pdf>. The results should be used to inform a peat slide assessment, if appropriate. We recommend early engagement with SEPA with regard to excavated peat reuse and disposal. The Carbon and Peatland map 2016 provides some context to your more detailed peat survey work – see

<https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/soils/carbon-and-peatland-2016-map>

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

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

Landscape and Visual Impact Assessment

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

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

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

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

You may find the recently updated *South Ayrshire Landscape Wind Capacity Study (2018)* helpful in your consideration of landscape capacity and of cumulative effects. It can be found at: <https://www.south-ayrshire.gov.uk/planning/documents/south%20ayrshire%20landscape%20wind%20capacity%20study%20-%20final%20august%202018.pdf>

Please note that turbines of 150m or taller would require visible lighting. We advise that a lighting impact assessment should be carried out wherever this is the case. The requirement for aviation lighting of turbines is a fairly recent issue for the wind energy sector and we have limited experience of assessing the effects and understanding the impacts. Nonetheless, the effects of aviation lighting could be significant in some locations and should be assessed through the EIA process.

Wind turbines tend to be located in areas which contain limited artificial lighting. Darkness and dark skies in these areas may be valued by many people, a proportion of whom may be actively seeking out and enjoying good views of the night sky. Turbine lights can be seen over considerable distances, with some clearly visible at 20-30km. A flashing effect can also occur, depending on wind direction, as turbine blades pass in front of the nacelle-mounted lighting. Turbine lighting could therefore adversely affect people's experience and enjoyment of darkness and dark skies, and of sunset and sunrise views (noting that turbine lights are switched on before dusk and off after dawn). As a result, we recommend that these effects should be carefully assessed and that mitigation is employed wherever possible.

Assessment of the landscape and visual effects of turbine lighting is a relatively new practice. The extent of the lighting assessment study area for landscape and visual impact assessment (LVIA) should be informed by the Zone of Theoretical Visibility (ZTV) map and an understanding of the nature of the likely effects. As a starting point we highlight advice in our existing landscape guidance, however our advice is evolving and we advise that the LVIA-related lighting assessment should include:

- Clear information on the positions and intensity of lighting proposed and, if only certain turbines are to be lit (e.g. due to a mix of turbine heights), a plan showing which turbines (numbered turbines) would be lit.
- Production of a ZTV map which shows the areas from which the nacelle and tower lights may be seen.
- Annotation of the positions of turbine lighting (including intermediate tower lights) on all wirelines from every viewpoint.
- A table which lists how many lit turbines will be visible from each viewpoint.
- Written assessment based on fieldwork for all relevant viewpoints (i.e. with potential visibility of lighting, and where effects may be significant). In a worst case scenario this may involve all viewpoints, but judgement should be applied to ensure the assessment remains focused on likely significant effects. The assessment should take into account the baseline darkness and artificial lighting characteristics and people's likely use of different areas during darkness and low light (dusk/ dawn) conditions. In some cases, there may be the need to select some of the LVIA assessment viewpoints on the basis of the turbine lighting impacts, as opposed to day-time visual effects. Edge of settlement locations are likely to be better lighting assessment viewpoints, compared with locations within towns and villages (i.e. given the influence of existing street lighting, etc.).

- Night-time visualisations from a limited number (we suggest two or three) of representative viewpoints. These may be selected on the basis of sensitivity or regular usage during low-light conditions.

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

Scottish Wildlife Trust

Thank you for consulting the Scottish Wildlife Trust about this proposal. Your enquiry has been passed back to me in the Ayrshire Group.

The site does have a number of sensitivities from a biodiversity standpoint. Firstly, as the documentation points out it is very close to the Feoch Meadows SSSI and our own nature reserve. Contrary to what is stated in the scoping request it also lies within the Shentulloch Knowe and Black Clauchrie provisional Wildlife Site (pWS). The brief description of the pWS mentions the presence of areas of blanket bog, "a good assemblage of plants" and "some rare breeding birds". The surveys on which the pWS was based were carried out many

years ago so the EIA will need to bring the information up to date. We have breeding Barn Owls on our Feoch Meadow reserve, but I have asked the Ayrshire Bird Recorder if he can supply any other useful information on the area.

Based on this information we would suggest that at least the following data are collected for the EIA:

- Any risk to peatland from access tracks, turbine bases and crane hardstandings;
- NVC survey;
- Breeding bird survey;
- Raptor flight paths;
- Usage by feeding and commuting bats;
- Other protected species (otters etc).

If I get any more information on birds in the area I will pass it on to you.

WoSAS

I refer to your email of the 2nd of December, requesting comments in response to the request for a scoping opinion in relation to the proposal to erect two wind turbines at the above location. I have considered the documents provided by CleanEarth in support of the scoping request, and would make the following comments.

In relation to the potential effect of the proposal on the historic environment, the letter from CleanEarth notes the presence of two scheduled monuments within 5km of the turbines, these being the chambered cairn at Ballmalloch, 1.44km to the north, and the chambered cairn at Cairnderry, 4.99km to the south-east. The second of these cairns is located in Dumfries and Galloway, and as such, is located outwith the area that we cover, but I can confirm that the cairn at Ballmalloch is the only scheduled monument recorded in our system from within 5km of the two turbines. I would say, however, that we would generally expect a setting assessment conducted in relation to a development of tall turbines to consider all nationally-important sites out to at least 10km of the site. I would accept, however, that this may not be necessary in this instance due to the proximity of the proposed new turbines to existing wind farms, as it seems probable that they are likely to appear as part of the existing turbine grouping when viewed from greater distances. The CleanEarth letter states that as part of the EIA, a review would be conducted to consider the cumulative impact of the additional turbines on the setting of the two scheduled cairns, and I would agree with this proposal.

While the CleanEarth letter states that they will consider the cumulative impact of the two turbines on the setting of the two scheduled monuments that lie less than 5km from the development, there is no indication that their assessment would take account of non-designated features of the historic environment. This approach would appear to be contrary to Planning Advice Note 2/2011, which deals with the treatment of archaeology in the planning process. Paragraph 4 of the PAN makes it clear that that *'Government policy is to protect and preserve archaeological sites and monuments, and their settings, in situ wherever feasible'*, while paragraph 14 says that *'when determining a planning application, the desirability of preserving a monument (whether scheduled or not) and its setting is a material consideration'*. This would indicate that the impact of the proposal on the setting of heritage sites should not be restricted solely to designated sites only.

One hundred and seventy sites are recorded in the HER database from within 5km of the turbines (and it is likely that additional features will be present in the portion of this buffer that extends into Dumfries and Galloway. While it is unlikely to be feasible for the setting

assessment to consider the impact of the proposed turbines on all undesignated archaeological features out to 5km, it should therefore include some assessment on their impact on the setting of other categories of undesignated sites, including those of regional importance, or those where wider setting would have been a significant factor in the selection of their position in the landscape. In particular, I would suggest that consideration should be given to sites that were identified as being of potentially schedulable quality in the old Non-Statutory Register (NSR). Of the 170 sites recorded in the HER from within 5km of the turbines, 26 were assessed as being of potentially schedulable quality in the NSR; these include a number of cairns, hut-circles and burnt mounds. Although the NSR is no longer referenced in current planning guidance, sites that were assessed to be of potentially worthy of inclusion in the schedule at the time that it was compiled are likely to continue to be of at least regional significant (unless their condition has materially changed in the intervening period). Any cumulative setting assessment should also consider the impact of the turbines on these features.

The CleanEarth letter does not appear to give much consideration to the potential direct impacts on archaeological material that may result from construction of the turbines and their associated infrastructure, other than in a single line that says *'due to screening by dense forestry, undulating topography and the development not directly affecting any archaeological remains, it is expected that there will be little to no impact on the setting of these assets'*. There does not appear to be any indication of the assessment that has been conducted to date to reach the conclusion that no archaeological material would be directly affected by construction activity. While I would acknowledge that no features are recorded in the HER database from the immediate footprint of the new turbines, it is possible that unrecorded material may be present in these areas - for example an area of rig and furrow cultivation and an enclosure has been recorded from the area to the north-east of Darnaconnar, while two possible shieling huts were identified further to the east. It is possible that similar evidence for past agricultural activity may extend into areas that would be affected by construction of the turbines and related infrastructure. In order to assess this, we would generally recommend that a walkover survey of the ground that would be affected by construction should be conducted by an appropriately-qualified professional archaeological contractor, with the aim of identifying any unrecorded archaeological material that may be present within the area that would be affected by construction.

Dumfries and Galloway Council

At the moment Dumfries and Galloway Council won't be offering any substantive comments at this stage of developments; however, if and when a planning application comes in, we would like to be formally consulted please.

SAC Environmental Health

**SUBJECT: Planning Application Reference No.
Darnaconnar Farm
U102 From A714 Junction At Blair North East Via Laggan Farm To
Darnaconnar House
Barrhill
South Ayrshire
KA26 0RD**

I refer to the above planning application consultation submitted to this section on 2 December 2019 and can advise as follows.

Following perusal of these plans the comments and representations I would advise that prior to planning consent being granted the following comments and representations should be complied with to satisfy Environmental Health:

1. Further information required prior to application being considered. The information submitted in support of this application is insufficient. Information on the location of all nearby noise sensitive dwellings and the predicted noise levels from the cumulative effect of all the wind turbines on these properties requires to be submitted, therefore the applicant must submit for the approval of the Environmental Health Service of South Ayrshire Council, a Noise Impact Assessment:-

Noise Impact of the proposed Wind Turbine requires to be assessed in accordance with procedures set out in ETSU- R- 97 'The Assessment and Rating of Noise from Wind Farms' and the findings of Salford University report into Aerodynamic Modulation of Wind Turbine Noise, as referred to in Planning Advice Note 1/2011: Planning and Noise and the Technical Advice Note Assessment of Noise. The assessment methodology must also be based on the guidance published in the Institute of Acoustics March/April 2009 Bulletin i.e. the IOA methodology provides guidance on the sound level propagation assumptions, background noise and wind speed data collection procedures. The preferred method for prediction of the propagation of wind turbine noise being ISO9613-2

The following conditions would be applicable to the application:

That the wind turbine(s) noise emission level, at a receiver height of 4m above ground level, up to wind speeds of 10m/s at 10m height:-

a) During daytime (0700 to 2300) shall not exceed 35dB(A) LA90,10min or the measured LA90,10min (background) noise level plus 5dB(A), whichever is the greater, when measured at any point within 15m from any noise sensitive dwelling, where the occupier is not financially involved with the development.

b) During night time (2300 to 0700) value must not exceed 38dB(A) LA90,10min or the measured LA90,10min (background) noise level plus 5dB(A), whichever is the greater when measured at the nearest noise sensitive dwelling, where the occupier is not financially involved with the development.

c) In the case of properties where the occupier has some financial involvement in the wind turbines, the noise limits may be increased to the higher of 45 dB LA90, 10min or 5dB above the prevailing background noise level for both daytime and night-time. It should be noted that this may result in annoyance and nuisance to the occupiers.

Note: The applicant should be aware that the Council reserves the power to instigate formal action in terms of the Environmental Protection Act 1990 at a later stage should a statutory nuisance be found to exist.

2. Shadow Flicker - Following a complaint to the Planning Authority the applicant will appoint a suitably qualified person to the satisfaction of the Local Authority, who will undertake an investigation into the incidence of shadow flicker at the compliant location. Where shadow flicker is confirmed to result in loss of amenity, then mitigation measures require to be implemented, to the satisfaction of the Local Authority.

Reason: to prevent nuisance to residents from shadow flicker.

3. Construction Noise - Prior to the commencement of works on site, the company shall submit to the planning authority a management plan for minimising the emission of dust from the construction and operation of the development hereby authorised. The dust management plan shall specify the following matters and, after its approval shall be implemented in full by the Company:-

- The water spraying of all internal roads and stockpiles of materials to suppress dust in periods of prolonged dry weather;
- The means to ensure that an adequate water supply is available at all times for dust suppression purposes;
- The operation of the site so as to ensure that adequate steps are taken at all times to minimise dust propagation from un-surfaced access tracks within the site.

Reason: To minimise dust to nearby residents.

b) Construction works require to be carried out in accordance the approved Code of Practice BS 5228-1 and 2:2009 Noise and Vibration Control on Construction and Open Sites or any subsequent code amending consolidating or replacing it as approved by the Secretary of State pursuant to Sections 71(2) and 104 of the Control of Pollution Act 1974.

As the development is in an area of existing low ambient noise levels and the construction activities continue for more than 1 month the following minimum criteria are applicable:- Assessment category and threshold value period (LAeq) Threshold value in decibels (dB),

Category A: Night time (23.00-07.00), 45 Evenings and Weekends* 55 Daytime (07.00-19.00) and Saturdays (07.00-13.00) 65 *19.00-2300 weekdays, 1300-23.00 Saturdays and 07.00-23.00 Sundays. 5228-1 Annex E.

c) Prior to any works being undertaken a detailed method statement for the construction project will require to be undertaken for approval by South Ayrshire Council Planning Department. This shall include an assessment of potentially noisy operations and outline the noise mitigation measures proposed. This will also include a programme and phases for each stage of work.

4. The site contractors shall conduct all site operations in accordance with accredited documented procedures. This shall include a site complaint investigation procedure.

No Blasting shall take place until a monitoring scheme to address borrow pit blasting has been submitted to South Ayrshire Council and received the written approval of, the planning authority. The scheme shall be implemented as approved in writing by the planning authority. The scheme shall make provision for:

- Blasting monitoring locations (Nearest noise/vibration sensitive properties)
- Type of monitoring equipment to be used;
- Frequency of monitoring.
- The methods to be employed to minimise the effects of overpressure arising from blasting, having regard to blast design, methods of initiation and the weather conditions prevailing at the time;
- Limits of overpressure levels at specified properties; and
- Submission of blasting records to the planning authority.

Reason: To minimise disturbance to residents from noise and vibration.

a) No blasting shall take place except between the following times:-

- 10:00 – 12:00 and 14:00 – 16:00 Mondays to Fridays
- 10:00 – 12:00 Saturdays

This response with recommendation(s) was prepared by **Ms Connie Lobban, Enforcement Officer and Mr Matt Smith Environmental Health Officer** to whom any further enquiries can be made on **01292 616191**.