

Directorate for the Built Environment

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Date: 1 June 2011

Carolyn Howarth,
Senior Planner
Development Planning
Rae Street,
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**00548 SECOND SCOPING - DUMFRIES AND GALLOWAY COUNCIL - WIND ENERGY
DEVELOPMENT SUPPLEMENTARY PLANNING GUIDANCE**

Dear Carolyn

With reference to the Scoping report you submitted to the SEA Gateway on 27 April 2011.

In accordance with Section 15(2) of the **Environmental Assessment (Scotland) Act 2005** the Consultation Authorities have now considered the Scoping report you submitted. The individual responses from the Consultation Authorities to your report are attached to this letter.

As the Consultation Authorities have now expressed their views on the proposed scope and level of detail of the report, you should refer to the Act to consider what your next step should be. You should of course take into account the opinions offered by the Consultation Authorities.

Note, in accordance with Section 15(3) of the **Environmental Assessment (Scotland) Act**, (when agreed) you are required to formally write to advise the Scottish Ministers of the period of consultation you intend to specify, both for the public and the Consultation Authorities.

If you have any queries or would like me to clarify any points, please call me on 0131 244 7650.

Yours sincerely

Johnathan Whittlestone
SEA Gateway Officer



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CMS ref: 201100498

31 May 2011

Dear Ms Howarth

**Environmental Assessment (Scotland) Act 2005
Dumfries and Galloway Council
Interim Planning Policy Wind Energy Development
Scoping Report**

Thank you for consulting Historic Scotland on the second scoping report. It was received in the Scottish Government's SEA Gateway on 27 April 2011. I have reviewed the scoping report on behalf of Historic Scotland in its role as a Consultation Authority under the above Act.

I understand that the second scoping report replaces the previous document as a result of some fundamental changes made since its preparation. I welcome the revisions to the document, which take into account some of the comments made by Historic Scotland on the previous report. I have no further comments to make.

I hope this letter has been helpful to you.

Yours sincerely

Adele Shaw
Environmental Impact Assessment Team Leader

Our ref: PCS/113525
SG ref: SEA00548/sco 2

If telephoning ask for:
Lorna Maclean

1 June 2011

Andrew Maxwell
Service Manager Development Planning and Environment
Planning and Environment
Dumfries and Galloway Council
Newall Terrace
Dumfries
DG1 1LW

By email only to: sea.gateway@scotland.gsi.gov.uk

Dear Andrew

**Environmental Assessment (Scotland) Act 2005
Dumfries and Galloway Interim Planning Policy – Wind Energy - Scoping
consultation**

Thank you for your Scoping consultation submitted under the above Act in respect of the Dumfries and Galloway Interim Planning Policy – Wind Energy. This was received by SEPA via the Scottish Government SEA Gateway on 27 April 2011.

As required under Section 15(2) of the Act, we have considered the document submitted and comments as follows in respect of the scope and level of detail to be included in the Environmental Report (ER). We commented on a previous scoping report in a letter dated 6 December 2010 the comments in this letter are still relevant. We have no further comments to make. The Scottish SEA Toolkit (available for download at: www.scotland.gov.uk/Publications/2006/09/13104943/0) provides guidance to Responsible Authorities about the type of information that is expected to be provided at each SEA stage. We have used the toolkit to inform our detailed scoping response which is attached as Annex 1.

On completion, the Environmental Report and the plan to which it relates should be submitted to the Scottish Government SEA Gateway (sea.gateway@scotland.gsi.gov.uk) which will forward it to the Consultation Authorities.

Should you wish to discuss this screening consultation, please do not hesitate to contact me on 01355 574 302 or via our SEA Gateway at sea.gateway@sepa.org.uk

Yours sincerely

Lorna Maclean
Senior Planning Officer (SEA)



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Scottish Natural Heritage

All of nature for all of Scotland

Andrew Maxwell
Service Manager Development Planning and Environment
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Our ref: CNS SEA 68782

Dear Andrew

**Environmental Assessment (Scotland) Act 2005:
Dumfries and Galloway Council
Supplementary Planning Guidance – Wind Energy Development**

I refer to your scoping report, sent to the Scottish Government SEA Gateway on the 27th April 2011. In our role as a Consultation Authority, in accordance with Section 15(2) of the Environmental Assessment (Scotland) Act 2005, we have reviewed the above report. Our comments on the scope and level of detail to be included in the Environmental Report and on the duration of the proposed consultation period are set out below. Detailed comments are provided in the annex to this letter. It is our opinion that the scoping report is in general accurate and laid out in a logical fashion.

Scope of assessment and level of detail

We commented on the first scoping report in December 2011. We are pleased to note that many of our recommendations appear in this second version. Subject to the specific comments set out below and in the annex to this letter, SNH is content with the scope and level of detail proposed for the environmental report. In the annex we have detailed various points which we believe should or could be included within the report or informing the ER. We would draw your attention to the following point which we noted in our initial response and does not appear to have been addressed in this second version.

Paragraph 2.2 notes the general exclusion of PPS above the Scottish level. Section 5 (3)(b) of the Environmental Assessment (Scotland) Act 2005 requires SEA to be undertaken of any plans which, in view of the likely effects on sites, has been determined to require an assessment pursuant to Articles 6 and 7 of Directive 92/43/EEC (the Habitats Directive).

There is no explanation of the relationship between an Interim Planning Policy and Supplementary Planning Guidance. In the Scoping Report the terms appear to be used as synonyms – certainly that is how we have treated them. This interchangeability is however confusing – and it is our understanding that they do mean different things. We strongly recommend a consistent use of either SPG or IPP (which ever is most relevant) in the Environmental Report.

Other points are noted in the annex below. One that we wish to draw attention to is that relating to forestry and renewable developments. This apparent land use conflict is being addressed but has consequences for new planting to compensate for felling to accommodate turbines.

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Consultation period for the environmental report

SNH notes that the period of June - July 2011 is proposed for consultation on the Environmental Report and that a six week consultation period is proposed. We would be happy with this period.

I hope that these points are of assistance to you. Please note that this response is in the context of the Environmental Assessment (Scotland) Act 2005 and our role as a Consultation Authority. We understand that we will be separately consulted on our views regarding the Environmental Report and on the Strategy/ Plan/Programme.

Yours sincerely

Chris Miles
Area Manager
Dumfries & Galloway

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Annex

Plan Context 2.1 – 2.3

Appendix 1 Table of Relevant Plans programmes and Strategies does not contain the Topic 'Soil'. Under "Name of Plan/Programme" we suggest 'The Scottish Soil Framework (Scottish government 2009)'. 'Forest and Soils Guidelines' (FC) 2009 may also be relevant.

Baseline information 2.4 – 2.7

We believe points noted here are sufficient.

Table 1 despite the title table does not identify data sources as such. Instead it reflects what data will be needed to prepare the IPP. A third column identifying sources is required.

SEA issue Material assets. The relevant data is shown as Number & size of settlements. We query the relevance of this and instead suggest the following issues may be more pertinent. Extent of forest and woodland resource, availability of existing grid connection, core paths and other routes. The landscape itself should also be noted as a material asset – thus linking with your section 3.3 which identifies this within the text.

SEA issue Climatic Factors . The relevant data is shown and includes both precipitation and temperature levels. We recommend the inclusion of wind speed data.

SEA issue Cultural heritage. We suggest you consider including the more important land art installations in this Issue.

Scoping of SEA Issues

3.1 We welcome the intention to scope in Material Assets .

3.3 It is important that the ER assess the effect of this Strategy on all terrestrial European Protected Species, woodland and other SSSI which may be affected by the strategy. We acknowledge and welcome the inclusion of biodiversity issues outwith designated sites. It will be important to avoid a barrier effect to wildlife movements. We suggest that the extent of forest and woodlands be considered under material assets. These clearly are an asset of the plan area and are a major consideration when siting particularly larger scale wind turbines.

Table 2:

Within the row Biodiversity etc. we recommend the inclusion of "Interruption of bird flight lines: feeding, hunting, breeding and or migration. Bird feeding or roosting areas." We note the intention to identify areas suitable for appropriate development – which we welcome but would also like to see the IPP attempting to identify inappropriate areas for development. E.g. Sites which would adversely affect the integrity of SPAs, SAC and SSSI. We would also advise that compensatory planting (as referenced above and below) should be identified as a possible problem for open ground habitats and species.

Within the row Population & Human Health we do not think that the problem "Continuing issue of declining and ageing population etc.." is a relevant problem for this IPP. We advocate its removal and the implication "Promote improvements to Health".

Within the row Material Assets we suggest the inclusion of extent of forests and woodlands and the visual impact of windfarms on landscapes. The latter reference then ties in with your section 3.3 which identifies this within the text.

Within the row Climatic Factors

We suggest the inclusion of "Deforestation for the purposes of access, construction and or operation" and within the implications box - "the impact of forestry felling and displacement and the need or otherwise for compensatory planting."

We also suggest that the implications column should note the need to ensure developments have lowest possible carbon footprint through all stages of the windfarm. Peat soils require a high level of protection.

Within the row Landscape we suggest implications box should reflect that National Scenic Areas and wild land search area are very sensitive to all including the smaller scale developments. The ER should consider this point from the point of view of both looking into and also out of the region's NSAs and wild land search area.

Table 3:

We note the table is headed SEA objectives for DGFWS and presume this a "copy and paste" error and should read DGIPP.

Within the row SEA Topic Material Assets the SEA objective re mineral assets does not relate to anything that has gone before. While we acknowledge that windfarm development will require to use quarried materials we question whether this needs to be reflected here. Instead we recommend that an objective related to the appropriate redesign and location of forestry is introduced with the indicator that the net extent of forestry/woodland is maintained but not at the expense of valuable open ground biodiversity. Also an objective to ensure that associated grid connections are designed and sited appropriately could be introduced.

Within the row SEA Topic Climatic Factors we recommend the inclusion of wind speed data.

The relationship between SEA and Appropriate Assessment

Section 5 (3)(b) of the Environmental Assessment (Scotland) Act 2005 requires SEA to be undertaken of any plans which, in view of the likely effects on sites, has been determined to require an assessment pursuant to Articles 6 and 7 of Directive 92/43/EEC (the Habitats Directive). The Conservation (Habitats &c) Regulations 1994 as amended in 2007 require that they be subject to appropriate assessment of their implications for Natura sites. Note that this can be both within or outwith e.g. fields which support feeding areas for geese from SPAs designated for geese or winter feeding sites for hen harriers from SPAs.

The SEA Directive allows for a combined procedure to be adopted provided it fulfils both the requirements of the SEA Directive and the Habitats Directive. Consideration could be given to opportunities for sharing some aspects of the SEA process with the AA process, though it is recognised that each has a different focus and requirements.

Wherever the Appropriate Assessment is undertaken as part of a SEA, it is important that it is clearly documented, in the right terms. It should be signposted in the SEA Environmental Report so that it is clear which parts of the Report and the process are intended to form the AA. In particular, it will need to be clearly stated where the plan would and would not be likely to have significant effects on any European site, and in the case of the latter, whether it has been ascertained that the plan will not adversely affect the integrity of any European site.

Alternatives and the Assessment Methodology

Please note that there are 4 options listed though 5 are referred to at 3.9. We agree that an assessment carried as per table 4 will be sufficient for assessing alternative options. The evaluation framework for both tables 4 and 5 is suitable.

