

Susan Crosthwaite
Cosses Country House
Ballantrae
Ayrshire
KA26 0LR

6th February 2013

Dear Ms Crosthwaite

Section 36 Killgallioch 99 Turbines – EIR Request Review

Further to your email of 11 January seeking a review of Mr Logan's response of 18th December 2012, I have now completed my review of our response to your request under the Environmental Information (Scotland) Regulations 2004 (EIRs) for

1. Consideration of the Galloway and Southern Ayrshire Biosphere UNESCO status award.
2. Evidence that the Scottish Government has acknowledged the latest findings in the UGov survey by the John Muir Trust.
3. A copy of your Independent Environmental Impact Assessment specifically:-
copies of the main reports and advice issued to the Scottish Government in relation to the Section 36 Kilgallioch wind farm application; and A copy of the Scottish Government independent Environmental impact assessment and its supporting environmental information in relation to the Kilgallioch wind farm application.

I have concluded that in relation to your request that :-

- Point 2 was addressed correctly in Mr Logan's response.
- Similarly point 3 in Mr Logan's response was helpful in detailing where information was already publically available and made clear the transposition legislation of the EIA Directive 2011/92/EU. Further I am satisfied that the assessment of the likely significant environmental effects will be carried out in line with legislation.
- However point 1 was not addressed in Mr Logan's response and while you made no specific request for information I am assured by the Energy Consents Unit and statutory consultees that the impact of all statutory designations are a consideration in assessment of the likely environmental impacts in reaching any determination on a project. Dumfries and Galloway council have advised that their position is unaffected by the new designation and that their own development plan and their Wind Energy Development Interim Planning Policy has been through a process that has taken

account of the principles behind the biosphere initiative. SNH advise that World Heritage sites (in this case the UNESCO designation) are not 'designated' under the Habitats or Birds Directives, so they are of no relevance to and have no impact on Natura sites. (Any Natura sites that lie within the Biosphere designation and are affected by the proposed wind farm however will be considered separately as required under the Habitats Regulations.) . As the Competent Authority, Scottish Ministers will determine the application after assessing all likely significant environmental impacts.

If you are unhappy with the outcome of this review you have the right to appeal to the Scottish Information Commissioner about our decision within 6 months of receiving this letter.

You can contact the Commissioner at:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
E-mail: enquiries@itspublicknowledge.info
Telephone: 01334 464610

Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of law only.

David Wilson
Director for Energy and Climate Change