Environmental Impact Assessment Report

Teindland Wind Farm

Volume 3

TA A2.2: Scoping Opinion

Document prepared by Envams Ltd for: Teindland Wind Farm Ltd

April 2025

Scottish Government
Riaghaltas na h-Alba
gov.scot

Teindland Wind Farm proposal

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

Issued to: **Locogen Consulting Limited on behalf of Teindland Wind Farm Limited**

16 September 2022

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1. Introduction

This scoping opinion is issued by the Scottish Government's Energy Consents Unit ("the ECU") on behalf of the Scottish Ministers to Locogen Consulting Limited on behalf of Teindland Wind Farm Limited ("the Company"), a company incorporated under the Companies Acts with company number SC689060 and having its registered office Room 24, 2nd Floor, 39 St. Vincent Place, Glasgow, Scotland, G1 2ER.

This scoping opinion has been issued in response to a request made in July 2022 by Locogen Consulting Limited on behalf of the Company for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Teindland Wind Farm ("the proposed Development"). The request was accompanied by a scoping report and other associated documentation.

The proposed Development would be located in Teindland Wood, an area of commercial forestry approximately 6.7 miles north of Rothes within the planning authority are of Moray Council.

The proposed Development will have a total generating capacity in excess of 50 megawatts and will comprise of up to 17 wind turbines, with a blade tip heights varying between 149m and 230m.

In addition to wind turbines, there will be ancillary infrastructure including:

- foundations supporting each wind turbine;
- associated crane hard standings at each turbine location;
- external transformer housing;
- a network of onsite access tracks and associated watercourse crossings;
- a network of underground cables to connect the turbines to the onsite substation;
- an onsite control building and substation;
- a permanent anemometer mast or LiDAR compound for wind monitoring;
- temporary construction and storage compound(s), laydown area(s) including car parking;
- temporary borrow pits;
- site signage; and
- an area to accommodate energy storage systems which are designed to complement renewable energy generation.

2. Consultation

Prior to the submission of the scoping opinion request a list of consultees was agreed between Locogen Consulting Limited and the ECU. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 25 July 2022. The consultation period was scheduled to close on 25 August 2022 but this was extended until 13 September 2022 to accommodate extension requests from consultees.

The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry.

Standing advice from Marine Scotland Science ("MSS") 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 MSS are attached in **ANNEX A – List of Consultees and their responses**.

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 MSS, should be read in full for detailed requirements and for comprehensive guidance, advice and, where appropriate, templates for preparation of the Environmental Impact Assessment report ("EIA report").

The following consultees did not submit a response:

- British Horse Society;
- Civil Aviation Authority;
- Crown Estate Scotland;
- Fisheries Management Scotland;
- Innes Community Council;
- John Muir Trust;
- Mountaineering Scotland;
- Scottish Forestry;
- Scottish Rights of Way and Access Society (ScotWays);
- Speyside Community Council;
- VisitScotland.

With regard to those consultees who did not respond, it is assumed that they have no comment to make at this stage but each will be consulted again in the event that an application for section 36 consent is subsequently submitted.

Aberdeen International Airport, Edinburgh Airport, Glasgow Airport and Glasgow Prestwick Airport each advised that the proposed Development is located outwith their respective consultation zones and as such, there is no requirement to consult them further..

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

This scoping opinion has been adopted following consultation with Moray Council, within whose area the proposed Development would be situated, NatureScot, Scottish Environment Protection Agency ("SEPA") and Historic Environment Scotland, all as statutory consultation bodies. Other bodies which the Scottish Ministers consider likely

to have an interest in the proposed Development by reason of their specific environmental responsibilities or local and regional competencies were also consulted.

The Scottish Ministers adopt this scoping opinion having taken into account the information provided by the Company in its request of July 2022 in respect of the specific characteristics of the proposed Development and the 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.

A copy of this scoping opinion has been sent to Moray Council for publication on their website. It has also been published on the ECU website at Scottish Government - Energy Consents Unit.

The Scottish Ministers expect the EIA report which will accompany an application for consent under section 36 of the Electricity Act 1989 to construct and operate the proposed Development to consider in full all consultation responses and the MSS standing advice attached in Annex A.

The Scottish Ministers are satisfied with the scope of the EIA set out in the scoping report.

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

Aviation - lighting

It is recommended by the Scottish Ministers that, as soon as they can, the Company engages with the Civil Aviation Authority to discuss and agree their night-time aviation lighting requirements. The Company should also engage with the Defence Infrastructure Organisation (DIO) to discuss and agree their safety-related lighting requirements especially in relation to low flying aircraft concerns .

It is also recommended by the Scottish Ministers that with regards to impacts of night time aviation lighting, the Company should discuss and agree with Moray Council and NatureScot the range (in kilometres from the proposed Development) for night time assessments of the impacts of night-time aviation lighting and receptors therein to be assessed.

As well as the scope, methodology, findings and recommendations of such assessments, full details of all mitigation of aviation lighting impacts subsequently identified should be provided in the EIA report.

Aviation – radar

It is recommended by the Scottish Ministers that the Company has discussions with Defence Infrastructure Organisation (Safeguarding) to agree a mitigation scheme regarding the effects of the proposed turbines on the ATC Radar at RAF Lossiemouth and the AD radar at RAF Buchan.

Aviation – other

The Company should note that, with regards to impacts on Inverness Airport, Highlands and Islands Airports Limited require an Aviation Impact Feasibility Study to be carried out by or commissioned by the Company.

Battery Storage

In the event that battery storage is to be included in the proposed Development, full details of what it will entail (scale, dimensions etc), its location in the site, minimum and maximum export capacity of megawatts and megawatt hours of electricity and a full assessment of its impacts and effects and all proposed mitigation should be included in the EIA report. Assessment of operational noise associated with battery storage should also be completed and included in the EIA report.

Bird surveys

It is recommended by the Scottish Ministers that decisions on bird surveys – species, methodology, vantage points, viewsheds and duration – site specific and cumulative – should be made following discussion between the Company, NatureScot and RSPB Scotland.

Borrow pits

Where borrow pits are proposed as a source of on-site aggregate they should be considered as part of the EIA process and included in the EIA report detailing information regarding their location, size, layout 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 also be appraised as part of the overall impact. Information should cover the requirements set out in ‘PAN 50: Controlling the Environmental Effects of Surface Mineral Workings’.

Cumulative impact assessments

To ensure that cumulative impact assessments are as up-to-date as possible, Developments to be included should be discussed and agreed by the Company and Moray Council. Photography and visualisations submitted in the EIA report should reflect the most up-to-date cumulative position.

Description of the proposed Development

In the Description of the proposed Development to be included in the EIA report, **all** the specific elements of the proposed Development for which consent under section 36 of the Electricity Act 1989 is applied for must be made clear.

Designated areas protected areas and protected species

The Scottish Ministers recommend that the Company seek the agreement of Moray Council, Historic Environment Scotland, NatureScot, RSPB Scotland and the Spey Fishery Board regarding the designated sites, protected areas and protected species to be included in the EIA report.

It is recommended by the Scottish Ministers that the Company discusses and agrees protection of the Broad Burn and the Red Burn with the Spey Fishery Board.

Where required, sufficient information should be included in the EIA report regarding Habitat Regulation Appraisals.

Duration of consent applied for

When the application is submitted, the duration of consent applied must be stated in the EIA report and in the application covering letter.

Ecology and ornithology and designated and protected areas

The EIA report should provide a baseline survey of the animals (mammals, reptiles, amphibians, etc) and bird interests on site. It needs to be categorically established which species are present on the site, and where they are present, before an application is submitted. Further, the EIA report should provide an account of the habitats present on the site of the proposed Development. It should identify rare and threatened habitats, and those protected by European or UK legislation, or identified in national or local Biodiversity Action Plans.

Fish

Fisheries Management Scotland have developed advice which should be fully considered throughout the planning, construction and monitoring phases of the proposed Development. That advice can be found at: 170412-Guidance-Terrestrial-windfarms.pdf (fms.scot)

MSS generic scoping guidelines for onshore wind farm (and overhead line development) is provided at: Onshore Renewables Interactions - gov.scot (www.gov.scot)

How fish populations can be impacted during the construction, operation and decommissioning of a wind farm development should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

Fish surveys

The Scottish Ministers recommend that the fish surveys to be undertaken should be discussed and agreed by the Company, Marine Science Scotland and the Spey Fishery Board.

Forestry and woodland removal

Although they did not submit a response to the scoping consultation the Scottish Ministers recommend that the Company discusses tree felling and woodland removal with Scottish Forestry at the earliest opportunity.

All tree felling and restocking proposals should be given full consideration in assessments of landscape and visual impacts.

Historic Environment

It is recommended by the Scottish Ministers that the Company discuss and agree with Historic Environment Scotland all the historic environment assets to be impact assessed, both within the context of the proposed Development alone and within a cumulative context with other Developments.

Hydrology, geology, hydrogeology and peat

A full assessment on the impact on peat should be included in the EIA report. The assessment of the impact on peat must include peat probing for all areas where development is proposed. This assessment should include probing not just at the point of infrastructure as proposed by the scheme but also covering the areas of ground which would be subject to micrositing limits. A Peat Management Plan should also be prepared, as well as an Outline Habitat Management Plan.

Landscape and visual – study area

The study area in kilometres of the proposed Development should be agreed following discussion between the Company, Moray Council and NatureScot.

MSS standing advice

Please ensure that the checklist contained in the MSS standing advice is adhered to with regards to the appropriate chapters of the EIA report and is submitted as part of the application documentation.

Noise assessment

It is recommended by the Scottish Ministers that the final list of receptors in respect of noise assessment should be agreed following discussion between the Company and Moray Council.

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***".

Peat landslide hazard and risk assessment

The 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. This will provide the Scottish 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 Proposed electricity generation developments: peat landslide hazard best practice guide - gov.scot (www.gov.scot), should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures. It should be noted by the Company that the Scottish Ministers engage the services of appropriate specialists to assess PLHRAs submitted with an EIA report.

Private water supplies

The Scottish Ministers request that the Company investigates the presence of any private water supplies which may be impacted by the proposed 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.

Transport – abnormal loads

The Scottish Ministers recommend that the Company discuss and agree the scope of the Abnormal Loads Assessment with Transport Scotland prior to it being undertaken.

Viewpoints and visualisations

It is recommended by the Scottish Ministers that the final list of viewpoints and visualisations should be agreed following discussion between the Company, Moray Council, Historic Environment Scotland and NatureScot.

4. Pre application

Applicants are encouraged to engage with officials at the ECU at the pre-application stage and before proposals reach design freeze.

In advance of an application for consent under section 36 of the Electricity Act being submitted, the Company should liaise with the ECU with regards to statutory arrangements that will have to be made. For example, the provision of hard copies of the EIA report and supporting documentation to the Scottish Ministers and to consultees will have to be discussed and agreed as will public notices and public viewing requirements.

5. Mitigation Measures

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.

6. Conclusion

This scoping opinion is based on information contained in the scoping report and associated documentation submitted to the Scottish Ministers by Locogen Consulting Limited on behalf of the Company in July 2022.

The adoption of this scoping opinion by the Scottish Ministers 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.

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

It is acknowledged that the environmental impact assessment process is iterative and should inform the final layout and design of proposed developments. The 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.

Applicants are reminded that there will be limited opportunity to materially vary the form and content of the proposed Development once an application is submitted.

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.

Stephen McFadden
Energy Consents Unit

16 September 2022

ANNEX A – List of Consultees and their responses.

A1

ECONOMY, ENVIRONMENT AND FINANCE
Lisa Macdonald
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Teindland Wind Farm Limited

By email to :
Stephen.McFadden@gov.scot

Your reference: ECU00004556
Our reference: *22/01088/S36SCO*

23 August 2022

Dear Sir (s) / Madam

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

PROPOSAL: *22/01088/S36SCO* An onshore wind farm comprising circa 17 turbines to a tip height of up to 200m at Teindland Wind Farm

I refer to the above request for an EIA Scoping Opinion for the above proposals received on 25 July 2022. I would ask that the following remarks and answers to questions below be included and considered as part of the scoping response to inform the EIA Report (EIAR) for the proposed development.

The proposal is for a wind farm development consisting of the erection and subsequent decommissioning of up to 17 turbines, with a range of turbine heights between 149m and 230m to blade tip, within Teindland Wood, Rothes. There is very limited scope to accommodate further large scale wind turbine developments in Moray in landscape and visual terms and the Landscape Capacity Study concludes that no landscape within Moray has the scope to accommodate turbines over 150m. Fifteen of the proposed turbines are located within the *Upland Moorland and Forestry* (10) Landscape Character Type (LCT) where the landscape is assessed as having High-Medium sensitivity to the Very Large typology (>130m), with some limited scope for the Very Large turbines, around 150m high, to be accommodated in this more extensive upland landscape. The remaining 2 turbines are located within the *Rolling Farmlands and Forests* (5) LCT with the landscape assessed as having High sensitivity to, and no scope to accommodate, turbines over 50m high in this landscape.

The proposed site is largely within an area with potential for wind farm development of turbines over 35 metres to tip height (no upper height limit identified) as identified in the Spatial Framework, a broad-brush approach required to comply with Scottish Planning Policy (SPP) and which covers a significant land area of Moray. Thirteen of the 17 proposed turbines are within the area with potential (over 35m).

The limitations of the very strategic Spatial Framework are recognised and SPP (para 162) further requires that local development planning authorities should identify where there is

strategic capacity for wind farms and areas with the greatest potential for wind development. The MOWE Non-Statutory Guidance 2020 identifies such areas. The site is not located within an area of greatest potential for Very Large Turbines, Extensions and Repowering as identified within the MOWE Non-Statutory Guidance.

There are concerns regarding the number, siting and heights of the proposed turbines which, based on the proposed layout, has the potential to have unacceptable significant adverse impacts in addition to cumulative impact.

Detailed assessment of impact should also include consideration of the extent to which the proposal contributes to renewable energy generation targets, its effects on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment. This allows for the range of benefits to be fully considered in order to achieve the right planning balance between promoting renewable energy and a low carbon economy and the need to safeguard the environment, including in landscape and visual terms.

I would respond to the questions posed in the scoping report as follows:

Landscape and Visual Amenity

Q1: Do Consultees agree with the proposed methodology and scope of assessment?

The Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance 2020 and Landscape Capacity Study 2017 are strategic level guidance. The wind farm would be located in an area of commercial woodland lying close to Brown Muir Hill. This hill forms a prominent landmark feature in views across the well-settled coastal plain of Moray and siting turbines of this size in close proximity to this hill may affect the focus it provides in views. We would wish to see the effects of the proposal on the character of Brown Muir Hill specifically addressed in the LVIA.

Detailed consideration should be given to the landscape and visual effects of felling and restocking proposals (both adverse and beneficial) in the LVIA. Opportunities should be explored to accelerate positive changes to the diversity and design of the forest over and above the Forest Plan.

Section 10 of the Scoping Report addresses Aviation matters and notes that an Aircraft Detection Lighting System (ADLS) will be considered by the applicant. The Council would welcome meaningful mitigation of visible aviation lighting with the use of an ADLS being the preference.

Mitigation measures should be thoroughly explored. ZTVs should be produced showing lighting visibility and intensity (assuming directional intensity mitigation will be put in place). We would wish to see an assessment of night-time lighting effects from all viewpoints (including a table showing numbers of lit turbines visible from each representative viewpoint) with night-time visualisations produced from up to three representative viewpoints. These viewpoints should be agreed with the Council once the details of the lighting scheme is confirmed.

The Scoping Report does not set out a proposed method for assessing cumulative effects or a list of operational, consented and application-stage wind farms that will be considered in the LVIA. Figure A10 shows the location of operational, consented and application-stage wind farms (although the Garbet Hill wind farm is missing) but this figure is not cross-referenced in Section 2 of the scoping report. The second set of bullet points listed under paragraph 2.18 of the Scoping Report does not make sense and makes no mention of application-stage wind farms such as Garbet Hill and Clash Gour. We request that the applicant provides a comprehensive table of wind farm developments to be to be agreed with the Council.

Q2: Are Consultees content with the proposed 45km radius Study Area?

The Scoping Report proposes a 45km study area for the LVIA. While this is an accepted distance for a development of this size, we would recommend that the detailed assessment of landscape effects focusses on a smaller area of up to 20km. A great many Landscape Character Types (LCTs) are identified for detailed assessment in paragraph 2.10 of the Scoping Report and the Council would prefer to see a thorough and detailed assessment of fewer LCTs lying closer to the proposal where there is potential for significant effects.

Similarly, the Council would recommend focussing the detailed assessment of designated landscapes in Moray on the following Special Landscape Areas (SLAs) where potential for significant effects is greatest:

- The Spey Valley and Gordon Castle Policies SLA
- The Spey Valley SLA
- Lossiemouth to Portgordon Coast SLA

The assessment of effects should consider potential effects on the character and special qualities of each SLA, as set out in the 2018 Local Landscape Designation Review which can be downloaded from the Council's website.

The Council consider that Inventory listed Garden and Designed Landscape (GDLs) with potential visibility and lying within 20km of the proposal should be considered in the LVIA. We are particularly concerned about potential effects on Gordon Castle GDL due to its closeness to the proposal and the potential for open views from the walled garden and more open policies around the castle. The Council would expect to see a detailed assessment of potential effects on the character and from views to and from this valued landscape.

Q3: Do the Council and Consultees agree with the proposed list of viewpoints as listed in Table 2 and illustrated on Figures A9.

A detailed ZTV should be provided in the EIA-R based on an OS 1:50,000 scale map base within 15km of the proposal to allow more accurate appraisal of potential visibility in the local area. The viewpoints shown on Figure A9 and listed in Table 2 of the Scoping Report should be supplemented with the following additional representative viewpoints:

- ***Gordon Castle Garden and Designed Landscape*** – it is appreciated that visualisations are likely to be produced from this important feature within the Cultural Heritage section of the EIA-R but, as the walled garden and parkland are popular with visitors, we would wish to see effects on views also considered in the LVIA. The castle and its designed landscape are located within the Lower Spey and Gordon Castle Policies SLA and the assessment of effects on views should additionally inform the assessment on this valued landscape and on the GDL. Mature woodland on the perimeter of this GDL provides some screening of outward views although the backdrop of forested low hills to the south-east is visible from parts of the walled garden and more open parkland around the castle. We would advise the applicant to undertake more detailed study of likely visibility and to consult the Council on potential representative views which may merit being considered in the LVIA.
- ***The A96 west of Fochabers***– where open views to the prominent form of Brown Muir are a feature from sections of this route.
- ***B9015 near Dipple –*** a viewpoint should be selected to illustrate views experienced from settlement and road users within the Spey valley and potential effects on the Spey Valley SLA.
- ***Spey Bay*** – either from near the Speyside Visitor Centre or a viewpoint on the former railway bridge east of Garmouth (the Speyside Way route) which is likely to provide open and elevated views towards the proposed development.
- ***Duke of Gordon Monument, Elgin*** – this is a popular viewpoint and additionally useful in assessing cumulative effects of wind farm development.
- ***Charlestown of Aberlour*** - elevated views from the road traversing the hill side on the south-eastern side of this settlement and a good place to gauge potential effects on residential receptors and cumulative effects of wind farm development (Grid Reference 326879 842070)
- ***A95 South-west of Aberlour*** – The ZTV map in Figure A9 indicates theoretical visibility from this important tourist route and we would request that the applicant's landscape consultants check this in the field and consult the Council if a suitable viewpoint exists.
- ***Rothes Golf Course –*** This may provide a clearer view than from Rothes Castle and we would suggest that the applicant's landscape consultants undertake field work and substitute this viewpoint if it proves to be the case (Grid Reference 326922 848772).

Ecology

Q4: Do the Consultees agree with the assessment approach set out in the ecology section?

No comment

Ornithology

Q5: Do the Consultees agree that the proposed scope for assessing ornithology is acceptable?

No comment

Hydrology

Q6: Do the Consultees agree with the assessment approach set out in the hydrology section?

In terms of Flood Risk and Drainage Impact the applicant will still need to provide the following documents at full Application stage:

- Flood Risk Assessment (FRA) LEVEL 2. The FRA should provide details of the proposed development, flood risk from all sources, results of hydrological and hydraulic studies, and proposed mitigation.
- A Drainage Impact Assessment (DIA) for the site, in line with the requirements of the Moray Council Flood Risk and Drainage Impact Supplementary Guidance. www.moray.gov.uk/downloads/file133646.PDF. The DIA should include plans and calculations for the proposed drainage system. Plans submitted with the application should include the proposed layout of the drainage system. The drainage system should be designed to a 1:30 year return period (including climate change), without surcharging. If attenuation is used the system should drain completely within 24 hours. If the proposed system involves infiltration, information on the ground conditions is required as well as infiltration testing on or near the location for the infiltration system. The applicant should demonstrate that the post development run-off rate does not exceed the pre-development run-off rate, or increase the risk of flooding to the surrounding land. The applicant needs to evidence that any works on the site will not impact on flood risk to the surrounding area. Where access routes cross over watercourses or drainage paths, the applicant will need to provide details for the crossings, and demonstrate that the design of the crossing is such that it will not reduce the flow of the existing watercourse.

Please note that the Scottish Environment Protection Agency (SEPA) has recently published updated recommended Climate Change allowances for the drainage design of new developments. The applicant will be able to determine what figure to use on SEPA's webmap, a free-access site: https://scottishepa.maps.arcgis.com/apps/webappviewer/index.html?id=2ddf84e295334f6b93bd0dbbb9ad7417.

The new Climate Change allowances for new developments will be enforced from 1st September 2022. All Planning Applications not using these figures from that date on will be objected to.

Archaeology and Cultural Heritage

Q7: Do Consultees agree with the proposed scope of the assessment, including the proposed Study Areas?

Given the large scale of the turbines proposed, the study area should include the transport route and a review of potential direct impact along said transportation route should also be included in the Cultural Heritage assessment (e.g. impact on historic bridges or other roadside heritage assets, areas where road widening / new areas of track or turning areas area required). The scope/study area for the wind farm area itself is acceptable.

Q8: Do Consultees agree with the proposed assessment methodology?

Yes but note response to Q7 above.

Q9: Do Consultees agree with the Standard and Additional mitigation measures proposed?

Yes but note response to Q7 above.

Q10: Are Consultees satisfied that those designated heritage assets identified are those most likely to have their settings adversely affected?

Yes but note response to Q7 above.

Q11: Do Consultees agree with the proposal to 'scope out' impacts on the settings of listed buildings within the urban environment?

Yes.

Q12: Are there any other designated heritage assets in the surroundings of the Proposed Development that they consider could have their settings adversely affected?

Not in terms of the wind farm area itself, but see q7 for additional study area

Forestry

Q13: Do the Consultees agree with the assessment approach set out in the forestry section?

The proposed site is located within an extensive area of commercial forestry. The Scoping Report implies that widespread felling will be required to accommodate the proposed development. Where possible, keyhole felling should be utilised.

Large areas of the woodland within the site boundary are identified on the Native Woodland Survey of Scotland (NWSS) and the Ancient Woodland Inventory (AWI) [as 2b Long Established of Plantation Origin (LEPO)]. Given that LEPOs can develop the characteristics of ancient woodland, the value of the woodland must be established by way of a detailed woodland survey. Should the detailed survey establish that this woodland is classed as ancient woodland, the removal of such would be contrary to the Scottish Government's Control of Woodland Removal Policy (CWRP) and Policy EP7 of the Moray Local Development Plan 2020.

Detailed consideration should be given to the landscape and visual effects of felling and restocking proposals (both adverse and beneficial) in the LVIA and mitigation and landscape enhancement should be optimised in the design of any Wind Farm Forest Plan and/or compensatory planting. Proposed forest felling areas should be shown in relevant visualisations from nearby viewpoints.

Consideration should also be given to any tree removal (single trees or area less than 0.1ha) that may be required, in particular relating to the proposed access route and requirements to accommodate abnormal load deliveries.

Noise

Q14: Do the Consultees agree that the proposed scope for assessing noise is acceptable?

The Council would seek further clarification as to whether blasting of borrowed pits is proposed. If this is the case then additional methodologies will need to be considered in relation to vibration and air over pressure, as detailed in PAN 50 Annex D – Control of Blasting at Surface Mineral Workings.

In terms of considering what other wind farm development should be considered for the cumulative assessment, The Council would recommend the appointed consultant review the Institute of Acoustics (IOA) bulletin article of January/February 2016 on cumulative noise, as well as ETSU-r -97 and the associated IOA *"Good Practice Guide To The Application of ETSU-R-97 For The Assessment And Rating Of Wind Turbine Noise."* The IOA GPG notes in Section 5.1.4 "If the proposed wind farm produces noise levels within 10dB of any existing wind farm/s at the same receptor location, then a cumulative noise impact assessment is necessary". It appears that the current initial turbine has arrived at this conclusion, however, it would assist in clarity if that can be stated to be the case for candidate turbine(s).

Based on the current separation distance of turbine T11 to dwelling H4 (Table 17of Scoping report) of 761m, it seems likely the 35 dBA contour will be exceeded, necessitating the carrying out a baseline background study. The Council would welcome the opportunity to meet onsite with the appointed consultant and discuss relevant background locations, as recommended in the IOA Good Practice Guide.

The Council recommend lower absolute limit from ETSU-R97 for the night time period of an L A 90 of 40 dB(A), or background + 5, whichever is greater, rather than L A 90 of 43 dB(A) or background + 5, whichever is greater.

The Council agree that Low Frequency Noise, Amplitude Modulation and Tonality should be referenced within the EIA. It has been previous practice that warranties can be provided on turbine providers to re-assure against Tonality and can form planning conditions to ensure this is dealt with. It is also recognised that it is not possible to predict for the occurrence of Amplitude Modulation, however, it is a matter is generally addressed in Planning conditions. In relation to Low Frequency Noise it would seem prudent to reference the current research findings on this. The Council would not expect an assessment/prediction of low frequency noise and would not recommend any planning conditions on the matter.

It is noted an "Energy Storage Area" is shown in Figure A4 and this may present an additional source of operational noise that needs considered/evaluated. We would anticipate acoustic modelling and thereafter if necessary a BS 4142 assessment to ensure the amenity of dwellings is not adversely affected

Transport and Access

Q15: Do the Consultees agree that the proposed methodology is acceptable?

Access is proposed via the A96 past Forres and into Elgin, after which the applicant is still considering the various route options to the proposed access on the B9103 Sheriffston to Orton Road. It should be noted that the routes from Elgin to the proposed site access have not been utilised by any wind farm to date. Access routing beyond Elgin is unknown at this

stage. The developer is currently assessing options. It should be noted that there are a number of restrictions on the routes leading to the site access, including but not limited to overbridges with height restrictions.

EIA/TA to assume worst case i.e. all materials imported and no borrow pits on site.

Reference should be made to the following Moray Council guidance when preparing to address the Transportation issues:

Windfarm Guidance from http://www.moray.gov.uk/downloads/file99494.pdf

A Transport Assessment will be required (Scope to be agreed)

Further Assessments Required:

- Access Route Assessment - For both abnormal/oversize loads and construction traffic. In particular assessment for construction traffic must include detailed information regarding both existing and proposed heavy goods movements and the condition and strength of proposed routes. Upgrading of the existing public road network to accommodate construction and delivery vehicles should be anticipated. The Access Route Assessment must identify all roadside earthworks and tree/vegetation removal required to enable the delivery of the turbine components to ensure that the full environmental impact of the proposed development can be assessed during the consideration of the planning application.
- Construction Traffic Management Plan - Covering all phases of the construction and including details of construction and staff traffic (numbers/routing/destinations, Works Programme)
- Wear and Tear Agreement/S96 Agreement – Details for the scope/requirements to be discussed with TMC once confirmation of the proposals and mitigation works have been submitted for consideration.

An Access Route Assessment will be required including:

- A scope for the assessment of the abnormal load deliveries including identification of the origin of the components, proposed route for deliveries, possible points of constraint along the network (i.e. at junctions, bends in the road, points of weight, width and height restriction etc.) (This should include all roads under the control of The Moray Council, Transport Scotland and neighbouring Local Authorities).
- Preliminary assessment of the existing route condition (This will need to be updated prior to commencement of deliveries with a condition survey and video of the route).
- Details of each abnormal load including vehicle and load dimensions, gross weight and axle weights.
- Swept Path Analysis for all abnormal load vehicles through points of constraint along the network to be agreed;
- Details of proposed access onto the public road - upgrading of the existing arrangement will be required along with the provision and maintenance of visibility splays.
- Mitigation works proposed along the route at points of constraint. (Note some mitigation works will be permanent).
- A scope for the assessment of the impact of construction vehicles and deliveries of materials to the site, including identification of the origin of the components, proposed route for deliveries, possible points of constraint along the network (i.e. at junctions, bends in the road, points of restricted road width etc.).

All existing road culverts and ditches will need to be maintained in full working order without capacity restrictions at all stages of construction. Extensions to existing culverts will only be permitted where a watertight joint to existing pipe work can be provided.

Any extension of existing stone culverts will not be permitted and full replacement with no capacity restrictions will be required.

Specific measures will be required at the junction between the limit of the public road and the private access track to the Wind Farm to ensure that there is no discharge of water, mud etc. at any time onto the public road.

A Construction Traffic Management Plan will be required, including;

- Duration of works;
- Estimated number of vehicle movements (i.e. materials, plant, staff, components);
- Schedule for delivery of abnormal loads;
- Source for stone and concrete deliveries and route to the site;
- Measures to be put in place to prevent material being deposited on the public road;
- Traffic Management during works including any specific instructions to drivers;
- Parking provision, turning, loading and unloading areas; and
- Improvements to the public road network to accommodate construction traffic.

A wear and tear agreement will be required. Details of the extent of this will need to be discussed with TMC and approved once further details of the proposals and requirements have been submitted and considered.

Subject to confirmation of the proposed routing, access and junctions with the public, the need for Road Construction Consent will be considered for the upgrading/formation of the access onto the public road and for other mitigation works to the public road elsewhere.

Adequate parking provision will be required for vehicles waiting to unload, staff working on-site etc. in order to ensure parking does not obstruct the public road.

Mitigation work to existing roads will be required to accommodate the addition of construction traffic.

Further comments will be made as the proposals are development and details provided to the Roads Authority.

Bridges and Structures team have not been consulted at this early stage. However it should be noted that there are over bridges with height restrictions on the routes to the proposed access: Garbity Bridge at GR 331126, 852539, Coxton Railway Bridge at GR 325972, 861208 and Lhanbryde Railway Bridge at GR 327123, 861021.

All of these bridges belong to Network Rail.

Further requirements would be provided once full details of vehicles, loads and routes have been confirmed.

Q16: Do the Consultees agree that the methods proposed for obtaining traffic flow data are acceptable?

New traffic surveys are supported. Permission must be sought from the Council before the installation of traffic counting equipment on the public road.

Q17: Do the Consultees agree that the use of Low National Road Traffic Forecasts (NRTF) is acceptable for the whole of the study?

Where historic traffic count data is used, low traffic growth rates are to be applied to Roads under the control of Moray Council.

Q18: What committed development schemes should be included in the assessment?

There are no committed developments in the area surrounding the proposed Wind Farm which would need to be included in the Transport Assessment.

Aviation

Q19: Do the Consultees agree with the assessment approach set out in the aviation section?

No comment.

Shadow Flicker

Q20: Do the Consultees agree with the assessment approach set out in the shadow flicker section?

Yes.

Socio Economics, Tourism, Recreation and Land Use

Q21: Do the Consultees agree with the assessment approach set out in the Socio Economics, Tourism, Recreation and Land Use section?

No comment

Q22: Do the consultees agree with the proposed consultee list?

No comment

Television and Telecommunications

Q23: Do the Consultees agree with the approach set out in the television and telecommunications section?

No comment

Concluding Remarks

There is very limited scope to accommodate further large scale wind turbine developments in Moray in landscape and visual terms and the Landscape Capacity Study concludes that no landscape within Moray has the scope to accommodate turbines over 150m.

The proposed site is largely (13 of the 17 turbines) within an area with potential for wind farm development of turbines over 35 metres to tip height (no upper height limit identified) as identified in the Spatial Framework, a broad-brush approach required to comply with Scottish Planning Policy (SPP) and which covers a significant land area of Moray. However, the site is not located with an area of greatest potential for Very Large (>130m) Turbines, Extensions and Repowering as identified within the MOWE Non-Statutory Guidance.

Detailed consideration of onshore wind turbine proposals will be determined through site specific consideration of areas such as landscape and visual impact and cumulative impact on which further guidance is set out in the MOWE Non-Statutory Guidance and as informed by the Landscape Capacity Study.

There are concerns regarding the number, siting and heights of the proposed turbines which has the potential to have significant adverse landscape and visual impacts, in addition to cumulative impact.

This Scoping Opinion is provided without prejudice to the consideration of any formal application that may be submitted for the proposed development. Further matters may arise during the formal application process.

Yours faithfully
REDACTED

Lisa MacDonald
Senior Planning Office

A12

From: ABZ Safeguarding <abzsafeguard@aiairport.com>
Sent: 25 August 2022 09:59
To: McFadden S (Stephen) <Stephen.McFadden@gov.scot>
Subject: RE: Teindland Wind Farm proposal - scoping consultation

Hi Stephen

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

Kind regards

Kirsteen

Aberdeen International Airport

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

A13

From: radionetworkprotection@bt.com

To: Stephen McFadden, Energy Consents Unit

Date: 28 July 2022

Subject: RE: Teindland Wind Farm proposal - scoping consultation WID11922

OUR REF; WID11922

Thank you for your email dated 25/07/2022 and subsequent email providing Turbine locations on 2/07/2022.

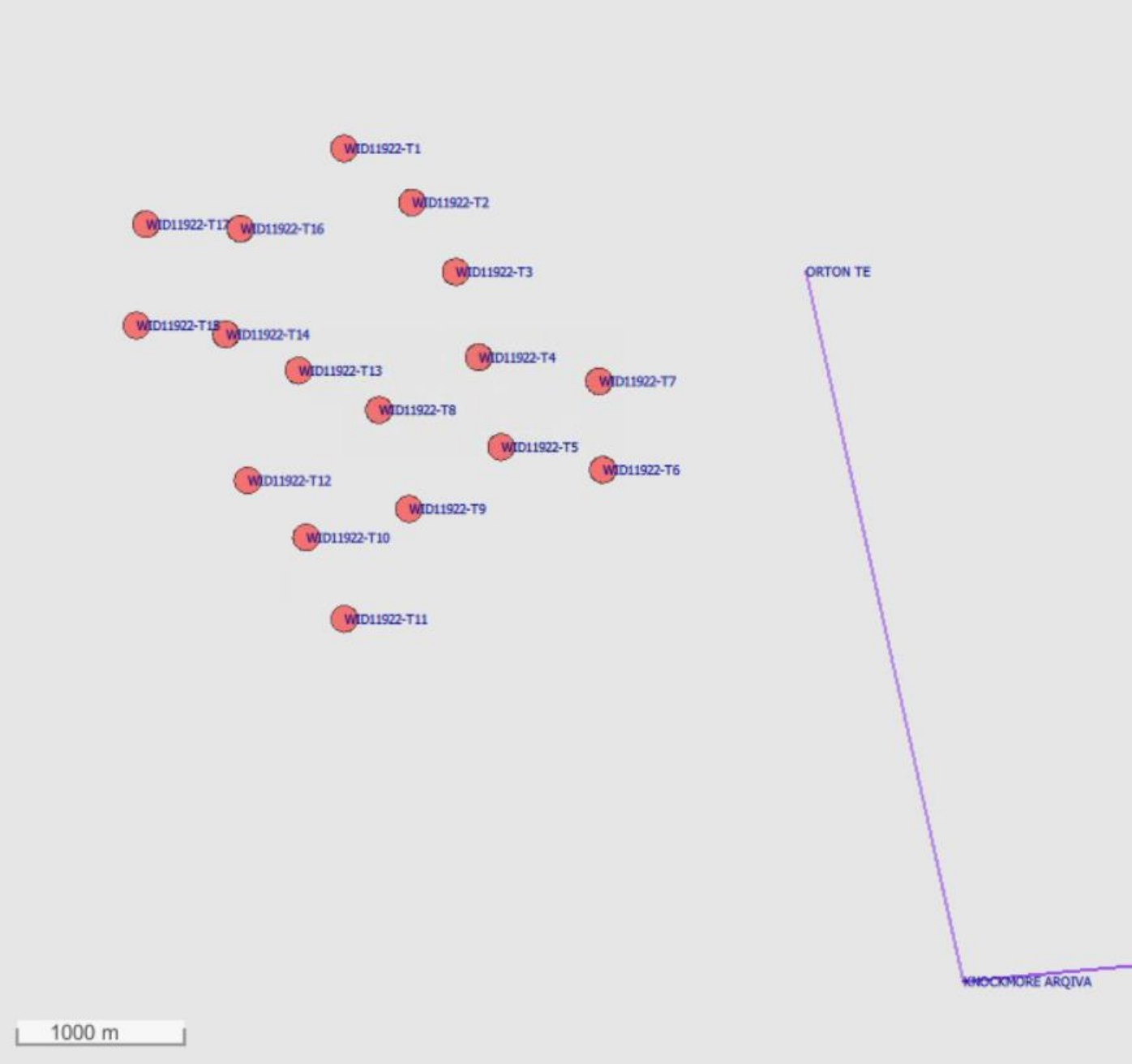
We have studied this Teindland Windfarm proposal with respect to EMC and related problems to BT point-to-point microwave radio links.

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 the proposed Turbine locations change, please let us know and we can reassess this for you.

Please note this refers to BT Radio Links only, you will need to contact other providers separately for information relating to other supplier links / equipment.

A14



Please direct all queries to radionetworkprotection@bt.com

Kind regards
Laura Taylor
Engineering Services - Radio Planning
Networks

BT BEYOND LIMITS

A15

Defence Infrastructure Organisation

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

Your Reference: ECU00004556

Our Reference: DIO10055770

Stephen McFadden
Energy Consents Unit
Scottish Government
4th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

By email only

09 August 2022

Dear Stephen,

Application reference:	ECU00004556
Site Name:	Teindland Wind Farm
Proposal:	The Electricity Act 1989. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Scoping Opinion Request– Teindland Wind Farm Proposal.
Site address:	Teindland Wood, immediately north of Rothes in Moray in the local authority area of Moray Council.

Thank you for consulting the Ministry of Defence (MOD) in relation to the scoping request through your communication dated 25 July 2022.

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 17 turbines with maximum blade tip heights of 190.00 metres above ground level, and a meteorological mast with a height of 100.00 metres. The proposed development has been assessed using the location data (Grid References) below provided in Scoping Report dated 13 June 2022.

Turbine no.	Easting	Northing
1	328497	854780

2	328898	854450
3	329152	854031
4	329281	853518
5	329406	852980
6	330012	852833
7	329999	853363
8	328678	853214
9	328847	852620
10	328229	852460
11	328449	851969
12	327884	852807
13	328201	853458
14	327770	853682
15	327235	853745
16	327868	854312
17	327303	854348
100m Met Mast	328317	853607

The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to the development being detectable by one or more MOD radars as specified and their potential to create a physical obstruction to air traffic movements.

Air Traffic Control (ATC) Radar

The turbines will be 16.5 km from, detectable by, and will cause unacceptable interference to the ATC radar used by RAF Lossiemouth.

Wind turbines have been shown to have detrimental effects on the performance of Primary Surveillance Radars. These effects include the desensitisation of radar in the vicinity of the turbines, shadowing and the creation of "unwanted" aircraft returns which air traffic controllers must treat as aircraft returns. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Controllers use the radar to separate and sequence both military and civilian aircraft, and in busy uncontrolled airspace radar is the only sure way to do this safely. Maintaining situational awareness of all aircraft movements within the airspace is crucial to achieving a safe and efficient air traffic service, and the integrity of radar data is central to this process. The creation of "unwanted" returns displayed on the radar leads to increased workload for both controllers and aircrews. Furthermore, real aircraft returns can be obscured by a turbine's radar return, making the tracking of both conflicting unknown aircraft and the controllers' own traffic much more difficult.

Air Defence (AD) radar

The turbines will be 84 km from, detectable by, and will cause unacceptable interference to the AD radar at Buchan.

Wind turbines have been shown to have detrimental effects on the operation of radar. These include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, hence turbine proliferation within a specific locality can result in unacceptable degradation of the radar's operational integrity. This would reduce the RAF's ability to detect and deter aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom.

Physical Obstruction

In this case the development falls within Low Flying Area 14 (LFA 14), 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.

If the developer is able to overcome the issues stated above, 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.

As a minimum the MOD would require that the development be fitted with MOD accredited aviation safety lighting in accordance with the Air Navigation Order 2016.

Summary

The MOD has concerns with this proposal due to the potential impact to the ATC radar at RAF Lossiemouth, the AD radar at Buchan and 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 13 June 2022. 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
REDACTED

Teena Oulaghan
Safeguarding Manager

A18

From: Safeguarding, Edinburgh Airport

To: Stephen McFadden, Energy Consents Unit

Cc: Safe Gaurding

Date: 05 August 2022

Subject: **ECU00004556 - Teindland Wind Farm Proposal**

Good afternoon,

In respect of the above, I can confirm the location of this development falls out with our Aerodrome Safeguarding zone for Edinburgh Airport therefore we have no objection/comment.

With best regards,
Claire

Claire Brown
Aerodrome Safeguarding & Compliance Officer

Edinburgh Airport
Where Scotland meets the world

Our values

www.edinburghairport.com

Edinburgh Airport Limited
Room 3/54, 2nd Floor Terminal Building
EH12 9DN, Scotland

A19

From: GLASafeguard@glasgowairport.com

To: Econsents Admin <Econsents_Admin@gov.scot>

Date: 01 August 2022

Subject: **RE: Teindland Wind Farm proposal - scoping consultation**

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

Kind regards

Kirsteen

GLASGOW AIRPORT
PROUD TO SERVE SCOTLAND

#GLA Safeguarding
#GLA Safeguarding

Redacted
glasafeguard@glasgowairport.com
www.glasgowairport.com
Glasgow Airport, Erskine Court, St Andrews Drive, Paisley, PA3 2TJ

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A20

From: Steve Thomson <sthomson@glasgowprestwick.com>
Sent: 25 August 2022 15:12
To: McFadden S (Stephen) <Stephen.McFadden@gov.scot>
Cc: Safeguarding <safeguarding@glasgowprestwick.com>; Windfarm <Windfarm@glasgowprestwick.com>
Subject: Teindland Wind Farm proposal - scoping consultation - formal response from Glasgow Prestwick Airport - 25th August 2022

Stephen

We have examined the scoping consultation documents available on the Energy Consents Unit (ECU) Portal under **ECU00004556** in respect of Teindland Wind Farm proposal.

On behalf of Glasgow Prestwick Airport (GPA) – the proposed development lies out with the Airport's safeguarding area and as such GPA have no comment to make on the scoping consultation and would have no aviation grounds to object to this proposal should it come to a full Section 36 Planning Application.

With Kind Regards

Steve Thomson

Glasgow Prestwick Airport Ltd.
Aviation House
Prestwick
KA9 2PL
Scotland
United Kingdom

Steve Thomson
Manager Air Traffic Engineering

REDACTED

sthomson@glasgowprestwick.com

www.glasgowprestwick.com

A21

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email to: Econsents_Admin@gov.scot

Stephen McFadden
Consents Manager
Energy Consents Unit
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: 300059842
Your ref: ECU00004556
12 September 2022

Dear Stephen McFadden

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Teindland Wind Farm - Scoping Opinion
Scoping Report

Thank you for your consultation which we received on 25 July 2022 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.

Proposed Development
We understand that the proposed development comprises up to 17 turbines, with a range in turbine heights between 149m and 230m to blade tip and associated infrastructure to be located within Teindland Wood, Rothes, Moray.

Scope of assessment
Without prejudice and based on the information provided, we note that there are a number of nationally important heritage assets located in the vicinity of the development site application boundary. The potential impacts on these assets should be assessed using our Managing Change in the Historic Environment Setting Guidance (2016) and the Environmental Impact Assessment Handbook (2018). Any adverse impacts should be mitigated in line with this guidance. We note that a provisional assessment has been undertaken and that a ZTV will be used to identify which turbines are likely to be intervisible with heritage assets.

Potential impacts on scheduled monuments

The EIA Scoping Report briefly mentions the following sites as part of the initial assessment:

Church of Dundurcas, old parish church (SM5621)

The monument comprises an 18th century church which is thought to overlie a series of churches occupying this site, the earliest of which is thought to date from the 13th century. Although there are some trees within the graveyard, some good, long- distance views are possible from the church and it would have been an important focal point for the local community in the past as it is today.

The monument is located approximately 2km south of the proposed development. According to the ZTV, the proposed turbines are likely to be visible from the church, therefore, potential impacts on its setting should be assessed and a wireframe produced as part of this.

Rothes Castle (SM2455)

The monument comprises a 13th century castle which may have been in use until 1620, then damaged and subsequently largely demolished in the mid-17th century. The castle is said to have consisted of a keep, several storeys in height, surrounded by a curtain wall, part of which still stands. The monument site is located on the summit of a round hill with perpendicular sides, which is surrounded by a ditch. This location affords some good, long- distance views from the monument and it is also highly visible from the surrounding area.

The monument is located approximately 2.7km south of the proposed development. The ZTV suggests that the proposed turbines are likely to be visible from the castle, therefore potential impacts on its setting should be assessed and a wireframe produced as part of this.

Bogton, stone circle 250m NW of (SM)

The monument comprises a Neolithic or Bronze Age stone circle. Most of the stones were removed in 1810 and only two upright stones now remain – both of which are 1.7m high and they are located c. 20m apart. Although the monument is included in Adam Welfare's 'Great Crowns of Stones' (2011), he concludes that not enough of the site remains to classify it as a recumbent stone circle. The monument is presently situated

within a flat, arable field and there are good, long-distance views from and towards the monument.

The monument is located approximately 3.7km north of the proposed development. The ZTV suggests that the proposed turbines may be visible, therefore potential impacts on its setting should be assessed and a wireframe produced as part of this.

Category A-listed buildings and Inventory GDLs

We are content for the 13 category A listed buildings and 3 GDLs within 5km to be scoped into the study, as well as the 33 other category A listed buildings within 10km of the proposed development.

We would welcome assessment of potential impacts on these assets' settings as per the proposed methodology. We would be happy to comment on requirements for visualisations, and mitigation if appropriate, if potential for significant impacts is identified during the assessment.

Responses to Scoping Report questions

Q: Do Consultees agree with the proposed scope of the assessment, including the proposed Study Areas?

- We agree with the proposed scope of the assessment.

Q: Do Consultees agree with the proposed assessment methodology?

- We agree with the proposed assessment methodology.

Q: Do Consultees agree with the Standard and Additional mitigation measures proposed?

- We agree with the proposed mitigation measures.

Q: Are Consultees satisfied that those designated heritage assets identified are those most likely to have their settings adversely affected?

- Yes.

Q: Do Consultees agree with the proposal to 'scope out' impacts on the settings of listed buildings within the urban environment?

- Yes.

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Q: Are there any other designated heritage assets in the surroundings of the Proposed Development that they consider could have their settings adversely affected?

- No.

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://conservation.historic-scotland.gov.uk/.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupszynska and they can be contacted by phone on 0131 668 8983 or by email on Urszula.Szupszynska@hes.scot.

Yours sincerely

Historic Environment Scotland

A25

From: HIAL Safeguarding <hialsafeguarding@traxinternational.co.uk>
Sent: 29 July 2022 14:32
To: Econsents Admin <Econsents_Admin@gov.scot>
Subject: RE: Teindland Wind Farm proposal - scoping consultation

Your Ref: ECU00004556
Our Ref: 2022/268/INV

Dear Sir/Madam,

Proposal: Teindland Wind Farm - Scoping Opinion request.
Location: Teindland Wood, North of Rothes, in Moray.

With reference to the above proposal, our preliminary assessment shows that, at the position and heights given in the scoping report, the proposed wind farm may infringe the safeguarding criteria and operation of Inverness Airport.

Highlands and Islands Limited (HIAL) request that an Aviation Impact Feasibility Study (AIFS), of the proposed Wind Farm, is undertaken to understand any impact on the infrastructure and operation of Inverness Airport. The following are required to be assessed by the applicant:

- Air Traffic Control Surveillance Minimum Altitude Chart (ATCSMAC) (see CAP777) requirement.
- Instrument Flight Procedures (IFPs) (see CAP785) requirement. (As the Wind Fam's location is beneath airspace coincident with Inverness Airport's IFPs)
- Primary Surveillance Radar (see CAP670 & CAP764) inc. Optical Line of Site assessment. (Please consider the Thales STAR PSR & proposed Terma Scanter Radar – Expected to be commissioned Oct 2023. Contact this office for details of the location and electronics height)

It should be noted that Inverness Airport are in the process of developing new airspace and instrument flight procedures; this work is relatively mature and should be included in the AIFS. This office should be contacted for further details.

The AIFS should be produced by a firm which has the necessary expertise and a track record of performing such assessments. This office will provide guidance, if required, in selecting a firm.

Once the AIFS has been reviewed by HIAL, and any impact to Inverness Airport is understood, the applicant may then expect to be contacted by HIAL to enter into formal discussions.

If the applicant has any questions or further information is required, please email both addresses below.

With reference to the specific scoping question, as asked in section 10, Q19: "Do the Consultees agree with the assessment approach set out in the aviation section?". HIAL's answer is no, as the above is not included in section 10.5.

Yours faithfully,

Ed

Ed Boorman
HIAL Safeguarding (Acting for and on behalf of Highlands & Islands Airport Ltd)

REDACTED
e: hialsafeguarding@traxinternational.co.uk
e: safeguarding@hial.co.uk

A26

From: JRC Windfarm Coordinations
To: McFadden S (Stephen)
Subject: Teindland Wind Farm proposal - scoping consultation [WF157159]
Date: 29 July 2022 09:58:38

Dear stephen,

A Windfarms Team member has replied to your co-ordination request, reference **WF157159** with the following response:

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 Sir,

***Name/Location**:*

Teindland Wind Farm: 17 turbines with max tip height of 230m

JRC analyses proposals for wind energy developments on behalf of the UK Energy Industry. We assesses the potential of such developments to interfere with radio systems operated by UK and Irish Energy Industry companies in support of their regulatory operational requirements.

The Energy Industry considers that any wind energy development within:
** 1000m of a link operating below 1GHz; or*
** 500m of a link operating above 1GHz, requires detailed coordination.*

For turbines with a blade diameter of 32m or less this distance is reduced to:
** 500m for links below 1GHz; and*
** 300m for links above 1GHz before a detailed coordination is required.*

There is an EXCLUSION ZONE around most Base Station sites of 500m, i.e. no development is permitted. This will be evaluated on a case by case basis for smaller turbines.

Unfortunately, part (or all) of the proposed development breaches one or more of these limits.

The affected links are:

460MHz Telemetry and Telecontrol:

JESHLS1-JESHLO20

>1GHz Microwave Point to Point:

SCHY 0929270/1

Fixed Links:

SSE 0929293/1

SSE 0929270/2

Therefore ***JRC OBJECTS TO THE PROPOSED DEVELOPMENT.***

Unfortunately, since these links form part of our critical national infrastructure, no details apart from the link identifiers can now be supplied, due to previous breaches in confidentiality.

However, JRC are still willing to work with developers in order to clear as many turbines as possible, including those that may initially fall within the coordination zone. For more information about what to do next, please contact us using the link at the bottom of this email.

The JRC objection shall be withdrawn after simple analysis shows no issues; when a satisfactory coordination has been achieved and the zone of protection is implemented; or when an appropriate mitigation agreement is in place.

NOTE:
The protection criteria determined for Energy Industry radio systems can be found at
Wind Farm Coordination | Joint Radio Company | JRC

Regards

Wind Farm Team

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.
Registered in England & Wales: 2990041
About The JRC | Joint Radio Company | JRC

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?auth=o1xz2bqaaepnqaaaONgTIi%2Bw7kuIUA%3D%3D

Marine Scotland Science advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.

July 2020 updated April 2022

Marine Scotland Science (MSS) 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 MSS 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. MSS 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 MSS, 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, MSS 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, MSS 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.

MSS 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.

MSS provision of advice to ECU

- MSS should not be asked for advice on pre application and application consultations (including screening, scoping, gate checks and EIA applications). Instead, the MSS 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, MSS 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, MSS can be asked to provide advice on suitable wording, within a planning condition, to secure proposed monitoring programmes, should the development be granted consent;
- MSS 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, MSS should be contacted.

MSS Standing Advice for each stage of the EIA process

Scoping

MSS 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 MSS generic scoping guidelines then ECU should be informed who will then co-ordinate a response from MSS.

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

MSS 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

MSS 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.

MSS 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

MSS 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 MSS is consulted on these programmes.

Wording suggested by MSS 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 Scotland Science and any such other advisors or organisations.

2. The WQFMP must take account of the Scottish Government's Marine Scotland Science's 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 Marine Scotland Science.

3. Thereafter, the WQFMP shall be implemented within the timescales set out to the satisfaction of the Planning Authority in consultation with Marine Scotland Science 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, MSS 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

Marine Scotland Science advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.

July 2020, updated April 2022

MSS – 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:

MSS 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 MSS advice, please set out reasons.	ECU/MSS use - comments
1. A map outlining the proposed development area and the proposed location of: ○ the turbines, ○ associated crane hard standing areas, ○ borrow pits, ○ permanent meteorological masts, ○ access tracks including watercourse crossings, ○ all buildings including substation, battery storage; ○ permanent and temporary construction compounds; ○ all watercourses; and ○ 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;				
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 MSS 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 MSS and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure (see wording suggested by MSS for planning conditions).				
7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations.				

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 MSS advice, please set out reasons.	ECU/MSS use - comments
8. Any designated area (i.e. SAC), for which fish is a qualifying feature, within and/or downstream of the proposed development area;				
9. The presence of a large density of watercourses;				
10. The presence of large areas of deep peat deposits;				
11. Known acidification problems and/or other existing pressures on fish populations in the area; and				
12. Proposed felling operations.				

A37

From: NATS Safeguarding

To: Stephen McFadden, Energy Consents Unit

Date: 09 August 2022

Subject: **RE: Teindland Wind Farm proposal - scoping consultation [SG33754]**

Our Ref: SG33754

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

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

A38

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

Stephen McFadden
Energy Consents Unit
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

25 August 2022

Our ref: A3812875

Econsents Admin@gov.scot

Dear Mr McFadden

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

SCOPING OPINION REQUEST– TEINDLAND WIND FARM PROPOSAL

1. Summary

This proposal has the potential to adversely affect a number of important natural heritage interests. Please find further details below.

2. Appraisal

Landscape and Visual effects

The proposal is located close to the location of a previous wind farm application, Brown Muir Wind Farm, which was refused by Scottish Ministers in 2015. We advise that the Reporter's findings are considered carefully and taken into account when designing Teindland Wind Farm.

There are key sensitivities within the study area and the LVIA should include assessment of effects on the following:

- The Speyside Way, one of Scotland's Great Trails, which passes close to the development site. A sequential cumulative assessment should be assessed as part of the LVIA.
- Landmark hills such as Brown Muir and Ben Aigan as well as effects on views from Speyside in general.
- Elgin and its setting which was a key issue in the consideration of Brown Muir Wind Farm.
- The A96 including cumulative and sequential effects.

Due to the height of the turbines a full lighting assessment should be provided as described in Annex 1 of our guidance document[1]. The lighting assessment should include lowlight photomontages.

We request a high resolution version of the ZTV with a OS 1:50k basemap, the ZTVs provided with the scoping report do not follow our visual representation of wind farm guidance. We will then be able to comment on viewpoints including the lowlight/night time viewpoints.

Ecology

River Spey Special Area of Conservation (SAC)

The development site is within the catchment of the River Spey. The River Spey and many of its tributaries are designated as a Special Area of Conservation (SAC) designated for its Atlantic salmon, freshwater pearl mussels, sea lamprey and otter. The main stem of the River Spey is also a Site of Special Scientific Interest (SSSI) for the same 4 species.

The designated site is downstream of the development, thus any changes to the water quality of the burns draining to the River Spey may have an impact on the SAC and SSSI. The EIA should include details of any mitigation measures, such as pollution prevention measures, to prevent any run off or spillages entering water courses connected to the SAC. It is likely that mitigation measures will require to be secured via condition to enable us to conclude there will not be adverse effects on the integrity SPA.

Teindland Quarry Special Site of Scientific Interest (SSSI)

The Teindland Quarry SSSI is within 600m of the proposed development. The proposed development, including access routes, should be able to be designed in such a way that effects on the SSSI can be avoided by keeping any infrastructure at a suitable distance from SSSI.

Our general pre-application advice document provides further advice on species, habitat surveys, peatlands and the information to be included our in the EIA[1].

Ornithology

Moray and Nairn Coast Special Protection Area (SPA)

As noted in the scoping report the above SPA is less than 5km from the proposed development site. Our understanding of the area is that osprey from SPA commute over or close to the Teinldnad site. It is therefore likely that the proposed wind farm has a likely significant effect on the SPA and sufficient information should be included with the EIA to inform a Habitats Regulations Appraisal, and an Appropriate Assessment by the Competent Authority.

We note the proposal to survey only for 1 non-breeding season. While the scoping report provides details of the surveys undertaken to date it does not include any of the results. If the surveys to date have recorded birds which are qualifying features of the SPAs then it is likely that a second season of non-breeding surveys are required. All surveys should be in accordance with our guidance document[2].

[1] https://www.nature.scot/doc/general-pre-application-and-scoping-advice-onshore-wind-farms

[2] https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms

3. Concluding remarks

If you have any questions in relation to any of the above, please do not hesitate to contact me.

Yours sincerely,

[By email]

Matt Burnett

Renewables Energy Casework Adviser

REDACTED

A41

giving nature a home
Scotland

Stephen McFadden
By email only to: stephen.mcfadden@gov.scot

11/08/2022

Dear Stephen,

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

SCOPING OPINION REQUEST– TEINDLAND WIND FARM PROPOSAL ECU00004556.

Thank you for consulting RSPB Scotland on the above wind farm proposal.

We do not hold any recent bird data for this site, but there are historical records (from 2004-2007) of breeding goshawk and long-eared owl and possible breeding by capercaillie and hen harrier. We feel that the ornithological surveys proposed are adequate for the site, but the applicant should be prepared to undertake a second year of non-breeding season surveys should findings deem this necessary.

Your Sincerely,

Amanda Biggins
Conservation Officer – NE Scotland & Shetland

East Scotland Office
10 Albyn Terrace
Aberdeen
AB10 1YP

Tel 01224 624824
Fax 01767 685571
rspb.org.uk

A42

Tuesday, 02 August 2022

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

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

Dear Customer,

Teindland Wind Farm, Teindland, IV30 8QX
Planning Ref: ECU00004556
Our Ref: DSCAS-0069469-BQX
Proposal: An onshore wind farm comprising circa 17 turbines to a tip height of up to 200m.

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 the proposed activity falls within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. The Spey Boreholes supply Badentinan Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified immediately using the Customer Helpline number **0800 0778 778**.

The activity is a sufficient distance from the intake that it is likely to be low risk, however care should be taken and water quality protection measures must be implemented.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if

there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm.

We welcome receipt of this notification about the proposed activity within a drinking water catchment where a Scottish Water abstraction is located.

The fact that this area is located within a drinking water catchment should be noted in documentation. Also anyone working on site should be made aware of this during site inductions and we would also like to take the opportunity, to request that 3 in advance of any works commencing on site, Scottish Water is notified at protectdwsources@scottishwater.co.uk so we can make our operational teams aware there will be activity taking place in the catchment

Infrastructure within boundary
There are a large number of assets within the redline ownership boundary but there are none within the blueline development boundary. The access track to be upgraded will cross a 200mm PVC water main so a crossing point design will have to be agreed.

This should be confirmed however through obtaining plans from our Asset Plan Providers. Details of our Asset Plan Providers are included in the SW list of precautions for assets, which can be found on the activities within our catchments page of our website at **www.scottishwater.co.uk/slm**.

All Scottish Water assets potentially affected by the activity should be identified, with particular consideration being given to access roads and pipe crossings. If necessary, local Scottish Water personnel may be able to visit the site to offer advice. All of Scottish Water's processes, standards and policies in relation to dealing with asset conflicts must be complied with.

In the event that asset conflicts are identified then early contact should be made with HAUC Diversions Team via the Development Services portal. All detailed design proposals relating to the protection of Scottish Water's assets should be submitted to the HAUC for review and written acceptance. Works should not take place on site without prior written acceptance by Scottish Water.

Scottish Water have produced a list of precautions for a range of activities. The list of precautions for assets details protection measures to be taken if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. The document/s and other supporting information can be found on the activities within our catchments page of our website at **www.scottishwater.co.uk/slm**.

It should be noted that the proposals will be required to comply with Sewers for Scotland and Water for Scotland 4th Editions 2018, including provision of appropriate clearance distances from Scottish Water assets.

Surface Water

A44

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,

Angela Allison
Development Services Analyst
PlanningConsultations@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."

A45

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Our ref: 5977
Your ref: ECU00004556

Stephen McFadden
Consents Manager
Energy Consents Unit

By email only to:
stephen.mcfadden@gov.scot
Econsents_Admin@gov.scot

SEPA email contact:
planning.north@sepa.org.uk

16 August 2022

Dear Stephen McFadden

Electricity Act 1989 - Section 36
Planning Application: ECU00004556
Scoping Opinion Request
Teindland Wind Farm Proposal
SEPA Reference: 5977

Thank you for consulting SEPA on the scoping opinion for the above development.

The issues set out in the appendix below are those which from experience often arise in windfarm projects. They will not all be relevant in a specific case. If an issue can be scoped out then, provided the evidence as to why it has been scoped out is provided in the subsequent Environmental Impact Assessment Report, you are encouraged to do so.

From SEPA's experience, the following key issues will usually need to be addressed. To **avoid delay and potential objection**, the information outlined below and relevant issues in the attached appendix must be submitted in support of the application.

a) Map and assessment of all engineering works within and near the water environment including buffers, details of any flood risk assessment and details of any related applications made under the Controlled Activities Regulations (CAR). With relation to flood risk, if, having considered the site and potential for flood risk, it appears that the only apparent issue could relate to design of watercourse crossing, then provided crossings are designed to accommodate the 1 in 200 year event and other infrastructure is located well away from watercourses it is unlikely that there will be a need for detailed information on flood risk.

b) Map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers. Where it is clear that much of the site is likely to be peatland and/or wetland, we

suggest you may wish to go straight to carrying out NVC survey without carrying out Phase 1 and Sniffer assessments (see appendix for details).

c) Map and assessment of impacts upon groundwater abstractions and buffers. Where there are no abstractions within 250 m of excavations then this should be confirmed in the EIA Report.

d) Peat depth survey and table detailing re-use proposals. Where much of the site is on peat, we expect the application to be supported by a comprehensive site specific Peat Management Plan.

e) Map and table detailing forest removal if on afforested area. Note that habitat survey information is not required for areas which are heavily forested or recently felled.

f) Map and site layout of borrow pits.

g) Schedule of mitigation including pollution prevention measures.

h) Quarry or Borrow Pit Site Management Plan of pollution prevention measures.

i) Map of proposed waste water drainage layout.

j) Map of proposed surface water drainage layout.

k) Map of proposed water abstractions including details of the proposed operating regime.

l) Decommissioning statement.

Site specific comments

SEPA agree with assessment approaches outlined in the Hydrology, Forestry and Ecology Sections.

Regulatory advice for the applicant

1.1. Engineering works within the water environment may require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

1.2. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.

If you have any queries relating to this letter, please contact me by e-mail at planning.north@sepa.org.uk.

Yours sincerely

Nicki Dunn
Senior Planning Officer
Planning Service

Appendix 1: Detailed scoping requirements

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed.

We welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

1. Site layout

1.1. All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable. Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

2. Engineering activities which may have adverse effects on the water environment

2.1. The site layout must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing:

a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.

b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works.

c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.

2.2. If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.

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

2.4. Refer to our flood risk Standing Advice for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the planning

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

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

3.1. Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants must assess the likely effects of development on carbon dioxide (CO_2) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO_2 to the atmosphere. Developments must aim to minimise this release."

3.2. The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO_2 and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat. There is often less environmental impact from localised temporary storage and reuse rather than movement to large central peat storage areas.

3.3. The submission must include:

a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems (GWDTE).

b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.

3.4. To avoid delay and potential objection proposals must be in accordance with Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste and our Developments on Peat and Off-Site uses of Waste Peat.

3.5. Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.

3.6. Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.

4. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)

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

a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.

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

5. Existing groundwater abstractions

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

a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

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

6. Borrow pits

6.1. Scottish Planning Policy states (Paragraph 243) that “Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.” The submission must provide sufficient information to address this policy statement.

6.2. In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 Controlling the Environmental Effects of Surface Mineral Workings (PAN 50) a Site Management Plan should be submitted in support of any application.

6.3. The following information should also be submitted for each borrow pit:

a) A map showing the location, size, depths and dimensions.

b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to

demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.

c) You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.

d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.

e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.

f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.

g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.

h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO_2.

i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.

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

7. Pollution prevention and environmental management

7.1. One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration.

7.2. A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and

proposals for a planning monitoring enforcement officer. Please refer to Guidance for Pollution Prevention (GPPs).

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 submission needs to demonstrate that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

A52

From: Roger Knight <director@speyfisheryboard.com>
Sent: 08 September 2022 16:44
To: McFadden S (Stephen) <Stephen.McFadden@gov.scot>
Cc: Atticus Albright <a.albright@speyfisheryboard.com>; Duncan Ferguson <d.ferguson@speyfisheryboard.com>

Subject: RE: Teindland Wind Farm proposal - scoping consultation

Dear Stephen,

I apologise for missing your deadline for comments on this proposal, which has been due to other unavoidable work pressures. We would be grateful, though, if you would accept the following by way of response to this consultation from the Spey Fishery Board.

The Spey Fishery Board was established under the 1862 and 1868 Salmon Fisheries legislation, subsequently amended and presently stated in the Salmon Act 1986 and the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003. The Board is one of 40 District Salmon Fishery Boards around Scotland, empowered under the legislation to take such acts as they consider expedient for the protection, enhancement and conservation of stocks of Atlantic salmon and sea trout.

I am also obliged to point out that **the River Spey and its tributaries are a Special Area of Conservation (SAC)** under the EC Directive on the Conservation of Natural Habitats and Wild Fauna and Flora 92/43/EC**,** for Atlantic salmon, otter, sea lamprey and freshwater pearl mussel. This legislation has now been transposed into United Kingdom law prior to Brexit, which affords the River Spey and its tributaries the very highest level of environmental protection available. **In addition, The River Spey is also a Site of Special Scientific Interest (SSSI)**.

The Spey Fishery Board requests to submit a holding objection to this proposal, subject to the resolution of concerns we have. In particular. The Board is concerned that this proposed development area includes the Broad Burn and the Red Burn. The Broad Burn, in particular, had historically been impassible to migratory fish due to a distillery weir, which was resolved a few years ago by the distillery concerned. So this Burn has now been reopened for access by salmonids and wild Atlantic salmon and sea trout are now able to spawn in this Burn.

The Board is concerned that this proposal would involve building on peat which is close to these watercourses, and which could lead to issues with erosion and siltation, particularly if machinery crosses these watercourses. This could lead to an increase in sediment deposition within the Burns, which may have an adverse impact upon wild Atlantic salmon and sea trout populations within them, the former of which is a designated species under the SAC legislation. To monitor this effectively, the Spey Fishery Board will require to undertake a programme of electrofishing before, during and after construction, if this proposal proceeds, in order to fulfil its statutory mandate.

Our concern is further heightened by the apparent lack of consideration of biosecurity measures, given the paucity of information regarding biosecurity protocols. In particular, we would wish to see appropriate protocols established for the disinfection of machinery upon arrival at the site and prior to any work being undertaken, as well as protocols for the safe handling of oils, fuels and materials on site.

Should you wish to discuss any of the above, or you require any additional information, please do not hesitate to get in touch with me.

With best wishes,

Roger Knight

Roger Knight

Director

SPEY Fishery Board since 1863

www.riverspey.org

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A54

Development Management and Strategic Road Safety
Roads Directorate

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TRANSPORT SCOTLAND
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Your ref:
ECU00004556

Our ref:
GB01T19K05

Date:
25/08/2022

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

SECTION 36 APPLICATION - SCOPING OPINION REQUEST – TEINDLAND WIND FARM PROPOSAL

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by Locogen Consulting Limited 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, we would provide the following comments.

Proposed Development

The proposed development comprises up to 17 turbines of between 149m and 230m to blade tip and associated infrastructure located within Teindland Wood, Rothes, Moray. The nearest trunk road to the site is the A96(T) which is located approximately 8.8km to the north as Mosstodloch, while the A95(T) is located approximately 9km to the south at Craigellachie.

Assessment of Environmental Impacts

Chapter 9 of the SR presents the proposed methodology for the assessment of Transport and Access. This states that the thresholds as indicated within the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Road Traffic are to be used as a screening process for the assessment. Transport Scotland is in agreement with this approach.

The SR also indicates that potential trunk road related environmental impacts such as driver delay, pedestrian amenity, severance, safety etc will be considered and assessed where appropriate (i.e. where the thresholds within the Institute of Environmental Management and Assessment Guidelines for further assessment are breached). These specify that road links should be taken forward for further detailed assessment if:

- Traffic flows will increase by more than 30%, or
- The number of HGVs will increase by more than 30%, or
- Traffic flows will increase by 10% or more in sensitive areas.

We note that existing traffic count data will be used from the Department for Transport (DfT) database for the A96(T) and that base traffic will be factored to the peak construction year using National Road Traffic Forecasts (NRTF) Low Growth. This is considered acceptable as long as the data from the DfT database is from measured counts rather than estimated flows.

It is noted that any impacts associated with both the operational and decommissioning phases of the development are to be scoped out of the EIA. We would consider this to be acceptable in this instance.

Abnormal Loads Assessment

We note that it is anticipated that turbine components will be delivered to Inverness and then transported to the site via the A96(T) through Forres and into Elgin. It should be noted that Transport Scotland will require to be satisfied that the size of turbines proposed can negotiate the selected route and that their transportation of the loads will not have any detrimental effect on structures within the trunk road route path.

A full Abnormal Loads Assessment report should be provided with the Environmental Impact Assessment Report (EIAR) 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.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact me or alternatively, Alan DeVenny at SYSTRA's Glasgow Office REDACTED

Yours faithfully

REDACTED

Iain Clement

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.