



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

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Our Ref: P/19/1278
Your Ref:
If calling ask for: James Wright
Date: 23 September 2019

Dear Sir/Madam

Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Proposal : Scoping Opinion for 5 wind turbines each with a maximum tip height of 150m
Site address : Back Hareshaw Farm
C138 Hairshaw Highway
Strathaven
South Lanarkshire
ML10 6QN
Application no : P/19/1278

I refer to your request for a scoping opinion which was received on 21 August 2019.

Under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the Planning Authority has consulted with the 'consultation bodies' as defined by Regulation 2(1) of the aforesaid Regulations.

Regulation 5(3) of the above regulations states that where a scoping opinion is issued, the EIA report must be based on that scoping opinion and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment at the point at which scoping is undertaken.

The structure of the scoping report is considered adequate and sets out the topics that may give rise to likely significant environmental effects and that should be fully assessed in the EIA Report. The topics listed in the scoping report are acceptable to the Council and should be fully assessed within the EIA Report. The EIA Report should also set out the site selection and design of the proposed development, provide the EIA approach and methodology and a summary of all the proposed mitigation and enhancement measures and details of decommissioning. It is also considered that construction (including construction works relating to restoration of the site) should form part of the assessment throughout the EIA Report as well as the 'as built' development.

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With regard section 3 of the Scoping Report, it is considered that there are Development Plan documents that are not referenced. Whilst approved by Committee the South Lanarkshire Local Development Plan 2 (SLLDP2) is currently at examination stage and therefore is only a material consideration rather than being part of the Development Plan. Reference (and assessment) is therefore required to be made against the approved South Lanarkshire Local Development Plan (SLLDP) as well as SLLDP2. The Glasgow and the Clyde Valley Strategic Development Plan (Clydeplan) 2017 also forms part of the Development Plan and should also be considered in any assessment. It would be expected that there would be a chapter within the EIA Report covering these relevant planning policies, government guidance and supplementary documents. The EIA Report Chapter on this should outline how the proposals comply with national and local policies and if not, why a departure can be justified. Please also refer to SNH's 'general scoping and pre-application advice to developers of onshore wind farms' guidance, noting that the advice at point 12 of Annex 1 of this document in respect of bat surveys has been superseded (further advice on bats is listed below).

Please find below further specific advice on topics as referenced within the relevant sections of the Scoping Report:

Ecology

It is considered that the proposals will not impact on any site designated at a national or international level for its ecological interests. This aspect of the proposals can therefore be scoped out of the EIA process.

The proposed survey work is considered acceptable for forming the basis of the EIA Report taking account of the further comments below.

Bats:

Bat surveys should be carried out in accordance with SNH's 'Bats & Onshore Wind Turbines: Survey Assessment & Mitigation' guidance. It is noted that no bat roosts have been recorded within 100m of the proposed turbines although it is not clear if 100m represents the full extent of the survey area for roosts. The SNH guidance recommends that key features that could support maternity roosts and significant hibernation and/ or swarming sites within 200M plus rotor radius of the boundary of the proposed development should be subject to further investigation.

Ornithology

In the absence of details of their location and viewsheds, comments cannot be provided on the vantage points used for flight activity surveys. It is expected that their selection should be based on the advice in SNH's 'Recommended bird survey methods to inform impact assessment of onshore wind farms' guidance. SNH recommend survey for a minimum of 2 years to allow for variation in bird use between years, unless it can be demonstrated that a shorter period of survey is sufficient. SNH would provide further advice on this following receipt of the results of the first year of survey.

Habitat survey

The site is identified as a Site of Importance for Nature Conservation "Coldwakening Burn" for blanket bog, heathland and flushes. A detailed habitat survey in relation to this interest will therefore be required to form part of any EIA Report.

Ground conditions (Soils and Hydrology)

The following key issues must be addressed within the EIA process:

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

Further advice and guidance can be found within Appendix 1: Detailed Scoping Requirements of SEPA's consultation response (dated 23.8.2019) which has already been forwarded to yourself by SEPA.

As previously referenced, the site is identified as a Site of Importance for Nature Conservation "Coldwaking Burn" for blanket bog, heathland and flushes. The area is also predicted as priority peatland or carbon rich deep peat. This site is therefore of intrinsic biodiversity value, as well as being a vital carbon store and therefore a peat depth map will be required as part of any EIA Report.

Landscape

Landscape and Visual Impacts, including cumulative effects with other operational, consented and proposed wind farms, are considered to be significant issues associated with the proposals and therefore careful consideration of these issues will be required during the design iteration process as part of any Environmental Impact Assessment.

It is noted that a Zone of Theoretical Visibility (ZTV) of 25km is proposed. In accordance with SNH's Visual Representation of Wind Farms' guidance document states that an initial ZTV distance from the nearest turbine or outer circle of the wind farm of 40km is recommended for turbines up to 150m. It is therefore expected that a 40km ZTV will be included in any EIA Report and that SNH's guidance will be used as part of the documents referred to for any Landscape and Visual assessment.

South Lanarkshire will be happy to discuss any LVIA, including viewpoints, with yourselves as noted in the Scoping Report.

Any lighting requirements should be fully assessed as part of the visual impact of the proposals.

Historical/ Archaeology

The scoping report identifies the need for a 'Heritage Visual Impact Assessment'. It is unclear what this would constitute and recommend that any assessment of impacts on the setting of cultural heritage assets should refer to Historic Environment Scotland's (HES) 'Managing Change' guidance note on 'Setting'. HES generally advise that any cultural heritage assessment undertaken should focus on impacts on cultural significance. Best practice guidance on this, and a sample methodology, can be found in the HES 'Environmental Impact Assessment Handbook'. Given the proximity to Drumclog battlefield referring to the HES guidance note on 'Historic Battlefields' is also considered appropriate. It is noted that the Scoping Report states that HES are content with the proposals from a setting point of view regarding the historic battlefield and evidence of this should be demonstrated within the EIA Report.

Please also note that since 1st May 2019 HES adopted the new 'Historic Environment Policy for Scotland' which is a strategic policy document for the whole of the historic environments which is supported by a suite of further policy and guidance.

WOSAS are in general, content with the methodology set out within the Scoping Report and have provided the following comments:

'The site is at quite high altitude and is an exposed moorland topography which on the face of it is not amenable to former human settlement so unlikely to raise significant direct impacts on buried archaeology.

The nearest scheduled ancient monument would appear to be Dungavel hill Cairn which is already surrounded by turbines and so it is unlikely the proposals will raise setting issues for such.

The main issue to be assessed will be the Battle of Drumclog, which is designated on Historic Environment Scotland's (HES) Inventory of Battlefields, and the effect of the proposed new turbines on its setting and the appreciation of that by the public. Part of the setting for the battle is the wide expanse of moorland to the North and this will be impacted upon by the turbines being in full view from most of this designated site.'

Noise

An up to date Noise Impact Assessment (NIA) based on ETSU-R-97 and Institute of Acoustics guidance will require to be carried out and submitted as part of any EIA Report. This should include details of any cumulative imissions at noise sensitive receptors. This may include elements of previously submitted data and assessments but should be updated to reflect the existing acoustic climate. The NIA should demonstrate compliance levels at receptors, taking into account any updated scheme only. Details such as turbine height, proposed candidate turbines and available headroom for operational parameters shall also be included.

Other Topics:

With regard the following topics in the Scoping Report, it is considered that the methodology proposed is acceptable:

Civil Aviation and MoD
Telecommunications
Traffic and Transport
Shadow Flicker

Access

In relation to public access, whilst there are no identified access routes across the site, in the event that consent is granted for this development, under the provisions of the Land Reform (Scotland) Act 2003 there would be a general right of non-motorised public access along the network of turbine service tracks. It is considered that this could be scoped into an EIA Report as there would be an expectation for a chapter on 'Socio-economics, Tourism and Recreation' as part of any assessment.

Conclusion

Overall the scope of topics, set out within the Scoping Report is considered adequate subject to the advice provided above.

Yours faithfully

HQ Manager

