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The Scottish Government
Energy Consents Unit

Scoping Opinion on behalf of Scottish Ministers under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Breezy Hill Energy Project
Breezy Hill Energy Limited a subsidiary of Brockwell Energy Limited (BEL)

28 June 2024

CONTENTS

1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Breezy Hill Energy Limited a company incorporated under the Companies Acts with company number SC720311 and having its registered office at C/O Brockwell Energy Limited The Eagle Building-Third Floor, 19 Rose Street, Edinburgh, Lothian, EH2 2PR ("the Company") in response to a request dated 03 May 2024 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Breezy Hill Energy Project ("the proposed Development"). The request was accompanied by a scoping report.

1.2 The proposed Development would be located approximately 13 km south-east of Ayr, 8.5 km south-west of Cumnock and 4.5 km north of Dalmellington, within the East Ayrshire Council administrative area.

1.3 The proposed Development would have a total generating capacity in excess of 50 megawatts ("MW") and is anticipated to comprise of up to 26 wind turbines with a maximum tip height of 149.9 m , each with a generating capacity of up to 5 MW. There is also potential for a Battery Energy Storage System ("BESS") with up to 40 MW capacity.

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

- Turbine foundations;
- Crane hard standings;
- A site entrance for each section of the proposed Development;
- Internal and private access road network;
- Watercourse crossings;
- On-site borrow pit(s) depending on the suitability of site-won materials to provide aggregate for the construction of the development;
- Transformers and underground cables;
- Onsite substation / switchgear building; and
- One or more temporary construction compounds.

1.5 The Company indicates the proposed Development would be decommissioned after 40 years and the site restored in accordance with the decommissioning and restoration plan.

1.6 The proposed Development is solely within the planning authority of East Ayrshire Council.

1.7 The site is situated within the North Kyle Forest Estate, predominantly comprising Sitka spruce. The site is immediately adjacent to the western

boundary of the North Kyle Energy Project. In recent decades, the area has experienced extensive opencast coal mining. The site is not within 10 km of any Special Protected Areas (SPA) or Special Areas of Conservation (SAC). However, several Sites of Special Scientific Interest (SSSI) are located within a 5 km radius, with the nearest being Benbeoch, approximately 1.6 km to the south. Additionally, there are small, isolated areas of ancient woodland along the northern boundary of the site.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between ITP Energised (acting as the Company's agent) and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 08 May 2024. The consultation closed on 05 June 2024. Extensions to this deadline were granted to Scottish Environmental Protection Agency ("SEPA"), NatureScot (previously "SNH") and Historic Environment Scotland ("HES"). The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Directorate – Science Evidence Data and Digital (MD-SEDD) has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 36 of the Electricity Act 1989. All consultation responses received, and the standing advice from MD-SEDD, are attached in ***ANNEX A Consultation responses*** and ***ANNEX B MD-SEDD Standing Advice.***

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

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

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

- Auchinleck Community Council;
- Ayrshire Rivers Trust;
- British Horse Society;
- Civil Aviation Authority – Airspace;
- Crown Estate Scotland;
- Cumnock Community Council;
- Dalmellington Community Council;
- Drongan, Rankinston and Stair Community Council;
- John Muir Trust;
- Logan, Lugar and Cronberry Community Council;
- Mountaineering Scotland;
- Netherthird and District Community Council;
- New Cumnock Community Council;
- Ochiltree Community Council;
- Patna Community Council;
- Scottish Rights of Way and Access ("Scotways");
- Scottish Forestry;
- Scottish Wildlife Trust;
- West Of Scotland Archaeology Service;
- Woodland Trust Scotland; and

- Visit Scotland

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

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

3. The Scoping Opinion

3.1 This scoping opinion has been adopted following consultation with East Ayrshire Council, within whose area the proposed Development would be situated, NatureScot, SEPA and HES, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed Development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the Company in its request dated 03 May 2024 in respect of the specific characteristics of the proposed Development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed Development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to East Ayrshire Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

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

3.5 Scottish Ministers are satisfied with the scope of the EIA set out at Section 2 of the scoping report.

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

3.6.1 The proposed Development set out in the scoping report refers to wind turbines and 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
- minimum and maximum export capacity of megawatts and megawatt hours of electricity for battery storage

3.7 Scottish Water advised that there were no Scottish Water drinking water catchments, or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed Development. Scottish 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.

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

3.9 Marine Directorate – Science Evidence Data and Digital (MD-SEDD) provide generic scoping guidelines for onshore wind farm and overhead line development https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm or overhead line development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

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

3.11 MD-SEDD also provide standing advice for onshore wind farm or overhead line development (which has been appended at Annex B) which outlines what information, relating to freshwater and diadromous fish and fisheries, is expected in the EIA report. Use of the checklist, provided in Annex 1 of the standing advice, should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process. Developers are required to submit the completed checklist in advance of their application submission.

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

3.13 The scoping report identified viewpoints at Table 5-1 to be assessed within the landscape and visual impact assessment. East Ayrshire Council, the Planning Authority agree in principle with the proposed viewpoints. They note that further opportunity to agree a final set of viewpoints will be required when the site layout has been finalised. HES noted that no visualisation locations have been presented within Chapter 10: Cultural Heritage and that the number and location of proposed visualisations in table 5-1 are insufficient to allow for a full assessment of potential impacts of the proposed Development. NatureScot state that, it is unlikely that they will consider that the landscape and visual effects of the proposal will raise natural heritage issues of national interest, and are therefore unlikely to provide any specific landscape advice in the event that an application for section 36 consent is submitted subsequent to this EIA scoping opinion.

3.14 The noise assessment should be carried out in line with relevant legislation and standards as detailed in section 13 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. It is recommended by the Scottish Ministers that decisions on bird surveys – species, methodology, vantage points, viewsheds & duration - site specific & cumulative – should be made following discussion between the Company and NatureScot.

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

3.16 The 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;
- telecommunications links.

3.17 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.

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

3.19 The Scottish Ministers note that the proposed Development is adjacent to both the Ailsa Craig and Solway Firth Special Protection Areas (SPA) and both the Ailsa Craig and Bogton Sites of Special Scientific Interest (SSSI). The Ailsa Craig SPA is classified for its migratory gannet and lesser black-backed gull and seabird assemblage. The Solway Firth SPA is classified for its important populations of European species. The status of the sites 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 2017 apply. Consequently, Scottish Ministers will be required to consider the effect of the proposal on the SPAs by completing a Habitats Regulations Appraisal (HRA). Nature Division and NatureScot have provided advice on what should be considered within the EIA report.

4. Mitigation Measures

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

5. Conclusion

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

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

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

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

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

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

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

Colin Abernethy

Energy Consents Unit

28 June 2024

ANNEX A

Consultation

List of consultees who provided a response.

• East Ayrshire Council	A1-A14
• Historic Environment Scotland (“HES”)	A15-A18
• Scottish Environmental Protection Agency (“SEPA”)	A19-A31
• Aberdeen Airport	A32
• NatureScot	A33-A40
• British Telecommunications plc	A41
• Defence Infrastructure Organisation	A42-A44
• Glasgow Airport	A45
• Fisheries Management Scotland	A46-A48
• Glasgow Prestwick Airport	A49-A54
• Highlands and Islands Airports Limited	A55
• NATS Safeguarding	A56-A66
• Joint Radio Company Limited	A67-A69
• Office for Nuclear Regulation	A70
• RSPB Scotland	A71-A74
• Scottish Water	A75-A76
• The Coal Authority	A77-A78
• The MET Office	A79
• Transport Scotland	A80-A81

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland and Marine Directorate (in the form of standing advice from Marine Directorate – Science Evidence Data and Digital (MD-SEDD).
See Section 2.4 above for a list of organisations that were consulted but did not provide a response.

General Letter

Governance
Chief Governance Officer, Solicitor to the Council and Council Monitoring Officer: David Mitchell

Telephone: 01563 576790
Email: submittoplanning@east-ayrshire.gov.uk

East Ayrshire Council
Comhairle Siorrachd Air an Ear

Our Ref: 24/0003/S36SCP

Date: 22nd May 2024

Contact: Graham Mitchell

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

Dear Sir/Madam

THE ELECTRICITY ACT 1989 SECTION 36
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

Site Address: Breezy Hill Energy Project

I refer to your email dated 8 May 2024 requesting this Council's comments regarding the scoping report submitted by ITPEnergised on behalf of Breezy Hill Energy Limited.

The purpose of this response is to provide advice and guidance based on the Planning Authority's knowledge of the site and the surrounding area. This enables the Applicant to consider the issues that are identified and address these in the EIA process and EIA Report associated with the Section 36 application.

The Planning Authority has not undertaken any limited consultation with internal departments or agencies with local knowledge in respect of this scoping request. You should be aware that the onus, in this case, is on the Energy Consents Unit to undertake statutory and non-statutory consultations. A list of further consultees that would be useful to engage with as part of this process is included as Appendix 1. Please be aware that any lack of inclusion on this list of a particular

party or organisation in no way indicates that the Planning Authority considers that consultation would not be beneficial.

The sections below highlight the comments of the Planning Authority on a number of matters.

Non-technical summary

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

Summary of Environmental Information

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

List of qualifications and evidence of competency

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

Format of the EIA Report

Two full paper copies including appendices shall be provided to the Planning Authority for internal use, although additional paper copies will also be required to be placed in appropriate locations for inspection by the public.
One electronic copy that is split into manageable sized files shall be uploaded by the Applicant to the online viewing system of the Planning Authority through the e-planning portal (contact should be made with the Council prior to upload to confirm the appropriate case file reference). These files shall be clearly named thus enabling easier public/consultee interpretation, consideration and navigation. An example would be splitting the EIA Report by chapter / topic. Any confidential annex should be clearly marked and kept separate from the remainder of the EIA Report but should not contain any non-confidential information or, if it does, this should be replicated within the EIA Report.

Consideration of alternatives

Schedule 4, paragraph 2 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 requires that information on the reasonable alternatives (including design, technology, location, size and scale)

considered and the main reasons for selecting the chosen option, including a comparison of the environmental effects be included within the EIA Report. Such consideration of alternatives should therefore be included within the EIA Report.

Baseline Information

The Council has published a State of the Environment Report on its website: https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/State-of-the-Environment-Report.aspx
This report collates up to date information on the environment within East Ayrshire and how it is changing. The information can be used to help inform applications. This may be of use when preparing the EIA Report.

EIA Assessment Methodology

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

Planning Policy Context

The Council's East Ayrshire Local Development Plan 2 (adopted on 8 April 2024) is now the current LDP for East Ayrshire and supersedes the previous 2017 LDP and 2020 Minerals LDP which are no longer relevant.

Landscape and Visual

The Planning Authority agrees that a 35km study area is appropriate in this case given the scale of the proposed turbines. It appears 60km is also proposed for the cumulative study area and the Planning Authority would agree to that distance. A 20km detailed study area is also proposed and based on the ZTV (Figure 5.1) this would probably be appropriate and would represent the distances over which the most significant impacts are likely to be experienced.

In terms of identifying Landscape Character Types (LCTs) the Council would advise that the East Ayrshire Landscape Wind Capacity Study 2018 represents the most accurate record of LCTs locally within East Ayrshire and should guide the assessment of landscape character types.

In terms of the proposed viewpoints shown in Figure 5.2, the Planning Authority would agree in principle to these, though would consider a further opportunity to agree to a final set of viewpoints at a later date would be needed, once the site layout has evolved / finalised to ensure the viewpoints would still be appropriate.

The Applicant is advised to keep the cumulative situation under review during the preparation of the EIA Report as this is an evolving situation, particularly in this

part of the district where there is considerable wind energy development pressure. In this respect, it is suggested that they make contact with any local authorities within the study area to obtain up to date information relating to wind energy development in their respective authority areas. Section 36 wind farm applications will also need to be kept under review to ensure these are accurately reflected in any assessment. Currently South Kyle 2 and Greenburn S36c are expected in 2024 and therefore will likely require to be considered as part of the cumulative scenario for Breezy Hill, however the cumulative status can be confirmed at the design freeze stage.

In addition to the cumulative effects with other wind farms, the Applicant should give consideration to potential effects with other tall structures such as electricity pylons or other developments which could contribute to cumulative landscape and visual impacts. Cumulative impacts with any proposed BESS element which forms part of the proposed development will also require to be considered. Mention is made of a cumulative aviation lighting assessment, however as the Planning Authority understands it, as the turbines proposed are 149.9m in height then these should not require visible aviation lighting under CAA policy and so would not contribute to a cumulative lighting impact. If, however this is not the case and visible aviation lighting is required then a standalone and cumulative assessment of the night time / low light landscape and visual impacts of the aviation lighting associated with the proposed development will be required. The Planning Authority will require to agree to appropriate viewpoints to form part of the LVIA / RVAA prior to these being undertaken if visible aviation lighting is a requirement.

The Planning Authority welcomes the addition of a Residential Visual Amenity Assessment out to 2km, and would request that cumulative schemes are shown on separate wirelines to the project-alone wirelines. Additionally photomontages should be considered from some properties to assist the consideration and assessment of impacts from them where the turbines are more prominent. RVAA properties will also require night time wirelines and photomontages (including cumulative ones where relevant) to enable full consideration of night time impacts from aviation lighting on residential receptors, should visible lighting be a requirement.

In general terms regarding visualisations it would be expected that other elements of the proposed development, particularly the BESS infrastructure, but also tracks, substations, and other infrastructure be shown on the photomontages out to distances of 5km and should be represented as accurately as possible on the photomontages. A ZTV of the BESS should also be provided to determine the extent of its visibility within the landscape.

If required, the night time photomontages should be produced to show a worst case scenario without the effects of any proposed mitigation. If the visualisations have been produced to show some form of mitigation then this will need to be clearly detailed as to exactly what is being shown in the visualisations / the

intensity based on extent of mitigation being shown. Full details of any proposed mitigation will need to be detailed within the EIA Report alongside what effects this will have on the lighting impacts. Should the layout allow for any reduction in the number of turbines requiring hub and tower lighting, whilst still achieving the requirements of the CAA, this should also be clearly detailed within the EIA Report assessment of night time landscape and visual impacts. Night time impacts will require to consider both the landscape impacts and visual impacts.

Given the increasing numbers of turbines operational / consented / proposed which have / will require visible aviation safety lighting then the night-time lighting assessment shall also include a cumulative night-time assessment taking into account other wind farms / turbines which have / will require visible aviation lighting and any other tall structures which have visible aviation lighting on them.

The Planning Authority notes the design is still evolving and the site layout doesn't show any other infrastructure associated with the project, including the BESS (indicated as likely to form a part of the proposed development) so will consider any proposed viewpoints for the development (wind turbines and BESS) at a later date once the layout has been finalised and the likely visibility of the scheme throughout the area is better understood.

Generally speaking the list of matters to be scoped out in Section 5.10 of the scoping report appears to be reasonable based on the information before the Planning Authority at this stage.

Ornithology

The Planning Authority has no particular comments to make with regards to ornithological matters and would suggest the Applicant ensure the requirements and requests of NatureScot and RSPB and any other relevant body with information and records of relevant ornithological interests are taken into account to inform the assessment of these matters for reporting within the EIA Report.

Ecology

With regards to any Biodiversity Enhancement and Management Plan, this should be separate to more general habitat management measures proposed as compensation/mitigation for the impacts of the proposed development, as the biodiversity enhancement expected through Policy 3 of NPF4 is noted as going beyond mitigation of impacts. So to ensure there is a clear distinction between what is required in terms of mitigation of impacts as a result of the proposed development, and what is to be implemented to deliver significant biodiversity enhancement, the elements will require to be discussed separately and not amalgamated into a single document or set of proposals.

Local Nature Conservation Sites (LNCS) should be assessed alongside other ecological designations such as S.S.S.I.s. There are a number of LNCS within

relatively close proximity to the application site including one which borders the southern boundary of the site (Benquhat Hill LNCS). Impacts on Ancient Woodland on the boundaries of the site may also need to be assessed depending on any infrastructure proposed in close proximity to such areas, or depending on where access is to be taken into the site.

Consultation should also be undertaken with the River Doon Salmon Fisheries Board and Ayrshire Rivers Trust, in addition to Marine Scotland Science to agree on the appropriate methodologies and scope of assessment in terms of fish and other species. The Planning Authority would suggest the Applicant ensure any requirements and advice from NatureScot, SEPA, RSPB and the Scottish Wildlife Trust be taken into account to inform the scope of the assessment, including any cumulative impact assessment, of such matters for reporting within the EIA Report.

Geology, Hydrology, Hydrogeology and Peat

In terms of Private Water Supplies (PWS) if it is found that any such PWS are located within the study area or likely to be drawing from the same catchment as proposed infrastructure is located, then these PWS will require to be risk assessed. It is expected that the PWS Risk Assessment be undertaken and not only the PWS source should be identified, but also the pathway from source to receptor / PWS user should be mapped as this is the only way of ensuring that a full understanding of any potential impacts of proposed infrastructure / construction activity can be ascertained. Details of any mitigation and/or contingency measures that may be required should be detailed within the EIA Report. The Council's Environmental Health Service should be contacted to assist in the identification of any PWS in and around the site, though site investigations will also be required to address any risk where a PWS exists which is not up to date on the Council's record.

For the avoidance of doubt the full report generated from the Scottish Government's Carbon calculation, accounting for carbon emissions and losses through construction and savings over the lifetime of the development, should be submitted as part of the EIA Report.

In terms of any borrow pits, if these are taken forward as part of the proposed development, the EIA Report should include information on the location, size and nature of these borrow pits, including details of the depth of the borrow pit floor and an indicative borrow pit final reinstated profile. The impact of such features (including dust, blasting and impacts on hydrology and GWDTEs) should be appraised as part of the overall impact of the proposal. Information on the proposed depth of excavations compared to the actual topography, the proposed restoration profile, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement should be included within the EIA Report. The Council's EALDP2 includes a policy on borrow pits and information to address the requirements set out within that policy should form part of the EIA

Report.

In terms of flood risk, any potential for the release of water from peat excavation (should peat be present on site, which has not been ascertained yet based on the scoping report) should be considered as a potential cause of flooding. There is some flood risk in various locations throughout the site based on SEPA's flood mapping, though the nature of this is likely to be capable of being avoided through appropriate siting and design, however on the basis there are flood risks it is not considered flooding can be fully scoped out.

The relevant fisheries boards should be consulted to discuss their expectations and requirements regarding the extent of hydrological assessment required to inform the assessment of hydrological impacts, including water quality impacts / monitoring, which also links to the potential ecological impacts on aquatic life.

The application sites feature areas identified within the Coal Authority Mining Risk Assessment, including both low and high risk areas, and the Coal Authority should be consulted to ascertain the scope of methodology and assessment required to address any potential risks for reporting in the EIA Report. The Planning Authority would also rely on detailed comments on such matters from NatureScot, SEPA and the Scottish Government's advisors on peat, Ironside Farrar Ltd. These bodies would be able to advise further on the appropriateness of the methodologies reported.

Forestry

Details of any compensatory forestry planting should be detailed within the EIA Report and accompanied by relevant figures to demonstrate areas of loss and compensatory planting as relevant. Some details of species composition and design of any compensatory planting areas would be beneficial. It may be worth considering native broadleaf species if appropriate. Scottish Forestry would be able to advise in more detail as to the expectations of a forestry chapter or any relevant guidance. Any potential impacts on Ancient Woodland will also require to be considered, although there do not appear to be any within the application site itself, though there are areas of Ancient Woodland immediately adjoining the site boundary. It will be expected that compensatory planting takes place within the site as a first preference, though where this is not possible, it will be expected to take place within the East Ayrshire local authority area. Whilst the Planning Authority would have no particular concerns regarding any enhancement of public access or recreational attractions which may be delivered on the site itself, it would not consider this as suitable alternative mitigation as compensation for loss of woodland covers and consider only replacement/compensatory planting would continue to deliver ecological and biodiversity benefits to mitigate for losses of woodland.

Cultural Heritage

The buffer zones detailed in the scoping report appear reasonable.

With regards to Gardens and Designed Landscapes (GDLs) non-inventoried GDLs are also protected and an assessment of impacts on such sites would also be expected to be undertaken as part of the EIA and reported accordingly. Hollybush House non-inventory GDL is one such asset and is located approximately 6.7km west of the application site and would fall within the wider 10km setting study area. There should be some flexibility when considering viewpoints as some heritage assets may benefit from visualisations to aid the assessment of impacts on their setting. Comments from Historic Environment Scotland (HES) and West of Scotland Archaeology Service (WoSAS) should be taken into account when finalising the assessment methodology in respect of cultural heritage and archaeology.

Access, Traffic and Transport

With regards to any access route (indicated as coming in from the A713) this should form part of the application red line site boundary once finalised to ensure any works or upgrades to the access can be formed as part of the proposed development, including visibility splays as necessary.

The traffic assessment shall be based on a worst-case scenario which, for the avoidance of doubt, the Planning Authority would expect assumes 100% of construction materials such as stone requiring to be imported to site. Vehicle movement figures should also be based on all vehicle movements, including HGV, LGV and abnormal loads. Any expected reduction in stone importation due to the use of borrow pits can be reported within the EIA Report, along with the consequent effect this would have on traffic volumes. A worst-case scenario should, nevertheless, be presented in case any proposed borrow pits fail to provide the anticipated volume of stone to ensure a robust assessment of impacts.

The EIA Report should identify potential sources of materials (e.g. stone quarries) if these are off-site and consider the impacts of those routes to site, including communities along those routes. Such assessment should also include cumulative impacts with other developments. Should any borrow pits be proposed, appropriate environmental and/or supporting information should be submitted to justify the need for borrow pits.

The Planning Authority welcomes the proposed cumulative assessment which should consider any consented / under construction developments likely to generate large volumes of traffic. This should not necessarily be limited to other wind farms as any traffic generating development using the same local road network as the proposed wind farm has the potential to contribute to cumulative traffic impacts regardless of the nature of the development. The Applicant is advised to keep tabs on the cumulative situation and development applications in and around the area / using the same road network to inform the cumulative

traffic assessment nearer the time, prior to submission of the application to ensure the cumulative assessment is up to date as this is a constantly evolving situation, particularly in the southern part of the district.

The EIA Report should detail the port of entry and the delivery route for turbines and components to site. Transport Scotland may provide advice in respect of the trunk road network, whilst the Applicant is also encouraged to discuss traffic matters with the Council's Ayrshire Roads Alliance (ARA). Early contact with ARA is advised. The Planning Authority would agree that the decommissioning phase of the development can be scoped out of the traffic assessment as such impacts are likely to be similar to those during construction, as can the operational period be scoped out.

Socio-Economics, Tourism, Recreation and Land-Use

There are a number of Core Paths and Rights of Way located to the west of the application site, approximately 1km at their closest point to the site boundary, with others more distant. These should be assessed along with any other tourism receptors throughout the area, especially where views of the development infrastructure, the turbines in particular, are likely to be experienced.

The EIA Report should consider any strategies for long-term public access to the site for recreational uses during its operational lifetime, including any options for connections to be made with surrounding land and uses, to maximise the public access benefits. Management of public access to the site during the construction period should also be detailed. It will be important to ensure that any recreational or tourist receptors which may face significant impacts as a result of landscape and visual impacts are considered. Whether this is fully addressed within an LVIA chapter or within the socio-economic chapter is not important, as long consideration of such impacts has been taken into account and reported.

Any emerging metric from the Scottish Government should be kept under review in respect of the requirements of Policy 11 of NPF4 which notes development proposals for developments such as under consideration will only be supported where net economic impact, including local and community socio-economic benefits are maximised. This will need to be detailed within the EIA Report to evidence what steps will be taken to ensure such benefits will be maximised. The Planning Authority has no real preference either way as to whether socio-economic benefits are reported in a separate report or within the EIA Report, though do consider such matters, where effects relate to aspects of the EIA Report (such as landscape and visual impacts affecting tourism/recreation assets) then it may be just as easy to assess any socio-economic, tourism and recreational effects as part of the EIA Report.

Noise

The Planning Authority considers construction noise, particularly if this will be

generated in relative close proximity to residential properties, such as access track construction as noted in the scoping report, should be detailed within the EIA Report to evidence what the likely impacts would be to enable a robust assessment and consideration of such impacts to take place. So detailed construction noise predictions should not be scoped out.

With regards to the Battery Energy Storage System (BESS) it is requested that the noise assessment set out the anticipated noise emissions from that proposed development based on the proposed components and manufacturer sound data unless more specific noise data is available at the time of the assessment. The cumulative noise assessment should discuss both the BESS and wind turbines, noting that although the assessment guidance for each is different, there would be expected to be an explanation / assessment to address the fact that both sources of noise could be experienced at the nearest noise sensitive properties.

Any noise mitigation for the BESS element, where noise barriers will be required will need to be included as part of the proposed development and shown on plans, otherwise separate planning consent will be required prior to such noise barriers being implemented on site.

In terms of any cumulative noise assessment, the Applicant will require to keep this situation under review as it is a constantly evolving situation and will require a consideration of not only other wind farms, but other BESS and noise generating developments where these are likely to be experienced at any assessed noise sensitive receptors.

Whilst consultation with the Council's Environmental Health Service will be useful and could assist with agreeing the noise methodology, the Council currently uses the services of an independent noise consultant to deal with wind farm noise matters. The Planning Authority would recommend that discussion is undertaken with the Council's noise consultant to agree the methodology for noise assessment to inform the EIA Report. This could be done with input from the Council's Environmental Health Service as required. The Planning Authority would encourage the use of the lower end of the ETSU limits.

Aviation and Radar

The Planning Authority would expect a detailed assessment of aviation impacts to accompany the application to ensure any potential impacts are fully assessed and any appropriate mitigation detailed. Early engagement with all relevant aviation bodies is advised. Risks associated with the flight path and turbines potentially causing physical obstructions on the approach to Glasgow Prestwick Airport will need to be fully discussed with the airport to ensure a site layout is designed which will not cause unacceptable impacts on the airport. This is of particular relevance given the adjacent land was subject to an application for a wind farm which has since been withdrawn as a result of aviation issues. It is noted there remains a live consent for a wind farm on that land for shorter

turbines.

Other Issues

Shadow Flicker:- With regards to shadow flicker, there is no level of shadow flicker which is deemed to be acceptable set out in guidance within the country, and all shadow flicker will require to be mitigated, not just anything in excess of 30 hours per year or more than 30 minutes per day. As such a significant effect would be any shadow flicker. The Planning Authority would note that the 10 rotor diameters' distance is a guide and does not guarantee that shadow flicker effects will not be experienced beyond this distance, and the Planning Authority has experience of shadow flicker impacting on a property despite it being more than ten rotor diameters' distance from the turbine in question. As such, if there are properties which are beyond such a distance but not too distant, consideration should be given as to the potential of shadow flicker on such properties.

Telecommunications:- The Planning Authority considers that consultation with the relevant telecommunications bodies should be undertaken to inform the assessment of impacts. It is expected that details of any correspondence to confirm the relevant system operators are satisfied that there will be no impacts is included within the EIA Report, alongside plans showing any relevant infrastructure or buffer areas to confirm that all proposed infrastructure is beyond the area of influence of such features. It remains the case that appropriate conditions are likely to be needed to ensure that if there are any impacts attributable to the proposed development, that these are mitigated. If scoped out, it is still expected that commentary on potential communication links will be made within the submission, along with a commitment to address any impacts through mitigation which can be secured by an appropriately worded condition.

Other Matters

Major Accidents and Disasters

The Planning Authority consider it would be worthwhile to include a summary or table just to highlight each of the potential risks and provide a brief explanation as to why these are not deemed to be relevant or necessary of further detailed consideration within the EIA Report. For any risks which are deemed worthy of fuller assessment, this should be detailed in the relevant chapter of the EIA Report. Risks should be based on the whole development, including the BESS element, where fire risk would be a particular consideration.

Utilities

Much like telecommunications, utility providers should be consulted to discuss the location of, and any potential impacts on, their infrastructure.

Waste

The Planning Authority consider that discussion should be made within the EIA Report of the potential sources of waste and how waste will be suitably dealt with, although these matters might be able to be addressed in each relevant chapter instead of a specific section.

Population and Human Health

Provided the relevant chapters make it clear that public health has been addressed where relevant, then a specific chapter on human health and safety would not be necessary. Where this is not clearly addressed, then a specific chapter on population and human health would be required.

Decommissioning and Restoration

Although not a specific topic, an assessment of the likely impacts of decommissioning of the proposed development on all of the environmental topics shall form part of the EIA Report (though it is noted for some topics this could be scoped out). This will ensure a reasonable idea as to what those impacts may be and what possible mitigation would be required. The application shall be accompanied by a decommissioning report which sets out a costed breakdown of the decommissioning, restoration and aftercare works likely on site, based on the observations made within the EIA Report regarding decommissioning.

The decommissioning report will require to be reviewed by the Council's independent consultants to inform the expected financial guarantee quantum which the Council would seek to secure via a Section 75 legal agreement. The Applicant should advise what mechanism they intend to secure this, such as a bond. These matters would inform the Council's assessment of the application.
The complete removal of the development, including access tracks and ancillary infrastructure, as part of the decommissioning and restoration process is the preferred approach of this Council unless a better alternative (taking account of all relevant environmental, social and economic issues) can otherwise be demonstrated by the Applicant.

Planning Monitoring Officer

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

construction phase and afterwards by the Council and the developer.

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

Closing Comments

The Applicant is advised to ensure that all requirements of the up to date regulations and guidance is complied with in undertaking the EIA and subsequent compilation of the EIA Report. The Applicant is advised to contact the relevant consultees to seek their views/input into the various chapters to ensure all matters raised are adequately dealt with and based on as up to date a position as possible.

Yours faithfully

Graham Mitchell
Senior Planning Officer

Appendix 1 – suggested additional consultees

East Ayrshire Council Outdoor Access Officer;

Ayrshire Roads Alliance;

Scottish Power Energy Networks;

Scotland Gas Networks;

The Coal Authority;

East Ayrshire Council Environmental Health Service;

Nith District Salmon Fisheries Board;

River Doon Salmon Fisheries Board;

Ayrshire Rivers Trust;

Scottish Wildlife Trust;

Scottish Fire and Rescue Service;

Glasgow Prestwick Airport;

NATS;

MOD, and

Local community councils (9CC).

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email to:
econsents_admin@gov.scot

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

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131 668 8716
HMConsultations@hes.scot

Our case ID: 300073030
Your ref: ECU00005060
04 June 2024

Dear Colin Abernethy

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Breezy Hill Energy Project, East Ayrshire - Scoping Opinion

Thank you for your consultation which we received on 08 May 2024 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B and C listed buildings. In this case, you should contact the West of Scotland Archaeology Service (WoSAS) who provide advice to East Ayrshire Council.

Proposed Development
We understand that the proposed development comprises the construction and operation of up to 26 wind turbines with a maximum tip height of 149.9m. The proposed development would also include a number of ancillary elements, such as access tracks, crane hard standings and control building, as well as temporary features such as construction compound and laydown areas. The site is located approximately 13km south-east of Ayr, 8.5km south-west of Cumnock and 4.5km north of Dalmellington.

Scope of assessment
We welcome that the potential cultural heritage effects are scoped into the Environmental Impact Assessment (EIA) report. We consider that the proposals have the potential to affect a number of cultural heritage assets in our remit, and therefore recommend that any EIA report undertaken in support of the proposals should include a full assessment of impacts on the historic environment. Further comments have been included within the annex to this letter.

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Further information
Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at https://www.engineshed.scot/.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Kevin Mooney and they can be contacted by phone on 0131 651 6787 or by email on kevin.mooney@hes.scot.

Yours sincerely

Historic Environment Scotland

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Annex

Scope of Assessment
We welcome that cultural heritage has been scoped into the assessment and that no assets have been scoped out of the assessment *(Paragraph 10.8)*. We are generally content with the scope as set out. We would expect to see a structured approach presented within any forthcoming EIA for the assessment of any impacts which may arise from the proposed development detailing construction, operational and cumulative effects on our interests. We would also highlight that the Environmental Impact Assessment (EIA) handbook provides best practice for environmental impact assessment of the historic environment.

Physical Impacts
We can confirm that there are no World Heritage Sites, scheduled monuments, category A listed buildings or inventory garden and designed landscapes of inventory battlefields within the proposed development boundary. We note construction access arrangements for the proposed development have yet to be finalised and that no details have been provided. The scheduled monument of Auchencloigh Castle (SM5393) is located to the north-east of the proposed development.

We strongly recommend that design of any access avoids direct impacts on this nationally important asset, in line with national policies, and that efforts are made to minimise any impacts on the setting of this asset. We note that any direct impacts on this asset is likely to require Scheduled Monument Consent (SMC) as administered by HES and that based on the current information we would be unlikely to grant consent for works within the scheduled area. Any direct impact to this asset without SMC would be likely to trigger our compliance procedures.

Setting Impacts
We note that setting has been described as an *'indirect effect'* in *section 10.6.2*. For the purposes of EIAs, indirect impact applies to indirect physical impact only, and setting impact should be considered separately. Setting impacts are generally direct and result from the proposal causing change within the setting of the heritage asset that affects its cultural significance. We recommend that our Managing Change Guidance Note on Setting is used to inform setting assessments. We would expect a commitment to undertake on site assessment of the settings of designated assets and that any subsequent assessment of setting impacts should follow a clear and systematic framework for evaluating these impacts.

Please note, the most effective mitigation measures are those which avoid or prevent the creation of adverse effects at source through design. Views towards an asset can also be an important part of its setting and we welcome that the applicant has identified this and will also give appropriate consideration to assets outwith the ZTV. Further information on best practice can be found in the cultural heritage appendix of the Environmental Impact Assessment (EIA) handbook (page 182).

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Visualisations

No visualisations locations have been presented within *Chapter 10: Cultural Heritage* and the number and location of proposed visualisations within *Table 5-1* of *Chapter 5: Landscape & Visual* are insufficient to allow for a full assessment of the potential impact of the proposed development.

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. We would be happy to discuss this in more detail with the applications as the EIA proceeds.

Historic Environment Scotland
04 June 2024

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Colin Abernethy
Planning Department
Energy Consents Unit (ECU)

By email only to: Econsents_Admin@gov.scot

Our Ref: PCS-20001533
Your Ref: ECU00005060

SEPA Email Contact:
planning.south@sepa.org.uk

24 June 2024

Dear Energy Consents Unit

Electricity Act 1989 - Section 36
ECU00005060
Wind Farm (Generating station of >100 <200 MW Capacity)
Breezy Hill Energy Project

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

Our position and advice, given below, is based on the determining authority ultimately determining that the proposal is classed as development that could be supported for the purposes of assessment under Policies 5 and 22**,** as defined in National Planning Framework 4 (NPF4). If this is not the case, please advise so we can re-consider our position and advice.

SEPA
Unit 6
4 Parklands Avenue
Holytown
Motherwell
ML1 4WQ

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

Advice for the planning authority / determining authority

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 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. We request that the issues covered in Appendix 1 below, be addressed to our satisfaction in the EIA process. This provides details on our information requirements and the form in which they must be submitted.

We have also provided site-specific comments in the following section which provides pre-application advice, to help the developer focus the scope of the assessment.

1. Site specific comments

1.1 In this case, where much of the site is on peat, we expect the application to be supported by a comprehensive site-specific peat management plan (PMP).

1.2 There is potential for a significant impact on peat (a carbon-rich soil). At this stage, the plans suggest that several turbines (1, 5, 9, 10, 11, 16 and 17) would be located in peat deeper than 1m. Ideally these would be relocated to areas of 'peaty soil' rather than deep peat. Turbines 3, 4, 6, 8, 13, 14, 19 and 25 are very close to peat over 1m in depth, so final placement (following further peat probing) should microsite the deepest excavations away from the deeper peat. Although much of the site is covered in commercial forestry plantation which may have degraded some of the peat, such degradation may be reversed, if these areas are cleared and allowed to recover or there is active restoration. Floating tracks should be used over peat as much as possible (always when crossing deep peat) to minimise excavation.

1.3 Sufficient buffer zones should be provided between infrastructure and watercourses to minimise risk to the water environment. Turbines 4 and 16 are proposed to be near to (and between) tributaries. Others (12, 19 and 24) would also be close to buffer

limits, so care will be needed to avoid encroachment on watercourse buffer zones when planning the layout of crane pads and associated tracks.

1.4 The hydrogeology map (Fig 8.7) provided at this stage indicates that there is some moderately productive aquifer across the site. Given the number and proposed density of turbines, it is possible that some of the infrastructure will be on, or have an impact on, a groundwater dependent ecosystem (GWDTE). The applicant should follow the relevant guidance (LUPS-GU31) to ensure that such sensitive habitats are not affected, or provide strong evidence that they are not present.

1.5 SEPA agree with the developer's proposal that a Coal Mining Risk Assessment needs to be included in the EIA. If the developer is proposing to disturb any mine wastes and/or contaminated soils on the site, a detailed intrusive site investigation including soil and leachate analysis should be undertaken to determine any potential risks to water environment receptors. Any assessment of potential risks to the water environment from the development should be presented within the EIA.

1.6 Q8.4 in S8.10 of the Scoping Report refers to the scoping out of a detailed drainage design. Given the history of mining on the site, water management will be important and ideally, there would be a monitoring plan as part of the EIA, to help minimise risks to the water environment from mine waste, surface mine backfill and mine pit loch.

1.7 Although stabilisation of mine workings by grouting is not mentioned in the Scoping Report, the applicant should refer to the information (in Appendix 2) about grouting of mine workings, if grouting is necessary.

1.8 We have no additional comments at this stage about the risk to private water supplies (PWS), as the developer states they will be identified and assessed in accordance with SEPA's LUPS-GU31 and that this information will be included in the EIA.

2. Regulatory advice for the applicant

2.1 Details of regulatory requirements and good practice advice, for example in relation to engineering works in the water environment and waste management, can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance

team at: sws@sepa.org.uk

If you have queries relating to this letter, please contact us at: planning.south@sepa.org.uk including our reference number in the email subject.

Yours sincerely
Peter Minting
Planning Officer
Planning Service

Ecopy to: colin.abernethy@gov.scot

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

Appendix 1: Detailed scoping requirements

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.

This appendix sets out our minimum information requirements and we would welcome discussion around these prior to formal submission to avoid delays. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site. If there is a significant length of time between scoping and application submission, the developer should check whether our advice has changed.

1. Site layout

1.1 Each of the drawings requested below must detail all proposed upgraded, temporary and permanent infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. All drawings must be based on an adequate scale with which to assess the information.

1.2 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.

1.3 A comparison of the environmental effects of alternative locations of infrastructure elements may be required.

2. Water environment

2.1 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.

2.2 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 250m 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.

2.3 Further advice and our best practice guidance are available within the water engineering section of our website. Guidance on the design of water crossings can be found in our Construction of River Crossings Good Practice Guide.

3. Flood risk

3.1 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.

3.2 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.

3.3 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.

4. Peat and peatland

4.1 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.

4.2 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.

4.3 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.

4.4 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 1m deep.

4.5 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.

4.6 The Outline Peat Management Plan (PMP) must include:

a) A table setting out the volumes of acrotelmic, catotelmic and amorphous peat to be excavated. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes;

b) A table clearly setting out the 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;

e) 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.

5. GWDTE and existing groundwater abstractions

5.1 Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas.

5.2 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 Guidance

on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further advice and the minimum information we require to be submitted.

5.3 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.

6. Forest removal and forest waste

6.1 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.

6.2 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.

7. Pollution prevention and environmental management

7.1 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.

8. Life extension, repowering and decommissioning

8.1 Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with SEPA guidance on the life extension and decommissioning of onshore wind farms. Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and best practice, including justification for not selecting lower impact options when life

extension is not proposed.

8.2 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.

Appendix 2: Stabilisation of mine workings with PFA grouts

If stabilisation works are identified as being required to facilitate the development, then an appropriate risk assessment for the proposed stabilisation of mine workings with PFA grout should be produced prior to this activity being undertaken on site.

The pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 20011 (CAR). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment. SEPA considers that an assessment should be undertaken to assess whether the use of PFA grout will meet the requirements of GBR 16. If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations.

NOTE: If use of grout containing blaes is proposed, instead of PFA, then this activity requires the operator to apply for a CAR Registration.

SEPA therefore recommends that the assessment be undertaken inline with the guidance document: ***Stabilising mine workings with PFA grouts. Environmental code of practice. 2nd Edition, BRE Report 509***.

In general, a detailed review of the assessment by SEPA is not considered necessary and the document should primarily serve the developer, to ensure no pollution occurs as a result of the activity. If the ***preliminary and simple risk assessments*** identify that the site is higher risk and conceptually complex, then a ***complex risk assessment*** is required. At this stage it may be prudent for the developer to highlight this to SEPA through additional consultation.

Additional Information

Further details relating to CAR requirements can be found on SEPA's website at; http://www.sepa.org.uk/water/water_regulation/regimes.aspx

Consultation with The Coal Authority is recommended.

Key points to note in relation to the water environment when undertaking mine workings grouting:

1. An adequate hydrogeological conceptual model is required (e.g. an assessment of ground conditions, depth to groundwater, likely flow of groundwater, depth/size of old mines workings etc). Ideally, the conceptual model would be backed up with site specific ground investigation and monitoring data.
2. It is recommended that the applicant/agent carries out an appropriate water features survey to identify what there is in the surrounding area that might be affected by the grout.
3. Note that potential hazards and impacts may not necessarily be confined to the proposed development site. Applicants should consider and mitigate as necessary risks both within and outwith the development site.

4. It should be noted that even if mine waters are currently low (i.e. below workings to be grouted), groundwater levels might, in the future, rebound into the grouted zone if mine water pumping were to cease. SEPA would recommend that both scenarios are considered.
5. If the excavation works require dewatering, the applicant may be required to demonstrate that this will not adversely affect the hydrogeological regime. Any adverse effects will depend on the size and duration of the excavation works.

From: #ABZ Safeguarding
To: Colin Abernethy
Subject: RE: SCOPING OPINION ON BEHALF OF SCOTTISH MINISTERS UNDER PART 4 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017: BREEZY HILL ENERGY PROJECT
Date: 16 May 2024 10:19:56
Attachments: image001.png
image235947.png
image787739.png
image216606.png
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image532355.png
image250550.png
image772235.png
image040813.png

This proposal is located outwith the consultation area for Aberdeen Airport. As such we have no comment to make and need not be consulted further.

Kind regards
Kirsteen

Aberdeen International Airport EST. 1934

#ABZ Safeguarding
abzsafeguard@aiairport.com
www.aberdeenairport.com
Aberdeen International Airport Limited, Dyce, Aberdeen, AB21 7DU

2023 UK NTA NATIONAL TRANSPORT AWARDS 2023
WINNER: TRANSPORT HUB OF THE YEAR 2023

NatureScot
NàdarAlba
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

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

FAO

Your Ref: ECU00005060
Our Ref: CDM175533
6 June 2024

Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Request For Scoping Opinion for Proposed Section 36 Application for Breezy Hill Energy Project, East Ayrshire

Dear Mr Abernethy,

Thank you for consulting NatureScot regarding the above proposal.

Summary
Key natural heritage considerations requiring consideration within the EIA are:

- Potential impacts on the Ailsa Craig and Solway Firth Special Protection Areas (SPA) and related Sites of Special Scientific Interest (SSSI), and Bogton Loch Site of Special Scientific Interest (SSSI).
- Potential impacts on carbon-rich soil and priority peatland habitats.
- Landscape and visual impacts, including cumulative impacts.

Background
The proposed development site is situated approximately 13 km south-east of Ayr, 8.5 km south-west of Cumnock and 4.5 km north of Dalmellington, within the administrative boundary of East Ayrshire Council. The proposed development would comprise 26 wind turbines of up to 149.9m to blade tip, plus associated infrastructure for a 40-year operating lifespan. Our advice is based on the Proposed Breezy Hill Energy Project Scoping Report and supporting figures, prepared by ITPEnergised Ltd on behalf of Breezy Hill Energy Limited, dated 14 May 2024.

Scoping Advice

In addition to the detailed advice given in Annex 1 of this letter, the applicant should refer to the February 2024 'NatureScot pre-application guidance for onshore wind farms'[1]. This provides guidance on the issues that developers and their consultants should consider for wind farm developments and includes information on recommended survey methods, sources of further information and guidance and data presentation. Attention should be given to the full range of advice included in the guidance note, which sets out our expectations of what should be included in the Environmental Impact Assessment Report (EIAR). The updates to the guidance encompass, for example, advice on our peatland restoration expectations as well as in relation to biodiversity enhancement. Where relevant we have discussed our pre-application guidance advice below.

As they progress, the Applicant should also refer to our Guidance on Onshore Wind Farm Development[2] and ensure that all relevant guidance is fully considered when compiling the EIA Report. Please also refer to all our more general current standing advice for planners and developers[3].

Concluding Remarks

Please note that while we are supportive of the principle of renewable energy, this advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if submitted for formal consultation as part of the EIA or planning process. This advice is provided by NatureScot, the operating name of Scottish Natural Heritage. I hope that you will find these comments helpful and please contact me should you wish to discuss this proposal further.

Yours sincerely,

By email

Adaica Rodriguez
NatureScot Operations Officer – West Central Scotland
adaica.rodriguez@nature.scot

Enc Annex 1- Key natural heritage interests requiring consideration within the EIA.
Annex 2- NatureScot responses to Scoping Report's focused questions.

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

[2] https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/renewable-energy/onshore-wind-energy
[3] https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents

Annex 1 – Breezy Hill Energy Project S36 Scoping Consultation
Key natural heritage interests requiring consideration within the EIA

1. Protected areas

1.1 Details of protected areas, including their conservation objectives / site management statements, can be found below. The applicant should assess the direct and indirect impacts of the proposed development on protected areas and their notified features in the context of their site management statements. The assessment should be for the proposal on its own and cumulatively with other plans or projects also affecting the protected areas.

Ailsa Craig SPA

1.2 The proposal could affect the Ailsa Craig SPA, classified for its migratory gannet and lesser black-backed gull and seabird assemblage. Information on the SPA can be found on the SiteLink pages of our website[4]. The proposal site is located approx. 43km from the SPA which is within the foraging distance of lesser black-backed gull and of herring gull.

1.3 A recent BTO research report provides up to date information relevant to foraging ranges and potential connection to the SPA[5].

1.4 The status of the SPA 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 2017 apply. Consequently, Scottish Ministers will be required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). Advice on this process is available on our website[6].

1.5 The scoping report notes that herring gull (a component of the SPA's seabird assemblage) have been recorded during flight activity surveys. Based on the information provided it is not possible to exclude the possibility that these birds are associated with the SPA. Our advice is that this proposal is therefore likely to have a significant effect on the qualifying interests of this site. Consequently, Scottish Ministers, as competent authority, may be required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we propose to carry out an appraisal to inform your appropriate assessment. To enable us to carry out this appraisal, the following information is required as part of the EIA Report:

- An assessment of potential collision risk for herring gulls and how this may affect the viability of the relevant species' SPA population. We advise that this information should include showing flight lines from Vantage Point watches.

1.6 Albeit the scoping report does not mention lesser black-backed gull records; in our view, there is insufficient information to determine whether the proposal is likely to have a significant effect on lesser black-backed gull qualifying interests of the site. In order for this to be determined, we recommend that the following additional information is obtained:

- An assessment of potential collision risk for lesser black backed gull and how this may affect the viability of the relevant species' SPA population. We advise that this information should include showing flight lines from Vantage Point watches if relevant.

[4] https://sitelink.nature.scot/site/8463
[5] BTO Desk-based revision of seabird foraging ranges used for HRA screening, Woodward et al 2019.
[6] https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra

Solway Firth Special Protection Area (SPA)

1.7 The proposal could affect the Solway Firth Special Protection Area (SPA), classified for its important populations of European species. Information on the SPA can be found on the SiteLink pages of our website[7]. The proposal site is located approx. 55km from the SPA which is within the foraging distance of non-breeding herring gulls. A conclusion of Likely Significant Effect would only be appropriate if herring gull flights are recorded in large numbers during the applicant's winter surveys. Otherwise, the requirements of the Habitats Regulations could be met by simply stating that the evidence provided by the applicant suggests that there will be no Likely Significant Effects on this species.

1.8 The status of the SPA 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 2017 apply. Consequently, Scottish Ministers will be required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). Advice on this process is available on our website[8].

1.9 The scoping report notes that herring gull (a component of the SPA's seabird assemblage) have been recorded during flight activity surveys. Based on the information provided it is not possible to exclude the possibility that these birds are associated with the SPA. Our advice is that this proposal is therefore likely to have a significant effect on the qualifying interests of this site. Consequently, Scottish Ministers, as competent authority, may be required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we propose to carry out an appraisal to inform your appropriate assessment. To enable us to carry out this appraisal, the following information is required as part of the EIA Report:

- An assessment of potential collision risk for herring gulls and how this may affect the viability of the relevant species' SPA population. We advise that this information should include showing flight lines from Vantage Point watches.

Ailsa Craig Site of Special Scientific Interest (SSSI)

1.10 The proposed application site is within foraging distance of the herring gull and lesser black-backed gull of Ailsa Craig SSSI. The relevant protected natural feature of the SSSI is the breeding bird assemblage which includes herring gull and lesser black-backed gull. Information on the SSSI can be found on the SiteLink pages of our website[4]. The assessment undertaken for the SPA can be used to assess impacts on the SSSI.

Bogton Loch Site of Special Scientific Interest (SSSI)

1.11 The proposal could affect the Bogton Loch Site of Special Scientific Interest (SSSI), classified for its breeding bird assemblage which includes a breeding colony of black-headed gulls. Information on the SSSI can be found on the SiteLink pages of our website[9]. The proposal site is located approximately 5km from the SSSI which is within foraging distance of the black-headed gull colony.

1.12 We note the Scoping Report does not mention black-headed gull and recommends scoping out this protected area. As there is some suggestion that this breeding colony's presence has

[7] https://sitelink.nature.scot/site/10487
[8] https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra
[9] https://sitelink.nature.scot/site/240

been sporadic in the past, we wish therefore to seek clarification that the black-headed gull colony was absent in all the breeding surveys that the applicants commissioned to inform their EIA. If absence is ascertained, Bogton Loch SSSI can be scoped out of the EIA.

1.13 Other than the above, we agree with the designated sites scoped in and out of the EIA report.

2. Peatland

2.1 We note that Phase 1 peat probing has been undertaken in 2020 for some part of the site, and the remaining areas will be assessed in 2024. Our detailed peatland advice for applicants is contained in our revised guidance on Advising on peatland, carbon-rich soils and priority peatland habitats in development management[10] (November 2023). Our onshore wind pre-application guidance (February 2024) also highlights key guidance in relation to peatland assessment, recommendations on peatland restoration, and the level of information to be submitted with the application.

3. Landscape and Visual

3.1 We recognise that significant landscape and visual impacts are likely to arise as a result of this proposal. However, our approach to advising on wind farm applications is to focus upon impacts on Scotland's landscapes that potentially raise issues of national interest (i.e. as identified in our National Interest guidance). In this case, it is unlikely that we will consider that the landscape and visual effects of the proposal will raise natural heritage issues of national interest, and we are therefore unlikely to provide any specific landscape advice at application stage.

3.2 NatureScot guidance on landscape and visual impacts of wind farms can be found on our website[11]. Our pre-application guidance includes updated advice on turbine lighting assessment (including potential mitigation options).

4. Protected Species and habitat survey

4.1 We note bat surveys were undertaken in 2020 and 2021; therefore, the survey information is not sufficiently up to date. Unless it is clearly evident that there has been no substantive change in number, distribution or activity of bats since the original survey was undertaken, we advise further survey is required.

4.2 Otherwise, we welcome the proposed protected species surveys outlined in the scoping report as being appropriate for this site. If any likely impacts are identified, then mitigation measures should be outlined within a species protection plan. There is a range of standing advice for protected species on the NatureScot webpage[12] which the applicant may find helpful. The habitat and species surveys proposed and the approach to the assessment of impacts broadly appear to be appropriate.

4.3 We note that pre-construction surveys are proposed in section 6.4.2 (Embedded Mitigation). We welcome this approach but advise that our current guidance is followed[13]. The timing of pre-construction surveys depends on whether it is possible to survey a species at any time of year (e.g. otter and badger) or if there is restricted window within which a survey can be

[10] https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management /
[11] https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/renewable-energy/onshore-wind-energy/wind-farm-impacts-landscape
[12] https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species
[13] https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms

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

5. Enhancing biodiversity

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

5.2 We would welcome the inclusion of an Outline Habitat Management Plan (OHMP) in the proposed EIAR. We recommend the OHMP addresses both compensation and enhancement requirements, in line with NPF4 Policy 3(b) to provide for positive effects for biodiversity. Our guidance on what to include in an HMP can be accessed from our website[14].

[14] https://www.nature.scot/doc/planning-development-what-include-and-consider-habitat-management-plans

Annex 2

NatureScot responses to Scoping Report questions relevant to our remit

Ornithology

Q6.1 Do consultees agree that, subject to further information becoming available from the field surveys and desk study, the scope of IOFs (including designated sites) to be included in the assessment is appropriate?
A6.1 – No, assessments for qualifying interests and notified features of Ailsa Craig and Solway Firth SPAs and related SSSIs have not been included. Please see our advice above regarding the information and assessments required as part of the EIA report.

Q6.2 Do consultees agree that the desk study and the field surveys will provide sufficient data to inform a robust impact assessment?
A6.2 – No, see answer A6.1.

Q6.3 Do consultees agree that the methodology and scope of the assessment is appropriate?
A6.3 - Yes, we agree with the methodology assessment described in section 6.4.

Q6.4 Do consultees believe that there are any further species, or any designated sites which need to be considered in the assessment?
A6.4 – Yes, notified features regarding Ailsa Craig and Solway Firth SPAs, and Bogton Loch SSSI need to be considered as part of this assessment. See our advice above for detailed information.

Q6.5 Are there any other relevant consultees who should be contacted, or other sources of information that should be referenced with respect to the ornithology assessment?
A6.5 – Yes, relevant guidance regarding our insterests has been included in the scoping report and it is referenced in our advice above. We welcome the inclusion of data from RSPB Scotland and the South Strathclyde Raptor Study Group (SSRSG).

Q6.6 Do consultees agree with the features proposed to be scoped out of the assessment?
A6.6 – No, see above answers to Q6.1 and Q6.4.

Ecology

Q7.1 Are there any other relevant consultees who should be contacted, or other sources of information that should be referenced with respect to the ecological assessment?
A7.1 No.

Q7.2 Do consultees agree that, subject to further information coming to light from the field surveys and desk study, the scope of IEFs to be included in the assessment is appropriate?
A7.2 Yes.

Q7.3 Do consultees agree that there is no potential for connectivity, or potentially significant effects, between the Proposed Development and the ecological designated sites present within 5 km of the site, and that consequently effects related to all designated sites can be scoped out of the assessment?
A7.3 No, see answer A6.4.

Q7.4 Do consultees agree that the desk study and the field surveys (undertaken to date and update surveys planned for 2024) will provide sufficient data to inform a robust impact assessment?

A7.4 Yes.

Q7.5 Do consultees agree that static bat data collected to date (in 2017, 2018, 2020 and 2021) is sufficient to inform the assessment and that no further bat surveys are required?
A7.5 No, the survey data is not sufficently up to date. See our advice above in section 4.1. The level of bat survey needed can be found in our standing advice, section Carrying out a bat survey[15].

Q7.6 Do consultees agree that the methodology and scope of the assessment is appropriate?
A7.6 Yes.

Q7.7 Do consultees believe that there are any further species, or any designated sites, which need to be considered in the assessment?
A7.7 No.

Geology, Hydrology, Hydrogeology and Peat

Q8.1 Do the consultees agree that the impacts described in Section 8.9 can be scoped out?
A8.1 Yes, we agree with the designated sites to be scoped out, as they are not hydrologically connected.

Q8.2 Site surveys, including detailed peat depth probing and private water survey, will be undertaken as part of the proposed assessment. Should any additional investigation be considered when assessing baseline conditions?
A8.2 We agree with the peat depth probing survey to be undertaken. Additionally, we request that the Template in our Advising on peatland, carbon-rich soils and priority peatland habitats in development management[16] (November 2023) guidance, found in the Assessing national interest section is completed by the applicant/developer.

Q8.3 A detailed standalone flood risk assessment is not proposed, as flood risk is constrained to watercourses it will be accounted for within the Watercourse Crossing Schedule and in any further detailed design of proposed watercourse crossings. Does the consultee feel this is acceptable?
A8.3 No comment.

Q8.4 It is not proposed to prepare a detailed drainage design. Rather measures that would be used to control the rate and quality of runoff will be specified in the EIAR, if acceptable?
A8.4 No comment.

Q8.5 Do consultees agree that the proposed buffers for artificial drains and waterbodies associated with past mining activities are acceptable?
A8.5 No comment.

Q8.4 Do consultees agree that the scope of the proposed assessment, including proposed field surveys, assessment methodology and study areas, is appropriate?
A8.4 Yes.

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15 https://www.nature.scot/doc/standing-advice-planning-consultations-bats
16 https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management /

From:	radionetworkprotection@bt.com
To:	Colin Abernethy
Cc:	radionetworkprotection@bt.com
Subject:	RE: WID13427 SCOPING OPINION ON BEHALF OF SCOTTISH MINISTERS UNDER PART 4 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017: BREEZY HILL ENERGY PROJECT
Date:	15 May 2024 08:18:07
Attachments:	image003.png image005.png Breezy Hill Scoping Report_Final_Rev02.pdf

BT Group

OUR REF; WID13427

Thank you for your email dated 08/05/2024.

We have studied this proposal using the co-ordinates in the attached with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that, the project indicated should not cause interference to BT's current and presently planned radio network.

BT requires 100m minimum clearance from any structure to the radio link path. If any changes are proposed to the information supplied, 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

Kind Regards

Lisa Smith
National Radio Planner
Network Planning

BT Group

Defence Infrastructure Organisation

Teena Oulaghan
Safeguarding Manager
Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
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WS14 9PY

Telephone [MOD]: 07970 170934

E-mail: teena.oulaghan100@mod.gov.uk

Your Reference: ECU00005060

Our Reference: DIO10062756

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

By email only

21 May 2024

Dear Colin,

Application reference:	ECU00005060
Proposal:	Electricity Act 1989. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Request for Scoping Opinion for proposed Section 36 application for Breezy Hill Energy Project.
Site address:	located approximately 13 km south-east of Ayr, 8.5 km south-west of Cumnock and 4.5 km north of Dalmellington.

Thank you for consulting the Ministry of Defence (MOD) in relation to the scoping opinion through your communication dated 08 May 2024.

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

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

The proposal concerns a development of 26 turbines with a maximum blade tip height of 149.90 metres above ground level. The proposed development has been assessed using the location data (Grid References) provided in an email from Energy Consents Unit dated 13 May 2024.

Turbine no.	Easting	Northing
1	247830	614061
2	248109	613765
3	248414	613503

4	247610	613500
5	248699	613232
6	247861	613256
7	246846	612964
8	248129	612952
9	249021	612912
10	248476	612732
11	247135	612623
12	247507	612492
13	246623	612383
14	247892	612348
15	248454	612280
16	246932	612102
17	247375	612041
18	247778	611875
19	246854	611599
20	247285	611414
21	247699	611316
22	247035	610909
23	247473	610813
24	246698	611137
25	246392	611403
26	246385	611826

The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to their potential to create a physical obstruction to air traffic movements.

Physical Obstruction

In this case the development falls within Low Flying Area 16 (LFA 16), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 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.

To address the impact up on low flying given the location and scale of the development, the MOD would require that conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.

The MOD will require the submission, approval, and implementation of an aviation safety lighting specification that details the installation of MOD accredited aviation safety lighting, as a minimum MOD would require that the cardinal turbines are fitted with both 25cd visible and infra-red (IR) COMBI lighting.

Summary

The MOD has concerns with this proposal due to the potential impact to low flying aircraft operating in the development area.

The MOD must emphasise that the advice provided within this letter is in response to the information detailed in the developer's document titled "Scoping Report" dated 29 April 2024. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence

assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

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

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

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

Yours sincerely

REDACT

Teena Oulaghan
Safeguarding Manager

FAO Colin Abernathy
Energy Consents Unit
By Email

5th June 2024

Dear Colin

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR BREEZY HILL ENERGY PROJECT
Our reference: GLA4491

I refer to your request for scoping opinion received in this office on 8th May 2024.

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

- The site is outwith the obstacle limitation surfaces and radar safeguarding area for Glasgow Airport;

- It is within the instrument flight procedures safeguarding areas and may impact. Detailed assessments will be required.

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

Yours sincerely
Redacted

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

From:	Brian Davidson
To:	Colin Abernethy
Cc:	Jim Henderson; Debbie Parke; Stuart Brabbs (stuart@ayrshireriverstrust.org); iain Clark (Doon DSFB) (iclark@gilsongray.co.uk)
Subject:	RE: SCOPING OPINION ON BEHALF OF SCOTTISH MINISTERS UNDER PART 4 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017: BREEZY HILL ENERGY PROJECT
Date:	30 May 2024 14:00:06
Attachments:	image001.png

Dear Colin,

Thank you for your correspondence concerning the Breezy Hill energy project.

Fisheries Management Scotland (FMS) represents the network of 40 Scottish District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), who have a statutory responsibility to protect and improve salmon and sea trout fisheries and the 26 fishery trusts who provide a research, educational and monitoring role for all freshwater fish.

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

The proposed development straddles the catchments relating to the Nith DSFB, Doon DSFB, Ayrshire Rivers Trust and Nith Catchment Fisheries Trust. It is important that the proposals are conducted in full consultation with the trust (see link to FMS member DSFBs and Trusts below). We have also copied this response to these organisations.

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

- LINK TO ADVICE ON TERRESTRIAL WINDFARMS
- LINK TO FMS MEMBER NETWORK CONTACT DETAILS

Kind regards,

Brian

Brian Davidson | Director of Operations
Fisheries Management Scotland
11 Rutland Square, Edinburgh, EH1 2AS
Tel: 0131 221 6567 | 075844 84602

www.fms.scot

From: Colin.Abernethy@gov.scot <Colin.Abernethy@gov.scot>
Sent: Wednesday, May 8, 2024 1:33 PM
Subject: SCOPING OPINION ON BEHALF OF SCOTTISH MINISTERS UNDER PART 4 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017: BREEZY HILL ENERGY PROJECT

Dear Consultee,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR BREEZY HILL ENERGY PROJECT

In April 2024, Breezy Hill Energy Limited (the Applicant) submitted a request for a scoping opinion from the Scottish Ministers for the proposed section 36 application for Breezy Hill Energy Project. The proposed development is anticipated to comprise up to 26 wind turbines with a maximum tip height of 149.9m. The site is situated entirely within the East Ayrshire Council administrative area, and is located approximately 13 km south-east of Ayr, 8.5 km south-west of Cumnock and 4.5 km north of Dalmellington. This request is made in line with regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Under regulation 12, Scottish Ministers are required to provide a scoping opinion outlining the information they consider should be included in the EIA report. Ministers are also required to consult the relevant consultation bodies and any other interested party which is likely to have an interest in the proposed development by reason of its specific environmental responsibilities or local and regional competencies.

The scoping report and associated documentation can be viewed online by:

- going to www.energyconsents.scot;
- clicking on the **Search** tab; then,
- clicking on **Simple Search** tab; then,
- typing Breezy Hill Energy Project into **Search by Project Name** box and then clicking on **Go**; then,
- clicking on **ECU00005060** and then clicking on the **Documents** tab and then clicking on **Scoping Report**.

For specific information relating to the proposed wind turbines, please see section 3.2 (pages 11&12) of the Scoping report.

To allow Scottish Ministers to provide a comprehensive scoping opinion, we ask that you review the scoping report and advise on the scope of the

environmental impact assessment for this proposal. It would also be appreciated if consultees could answer the "Key Questions for Consultees" set out in the Scoping Report. Please advise if there are any further matters you would like Ministers to highlight for consideration and inclusion in the assessment, particularly site-specific information.

I would be grateful for your comments by **30th May 2024**. Please send your response to myself (in PDF format if possible) at Colin.Abernethy@gov.scot

Kind Regards,
Colin

Colin Abernethy | Case Manager | Energy Consents Unit
The Scottish Government | colin.abernethy@gov.scot
To view our current casework please visit www.energyconsents.scot

By email only

The Scottish Government
Energy Consents Unit
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
FAO: Colin Abernethy

30 May 2024

Dear Colin

Glasgow Prestwick Airport

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

REQUEST FOR SCOPING OPINION – BREEZY HILL ENERGY PROJECT.

Glasgow Prestwick Airport Ltd ("GPA", "the Airport") is supporting the Scottish and UK Governments' drive to release 20GW of renewable energy projects by 2030, working to facilitate over 4GW of potential wind power within a 45 nautical mile radius of the aerodrome. We continue to be actively engaged with numerous developers to address aviation safeguarding issues, including the resolution of infringements to published instrument flight procedures associated with The Airport.

We have reviewed the planning application documents available on the Energy Consents Unit (ECU) portal for the Breezy Hill Energy Project (**ECU00005060**) and respond to the scoping consultation on aviation matters only.

Glasgow Prestwick Airport Ltd
Aviation House, Prestwick, Ayrshire, Scotland, KA9 2PL

T: +44 (0)1292 511038 **E:** ihutchinson@glasgowprestwick.com
www.glasgowprestwick.com safeguarding@glasgowprestwick.com

The Airport's Windfarm Safeguarding Assessment Process

1. In aviation, safety in the air is paramount. That being the case, the Airport has considered the planning application in line with its Windfarm Safeguarding Assessment Process. The steps of that process are undertaken to ensure the Airport meets the requirements imposed upon it through the Civil Aviation Publications (CAPs) which are promulgated by the Airport's regulator, the Civil Aviation Authority (CAA).

The Airport's Initial Safeguarding Assessment

2. The Initial Safeguarding Assessment confirms that the proposed development lies within the lateral and vertical limits of Glasgow Prestwick Airport's Controlled Airspace (CAS), and is in an area where the Airport's ATC regularly provide an air traffic control service.

3. 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 and proximity to GPAs controlled airspace, in particular the Instrument Flight Procedures for Runway 30.

    iii. Potential disruption to the Airport's Instrument Landing System (ILS) for Runway 30.

    iv. 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.

    v. Increasing cumulative impact due to the proliferation of turbines in the area to the South East of the Airport.

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Primary Surveillance Radar (PSR)

4. Preliminary Radar Line of Sight ("RLoS") analysis at maximum turbine tip heights of 149.9m for the proposed Blackwood Wind Farm indicates that all of the proposed turbines will be visible to the Airport's primary radar. Further assessments will be required to establish and confirm the actual number of turbines visible to the Airport's primary radar. We would welcome early engagement with the Developer once a mature layout design of the wind farm is realised, to allow final RLoS assessments to be conducted.

Turbines which are visible to the Airport's primary radar will cause turbine clutter on the Airport's radar controllers display(s). They may also cause other degradative effects on the airspace above and in the vicinity of the turbines (e.g. shadowing, loss of base radar cover, etc).

With regard to the clutter on the Airport ATC radar controllers display(s), the Airport's Terma Scanter 4002 radar ("Terma") contains software which provides the potential for Terma to be optimised to mitigate the clutter. However, mitigation is not an automatic process nor is it guaranteed to work. In line with the Airport's Windfarm Safeguarding Assessment Process, it will be necessary to conduct baseline flight trials and radar modelling assessments to assess the anticipated Probability of Detection ("PD") in the airspace above the turbines post windfarm construction and post optimisation of Terma.

The anticipated PD will of course have to be acceptable from an aviation safety perspective. Although it is possible to estimate the PD following optimisation of Terma, the results are not guaranteed. The actual PD which is achieved after optimisation will have to be confirmed by a post construction flight trial with support from Terma engineers.

Assuming that an acceptable, and confirmed, PD is achieved post optimisation, the mitigation will have to be kept in place by the Airport for the lifetime of the windfarm. There will be costs and risks for the Airport in that process and a mitigation agreement between Airport and Developer will be required to cover those reasonable and demonstrable costs incurred by the Airport in discharging its regulatory responsibility to safeguard the airspace.

Instrument Flight Procedures (IFPs)

5. Furthermore, given the proposed maximum tip height (149.9m) of the turbines and a height above sea level of 577m (1896ft), combined with the proximity of the development to GPA and its geographical position close to the approach to Runway 30 – the closest turbine being 16.5km (8.9 Nautical miles) from the Airport - there is potential for infringement of safety buffers for multiple Airport departure and arrival procedures. If changes to climb or descent gradients were to be required to accommodate the wind farm, there would be a resulting reduction in operational safety margins to aircraft operating to and from the Airport, with the potential for certain types of aircraft that do not have the performance characteristics required ceasing their use of the Airport.

Technical Safeguarding – VHF Communication Equipment

6. Preliminary analysis indicates it will be necessary to conduct a detailed Technical Safeguarding Assessment in respect of the protection of the Airport's VHF Radio Navigation Equipment in accordance with *CAP670 - Part B, Section 4: GEN 02: Technical Safeguarding of Aeronautical Radio Stations Situated at UK Aerodromes and Appendix A to GEN 02: Methodology for the Prediction of Wind Turbine Interference Impact on Aeronautical Radio Station Infrastructure*.

   Any adverse effects identified as a result of any assessment will require to be mitigated for the lifetime of the windfarm.

Instrument Landing System (ILS) – Runway 30

7. The proposed development lies within the outer sector of the ILS safeguarded area as mandated by ICAO annex 10 Vol1, 3.1.3.3.1 (P 3-5) and further discussion with the developer will be required to determine the need for a formal ILS Assessment.

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Aviation House, Prestwick, Ayrshire, Scotland, KA9 2PL

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Cumulative Impact

8. The Airport also raises concerns in respect of the cumulative impact, with the proliferation of existing and proposed developments to the South East becoming an increasing concern for the Airport. There are 5 existing or proposed developments within 5 Nautical miles of the site, and 23 existing or proposed developments within 10 nautical miles – with more than 300 turbines of various sizes visible to the Airport's Primary Surveillance Radar should all the turbines be constructed.

   Those risks include: (1) Terma alone not being able to provide the required level of mitigation; (2) adverse impact on VHF Communication Equipment; and (3) adverse cumulative impacts on Runway 30 ILS . These cumulative issues across the whole coverage volume are increasingly likely to result in the need for additional mitigation to address the cumulative impact of multiple windfarms in close proximity to each other to ensure the continued safe provision of air traffic control services.

Breezy Hill Energy Project Scoping Report

9. In response to the aviation section commencing at Section 14 of the Breezy Hill Energy Project Scoping Report, the Airport wishes to continue the dialogue established with the Developer to undertake the following aviation safeguarding assessments.

   i. A radar flight trial in the airspace above the proposed windfarm to establish the Baseline Probability of Detection (PD) of the radar prior to the windfarm being constructed.

   ii. A radar modelling assessment (inc detailed Radar Line of Sight analysis) against the Airport's primary surveillance radar(s) to establish if the Terma radar has the capability to mitigate the clutter from the visible turbines;

   iii. An IFP assessment against the Airport's published flight procedures (both RNAV/RNP and conventional); In this case, given the scale and location of the proposed development, we would recommend proceeding directly to a Stage 2 assessment (if provided by the Airport's contracted IFP Safeguarding provider), which provides solutions (if any) to any identified IFP infringements. The findings of any Developer

provided IFP reports would also need to be verified by our contracted IFP Safeguarding provider.

iv. Discussion on the need for an ILS assessment.

v. A VHF radio communication assessment in the vicinity of the proposed windfarm against the Airport's VHF Ground to Air radio equipment infrastructure;

Conclusions

10. 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.

11. Consequently, the Airport would lodge an initial **holding objection** to this development should the scoping proceed to a full Section 36 application.

12. It is pleasing to report that the Developer has already engaged with the Airport regarding the aviation safety issues discussed above.

Yours faithfully

REDACT

Ian Hutchinson
Aerodrome Safeguarding Manager
For and on behalf of Glasgow Prestwick Airport Limited

From:	Safeguarding
To:	Colin Abernethy
Cc:	Safeguarding
Subject:	RE: SCOPING OPINION ON BEHALF OF SCOTTISH MINISTERS UNDER PART 4 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017: BREEZY HILL ENERGY PROJECT
Date:	24 May 2024 15:15:35
Attachments:	image001.png

OFFICIAL

Your Ref: ECU00005060
Our Ref: 2024/108/CAL

Dear Sir/Madam,

Proposal: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR BREEZY HILL ENERGY PROJECT

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

Kind regards,

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

From:	NATS Safeguarding
To:	Colin Abernethy
Cc:	Econsents Admin
Subject:	RE: SCOPING OPINION ON BEHALF OF SCOTTISH MINISTERS UNDER PART 4 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017: BREEZY HILL ENERGY PROJECT [SG37400]
Date:	21 May 2024 14:06:43
Attachments:	image001.png image004.png image005.png image006.png image007.png image008.png image009.png image010.png SG37400 Breezy Hill - TOPA Issue 2.pdf

Our Ref: SG37400

Dear Sir/Madam

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

Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection are outlined in the attached report TOPA SG37400.

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

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

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

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

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

Yours faithfully

NATS

NATS Safeguarding
E: natssafeguarding@nats.co.uk
4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk

NATS Public

From: NATS Safeguarding
Sent: Monday, May 13, 2024 2:44 PM
To: Colin.Abernethy@gov.scot
Cc: Econsents_Admin@gov.scot
Subject: RE: SCOPING OPINION ON BEHALF OF SCOTTISH MINISTERS UNDER PART 4 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017: BREEZY HILL ENERGY PROJECT [SG37400]

Our Ref: SG37400

Dear Sir/ Madam

We refer to the application above. The proposed development has been examined by our technical safeguarding teams and based on our preliminary technical findings, the proposed development does conflict with our safeguarding criteria. Accordingly, NATS (En Route) plc objects to the proposal. We will notify you within 4-6 weeks of the results of our operational assessment. Only if this assessment shows the impact to be acceptable will we be able to withdraw our objection.

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

In the event that any recommendations made by NATS are not accepted, local authorities are further obliged to notify both NATS and the Civil Aviation Authority ("CAA") of that fact (which may lead to the decision made being subject to review whether by the CAA referring the matter for further scrutiny or by appropriate action being taken in the courts).

As this further notification is intended to allow the CAA sufficient time to consider whether further scrutiny is required, we understand that the notification should be provided prior to any granting of permission. You should be aware that a failure to consult NATS, or to take into account NATS's comments when deciding whether to approve a planning application, could cause serious safety risks for air traffic.

If you have any queries regarding this matter you can contact us using the details as below.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk

NATS Internal

Prepared by:
NATS Safeguarding Office

Technical and Operational Assessment (TOPA)

For Breezy Hill

Wind Farm Development

NATS ref: SG37400

Scottish Government ref: ECU00005060

Issue 2

Contents

Publication History

Issue	Month/Year	Change Requests and summary
1	May 2024	Scoping Request
2	May 2024	Amended co-ordinates T1

Document Use

External use: Yes

Referenced Documents

1. Background

1.1. En-route Consultation

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

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

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

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

2. Scope

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

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

3. Application Details

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

Turbine	Lat	Long	East	North	Tip Height (m)
T1	55.3968	-4.4043	247830	614061	149.9
T2	55.3944	-4.3994	248130	613786	149.9
T3	55.3920	-4.3948	248414	613503	149.9
T4	55.3917	-4.4075	247610	613500	149.9
T5	55.3896	-4.3902	248699	613232	149.9
T6	55.3896	-4.4034	247861	613256	149.9
T7	55.3867	-4.4192	246846	612964	149.9
T8	55.3870	-4.3990	248129	612952	149.9
T9	55.3869	-4.3849	249021	612912	149.9
T10	55.3851	-4.3934	248476	612732	149.9
T11	55.3837	-4.4145	247135	612623	149.9
T12	55.3826	-4.4086	247507	612492	149.9
T13	55.3814	-4.4224	246623	612383	149.9
T14	55.3815	-4.4024	247892	612348	149.9
T15	55.3810	-4.3935	248454	612280	149.9
T16	55.3790	-4.4174	246932	612102	149.9
T17	55.3785	-4.4104	247375	612041	149.9
T18	55.3772	-4.4040	247778	611875	149.9
T19	55.3744	-4.4184	246854	611599	149.9
T20	55.3729	-4.4115	247285	611414	149.9
T21	55.3721	-4.4049	247699	611316	149.9
T22	55.3683	-4.4151	247035	610909	149.9
T23	55.3676	-4.4082	247473	610813	149.9
T24	55.3702	-4.4206	246698	611137	149.9
T25	55.3725	-4.4255	246392	611403	149.9
T26	55.3763	-4.4259	246385	611826	149.9

Table 1 – Turbine Details

4. Assessments Required

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

En-route Surv	Lat	Long	nm	km	Az (deg)	Type
Great Dun Fell Radar	54.6841	-2.4509	79.0	146.3	302.6	CMB
Lowther Hill Radar	55.3778	-3.7530	21.6	40.1	270.9	CMB
Perwinnes Radar	57.2123	-2.1309	133.0	246.3	215.6	CMB
Tiree Radar	56.4556	-6.9230	106.2	196.6	126.2	CMB
En-route Nav	**Lat**	**Long**	**nm**	**km**	**Az (deg)**	**Type**
None						
En-route AGA	**Lat**	**Long**	**nm**	**km**	**Az (deg)**	**Type**
Dundonald Rx	55.5272	-4.5270	8.9	16.5	154.9	Rx

Table 2 – Impacted Infrastructure

4.1. En-route RADAR Technical Assessment

4.1.1. Predicted Impact on Lowther RADAR

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

4.1.2. En-route operational assessment of RADAR impact

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

Unit or role	Comment
Prestwick Centre ATC	Unacceptable
Military ATC	Acceptable

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

4.2. En-route Navigational Aid Assessment

4.2.1. Predicted Impact on Navigation Aids

No impact is anticipated on NATS' navigation aids.

4.3. En-route Radio Communication Assessment

4.3.1. Predicted Impact on the Radio Communications Infrastructure

No impact is anticipated on NATS' radio communications infrastructure.

5. Conclusions

5.1. En-route Consultation

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

Appendix A – Background RADAR Theory

Primary RADAR False Plots

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

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

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

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

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

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

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

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

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

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

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

Secondary RADAR Reflections

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

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

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

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

Shadowing

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

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

Terrain and Propagation Modelling

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

Appendix B – Diagrams

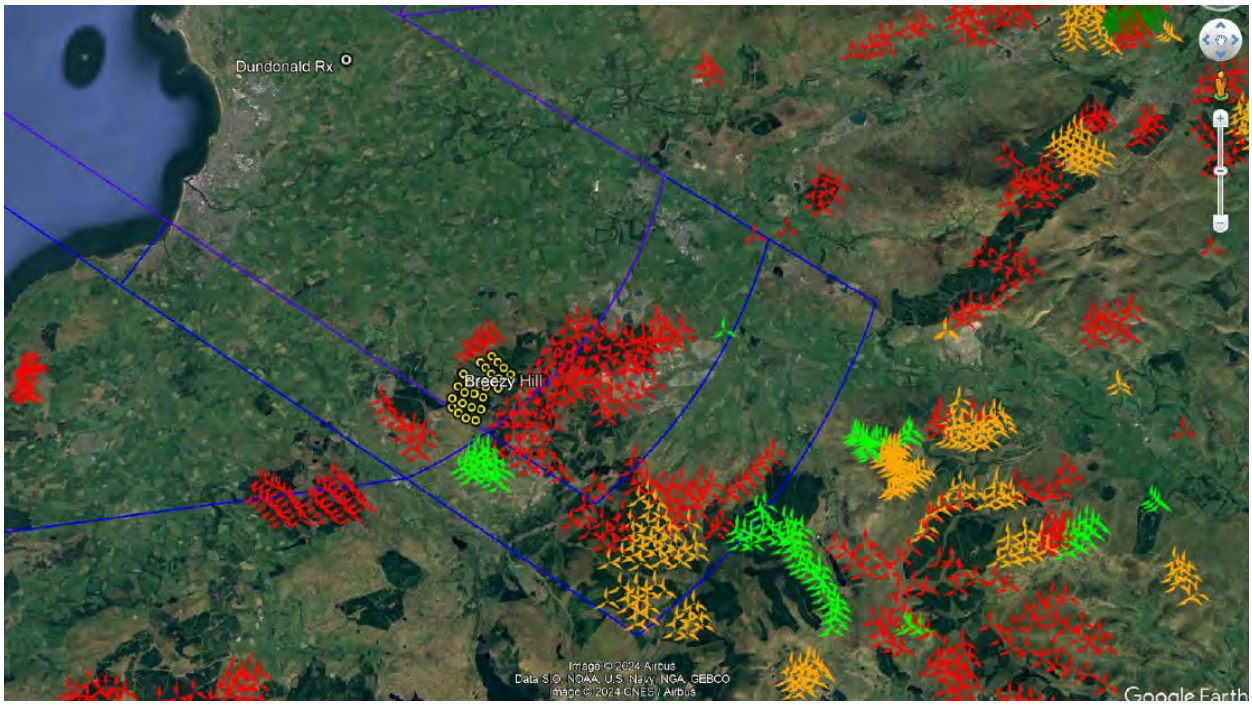

Figure 1: Proposed development location shown on an airways chart

Figure 2: Proposed development shown alongside other recently assessed applications

consented/built
impact –accepted
impact –objection
mitigated
mitigation –proposed
no impact
refused/withdrawn

From: JRC Windfarm Coordinations Old
To: Colin Abernethy
Cc: WindSGN ; WindSPEN
Subject: Breezy Hill Energy Project - Scoping Opinion - ECU00005060 [WF706447]
Date: 27 May 2024 13:38:33

Dear Colin,

A Windfarms Team member has replied to your co-ordination request, reference **WF706447** with the following response:

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

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

Dear Colin,

***Site Name**: Breezy Hill Energy Project (Scoping Opinion)*

***ECU:** ECU00005060*

***Turbine(s) at NGR**:*

*T1 247830 614061 (*** amended T1 location as of 14/5/24)*
T2 248130 613786
T3 248414 613503
T4 247610 613500
T5 248699 613232
T6 247861 613256
T7 246846 612964
T8 248129 612952
T9 249021 612912
T10 248476 612732
T11 247135 612623
T12 247507 612492
T13 246623 612383
T14 247892 612348
T15 248454 612280
T16 246932 612102
T17 247375 612041
T18 247778 611875
T19 246854 611599
T20 247285 611414
T21 247699 611316
T22 247035 61090
T23 247473 610813

T24 246698 611137
T25 246392 611403
T26 246385 611826

***Max Hub Height**: 112m* ***Max Rotor Radius**: 68m*

*This proposal is ***cleared* - subject to 100m Micrositing -** with respect to radio link infrastructure operated by the local energy networks.*

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

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

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

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, you are advised to seek re-coordination prior to submitting a planning application, as this will negate the possibility of an objection being raised at that time as a consequence of any links assigned between your enquiry and the finalisation of your project.

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

Regards

Wind Farm Team

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

We hope this response has sufficiently answered your query.
If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email by clicking on the link below or login to your account** for access to your co-ordination requests and responses.

https://breeze.jrc.co.uk/tickets/view.php?id=33271

From: ONR Land Use Planning <ONR-Land.Use-Planning@onr.gov.uk>
Sent: 09 May 2024 16:03
To: Econsents Admin
Subject: ONR Land Use Planning - Application ECU00005060
Attachments: image001.png

Dear Sir/Madam,

With regard to planning application ECU00005060, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

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

Kind regards,

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

-

A71

Colin Abernethy
Case Manager
Energy Consents Unit
The Scottish Government
Sent by email to: colin.abernethy@gov.scot

04 June 2024

Dear Colin,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR BREEZY HILL ENERGY PROJECT

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

Yours sincerely,

REDACT

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

ANNEX 1 RSPB Scotland Comments – Request for Scoping Opinion for Proposed Section 36 Application for Breezy Hill Energy Project

6. Ornithology

Q6.1 Do consultees agree that, subject to further information becoming available from the field surveys and desk study, the scope of IOFs (including designated sites) to be included in the assessment is appropriate?

Yes.

Q6.2 Do consultees agree that the desk study and field surveys will provide sufficient data to inform a robust impact assessment?

Figure 6.1 – Vantage Points and Viewsheds suggests that turbines 25 and 26 are not visible from any of the Vantage Points (VP) in any of the survey years. In addition, section 6.2.1 of the Scoping Report states that VP 3 was not surveyed during the 2020 breeding season. Based on this information, the proposed locations for turbines 13, 16, and 19-24 have only been surveyed during one breeding season, and turbines 25 and 26 have not been covered by any VP survey effort thus far. These issues with survey coverage may significantly underestimate the impacts of the proposed development on breeding bird species in the area.

We recommend that the methodologies outlined in the NatureScot guidance on bird survey methods for onshore wind farms[1] are followed to ensure that VP survey effort is sufficient to allow proper assessment of the ornithological status of this site and any potential impacts to birds which may occur as a result of this proposal.

Q6.3 Do consultees agree that the methodology and scope of the assessment is appropriate?

As stated in our response to question 6.2 above, we have concerns over the survey coverage of the proposed turbine locations at this site (turbines 13, 16, and 19-26).

Section 6.5.4 of the Scoping report states that "any target species not identified to be breeding within the relevant study area will be scoped out of the assessment". However, we are concerned that this approach does not account for species that may use the site during the non-breeding season. We recommend that all potential ornithological impacts should be assessed for the relevant species, both breeding and non-breeding.

[1] NatureScot (2017), Guidance Note – Recommended Bird Survey Methods to Inform Impact Assessment of Onshore Windfarms. https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms

Q6.4 Do consultees believe that there are any further species, or any designated sites which need to be considered in the assessment?

No.

Q6.5 Are there any other relevant consultees who should be contacted, or other sources of information that should be referenced with respect to the ornithology assessment?

The South West Scotland Environmental Information Centre (SWSEIC) and the local branch of the Scottish Ornithologists Club (SOC) may hold further relevant records for this site, and we recommend contacting these groups to inform the ornithology assessment.

Q6.6 Do consultees agree with the features proposed to be scoped out of the assessment?

We disagree with the proposal to scope out non-breeding bird species outwith the collision risk assessment. We recommend that all potential ornithological impacts should be assessed for the relevant species, both breeding and non-breeding, including both disturbance and displacement of birds at construction and operational stages, as per NatureScot guidance[2].

9. Forestry

Q9.2 Do you agree with the proposal to consider alternative mitigation strategies to compensatory planting such as development of the area to enhance public access and create recreational attractions to assist FLS with their aims as set out in the North Kyle Forest Masterplan (2016)?

The proposed development falls within a suitable area for Black Grouse, a Red-listed, UK BAP species which is declining in Southern Scotland. We have records of multiple historic and recently active lek sites within 5km of the site, although it should be noted that there is no formal survey coverage of this area, and there may be additional lek sites here that we are not currently aware of. Black Grouse require a mosaic of open upland and forested habitats for lekking, nesting, feeding and brood rearing, with native broadleaved forestry forming a major component of their preferred habitats.

Due to the importance of this area in linking Black Grouse populations to both the north and south, and the presence of recently active leks nearby, we recommend that compensatory planting of suitable native broadleaved trees in

[2] NatureScot (2017), Guidance Note – Recommended Bird Survey Methods to Inform Impact Assessment of Onshore Windfarms. https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms

suitable areas to enhance habitat and/or create corridors for Black Grouse is given full consideration when considering forestry removal mitigation strategies.

Wednesday, 15 May 2024

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

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

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

Dear Customer,

Breezy Hill Energy Project, Sinclairston, East Ayrshire, KA18 2RT
Planning Ref: ECU00005060
Our Ref: DSCAS-0109767-Z7N
Proposal: Wind Farm (Generating station of >100 <200 MW Capacity)

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

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

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

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

Scottish Water Disclaimer:

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

The Coal Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG
T: 01623 637 119 (Planning Enquiries)
E: planningconsultation@coal.gov.uk
W: www.gov.uk/coalauthority

For the attention of: Mr C Abernethy - Case Manager
Energy Consents Unit

[By email: Colin.Abernethy@gov.scot]

29th May 2024

Dear Mr Abernethy

Re: ECU00005060 - Request for scoping opinion for proposed Section 36 application for Breezy Hill Energy Project; Located Approximately 13 Km South-East of Ayr, 8.5 Km South-West of Cumnock, 4.5 Km North of Dalmellington, East Ayrshire

Thank you for your notification of the 8th May 2024 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that there are two mine entries (adits) within the site and areas of past surface mining activity. These features may pose a potential risk to surface stability and public safety.

It is noted that Section 8.4.2 of the Scoping Report, dated 14/05/24, covers coal mining and confirms that a Coal Mining Risk Assessment (CMRA) has been prepared by JWH Ross (Mining Stability Report Including Past Mining Risk Assessment, September 2023) which will be included as an appendix within the EIAR. They also note that the results of the CMRA will inform the design of the Proposed Development.

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:
https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

We are pleased to see that the risks posed by past coal mining activity will be assessed and the findings of this used to inform the design of the development. We look forward to reviewing the document in due course.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

REDACT

Disclaimer

The above consultation response is provided by the Coal Authority as a statutory consultee and is based upon the latest available data and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that has been published on the Council's website for consultation purposed in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by the Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the applicant for consultation purposes.

From:	Tim Allott on behalf of metofficesafeguarding
To:	Colin Abernethy
Subject:	RE: SCOPING OPINION ON BEHALF OF SCOTTISH MINISTERS UNDER PART 4 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017: BREEZY HILL ENERGY PROJECT
Date:	10 May 2024 09:35:09
Attachments:	image001.png

Dear Colin,

Thanks for contacting the Met Office. The proposed development is beyond the 20 km radius consultation zone of any Met Office radar and the impact on services such as weather forecasts and warnings derived from the radar data will be limited. Therefore we have no comments on the proposal and do not need to be consulted further.

Kind regards,

Tim Allott
Upper Air Observations
Met Office, FitzRoy Road, Exeter, Devon, EX1 3PB, United Kingdom
E-mail: metofficesafeguarding@metoffice.gov.uk
Web: https://www.metoffice.gov.uk/services/business-industry/energy/safeguarding

Development Management and Strategic Road Safety
Roads Directorate

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

A80

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

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

Colin.Abernethy@gov.scot
econsents_admin@gov.scot

Your ref:
ECU00005060

Our ref:
GB01T19K05

Date:
29/05/2024

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR BREEZY HILL ENERGY PROJECT

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

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

Proposed Development

The proposed Breezy Hill Energy Project comprises up to 26 turbines with a blade tip height of up to 149.9m, located in the North Kyle Forest Estate approximately 4.5km north of Dalmellington and 13km southeast of Ayr. The project will also contain a substation and a Battery Energy Storage System (BESS). The nearest trunk road to the site is the A76(T) which lies approximately 10km to the northeast at Cumnock. The A77(T) lies approximately 15km to the northwest.

Assessment of Environmental Impacts

Chapter 11 of the SR presents the proposed methodology for the assessment of Access, Traffic and Transport. This states that Transport Assessment Guidance (Transport Scotland, 2012) and the Environmental Assessment of Traffic and Movement Guidelines by the Institute of Environmental Assessment (2023) will be used in the assessment. This is considered appropriate.

We note that the site will be accessed via an existing junction on the A713. As the A713 is part of the local road network, Transport Scotland has no comment to make on the access point itself.

The proposed study area for the assessment has been identified as follows:

- A713 between its junction with the A77(T) and Dalmellington;
- A713 between its junction with Dalmellington and A75(T);
- B741 between its junctions with the A713 and A76(T);
- A70 between its junctions with the A77(T) and A76(T);
- A76(T) between Auchinleck and Sanquhar; and
- A77(T) between St Quivox and Nether Auchindrane.

It is noted that baseline traffic data will be obtained from the UK Government Department for Transport (DfT) and Transport Scotland (TS) traffic count databases. In addition, National Road Traffic Forecast (NRTF) Low Traffic Growth assumptions will be used to provide a common future year baseline to coincide with the expected construction traffic peak. This is considered appropriate but we would ask that "estimated" data from the DfT site is not used.

Abnormal Loads Assessment

The SR states that each turbine is likely to require between 11 and 14 abnormal indivisible loads (AIL) to deliver the components to site. We also note that detailed swept path analysis will be undertaken for the main constraint points on the route from the port of entry, which is identified as King George V Docks in Glasgow, through to the site access junction. This is considered appropriate, and we would add that Transport Scotland will require to be satisfied that the size of turbines proposed can negotiate the selected trunk road route and that their transportation will not have any detrimental effect on structures within the trunk road route path.

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

For your awareness, Transport Scotland is currently undertaking essential investigatory works on the Woodside Viaduct on the M8 northern flank. Temporary traffic management measures and weight restrictions are in force. The route is therefore not appropriate for abnormal loads, with all HGV traffic encouraged to use the M74 and M73 as an alternative. At this time, there is no timeframe for completion of the works.

I trust that the above is satisfactory but should you wish to discuss any issues raised in greater detail, please do not hesitate to contact me or alternatively, Alan DeVenny at SYSTRA's Glasgow Office who can be reached on 0141 343 9636.

Yours faithfully

REDACT

Iain Clement

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.

ANNEX B

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

July 2020 updated September 2023

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

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

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

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

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

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

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

MD-SEDD provision of advice to ECU

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

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

Scoping

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

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

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

Gate check

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

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

EIA Report

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

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

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

Post-Consent Monitoring

MD-SEDD recommends that a water quality and fish population monitoring programme is carried out to ensure that the proposed mitigation measures are effective. A robust, strategically designed and site specific monitoring programme conducted before, during and after construction can help to identify any changes, should they occur, and assist in implementing rapid remediation before long term ecological impacts occur.

MD-SEDD has published guidance on survey/monitoring programmes associated with onshore wind farm developments (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which developers should follow when drawing up survey and/or monitoring programmes.

If a developer considers that such a monitoring programme is not required then a clear justification should be provided.

Planning Conditions

MD-SEDD advises that planning conditions are drawn up to ensure appropriate provision for mitigation measures and monitoring programmes, should the development be given consent. We recommend, where required, that a Water Quality Monitoring Programme, Fisheries Monitoring Programme and the appointment of an Ecological Clerk of Works, specifically in overseeing the above monitoring programmes, is outlined within these conditions and that MD-SEDD is consulted on these programmes.

Wording suggested by MD-SEDD in relation to water quality, fish populations and fisheries for incorporation into planning consents:

1. No development shall commence unless a Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with Marine Directorate – Science Evidence Data and Digital (MD–SEDD) and any such other advisors or organisations.

2. The WQFMP must take account of the Scottish Government's MD-SEDD guidelines and standing advice and shall include:

    a. water quality sampling should be carried out at least 12 months prior to construction commencing, during construction and for at least 12 months after construction is complete. The water quality monitoring plan should include key hydrochemical parameters, turbidity, and flow data, the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting etc.;

    b. the fish monitoring plan should include fully quantitative electrofishing surveys at sites potentially impacted and at control sites for at least 12 months before construction commences, during construction and for at least 12 months after construction is completed to detect any changes in fish populations; and

    c. appropriate site specific mitigation measures detailed in the Environmental Impact Assessment and in agreement with the Planning Authority and MD-SEDD.

3. Thereafter, the WQFMP shall be implemented within the timescales set out to the satisfaction of the Planning Authority in consultation with MD- SEDD and the results of such monitoring shall be submitted to the Planning Authority on a 6 monthly basis or on request.

Reason: To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.

Sources of further information

NatureScot (previously “SNH”) guidance on wind farm developments - https://www.nature.scot/professional-advice/planning-and-development/advice- planners-and-developers/renewable-energy-development/onshore-wind- energy/advice-wind-farm

Scottish Environment Protection Agency (SEPA) guidance on wind farm developments – https://www.sepa.org.uk/environment/energy/renewable/#wind

A joint publication by Scottish Renewables, NatureScot, SEPA, Forestry Commission Scotland, Historic Environment Scotland, Marine Scotland Science (now MD-SEDD) and Association of Environmental and Ecological Clerks of Works (2019) Good Practice during Wind Farm Construction - https://www.nature.scot/guidance- good-practice- during-wind-farm-construction.

Annex 1 (revised September 2023)

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) – EIA Checklist

The generic scoping guidelines should ensure that all matters relevant to freshwater and diadromous fish and fisheries have been addressed and presented in the appropriate chapters of the EIA report. Use of the checklist below should ensure that the EIA report contains the following information; the absence of such information ***may necessitate requesting additional information*** which could delay the process:

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

2. A description and results of the site characterisation surveys for fish (including fully quantitative electrofishing surveys) and water quality including the location of the electrofishing and fish habitat survey sites and water quality sampling sites on the map outlining the proposed turbines and associated infrastructure. **This should be carried out where a Special Area of Conservation (SAC) is present and where salmon are a qualifying feature, and in exceptional cases when required in the scoping advice for other reasons. In other cases, developers can assume that fish populations are present**;			
3. An outline of the potential impacts on fish populations and water quality within and downstream of the proposed development area;			
4. Any potential cumulative impacts on the water quality and fish populations associated with adjacent (operational and consented) developments including wind farms, hydro schemes, aquaculture and mining;			

5. Any proposed site specific mitigation measures as outlined in **MD-SEDD** generic scoping guidelines and the joint publication "Good Practice during Wind Farm Construction" (https://www.nature.scot/guidance-good-practice-during-wind-farm-construction);			
6. Full details of proposed monitoring programmes using guidelines issued by **MD-SEDD** and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure. **At least 12 months of baseline pre-construction data should be included. The monitoring programme can be secured using suitable wording in a condition.**			
7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations. **This can be secured using suitable wording in a condition.**			

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to **MD-SEDD** advice, please set out reasons.
1. Any designated area **(e.g. SAC),** for which fish is a qualifying feature, within and/or downstream of the proposed development area;			
2. The presence of a large density of watercourses;			
3. The presence of large areas of deep peat deposits;			
4. Known acidification problems and/or other existing pressures on fish populations in the area; and			
5. Proposed felling operations.			