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Scawd Law WF – Additional Environmental Information

Dear Kirstin

A Section 36 Application (“the application”) for the proposed Scawd Law Wind Farm was submitted to the Energy Consents Unit (ECU) in December 2022, reference ECU00002111. Scawd Law Wind Farm (the Proposed Development) will comprise the construction and operation of up to 8 turbines and battery storage as well as associated ancillary infrastructure. The Proposed Development is situated north-east of Innerleithen, in the Scottish Borders.

Since submission in 2022 further ornithological surveys have been carried out and responses from consultees have been received. With this new data and comments from NatureScot, Additional Information (AI) has been produced. *AI Volume 1: Introduction* attached, provides an introduction and list of contents for this AI package. A summary of Volumes 2 and 3 are found below.

Additional Information – Volume 2

Since December 2022 further ornithological surveys and data pertaining to Golden Eagle has been gathered. Additional Information (AI) attached provides an updated ornithological impact assessment of the Proposed Development using this data (*AI Volume 2: Additional Ornithological Information*).

An Outline Habitat Management Plan (OHMP) has also been prepared (*AI Volume 2: Outline Habitat Management Plan*) for the Proposed Development which aims to enhance biodiversity within the Proposed Development Area and restore blanket bog habitats outwith the Proposed Development.

Additional Information – Volume 3

NatureScot responded to the application on 2nd February 2024. In this response they stated:

‘We consider that the impact of this wind farm proposal on the pair of golden eagles at this site is more significant than the overall assessment in the EIA Report and Review suggests, primarily due to the location of turbines 7 and 8 extending out from the turbine array onto an important ridge within their territory.’

They advised:

‘that turbines 7 and 8 are removed from the ridge to avoid displacement from an important part of the territory, and minimise potential collision risk to this significant pair of golden eagle. The risk these two turbines pose to the integrity of this territory could be significant.’

Natural Power, ornithological assessors and authors of the ornithology chapter of the EIAR, determined that:

*'the collision estimate for golden eagles in relation to the Proposed Development is considered unlikely to come to pass. Based on this evidence, collision impacts are predicted to be **of low negative magnitude and not significant.**'*

Further to this, displacement impacts were assessed and:

*'Based upon the robust analysis of habitat loss undertaken specifically for the Proposed Development, it is predicted that displacement impacts will be no more than **moderately negative magnitude and not significant.**'*

The Golden Eagle impact assessment reported in Chapter 8: Ornithology of the EIAR, was peer reviewed by third party (Avian Ecology Ltd) in August 2023 who concluded:

'The authors agree with the conclusions of the assessment presented within Chapter 8: 'Ornithology' of the EIA Report, in that there is an absence of potentially significant effects upon golden eagle including range holding and juvenile dispersing birds, at an appropriate biogeographical scale, the 'Southern Scotland' population....The authors consider the conclusions of the assessment are robust, not significant and supported by clear rationale and best available evidence.'

It is recognised that Turbines 7 and 8 may cause concern for consultees and while the initial assessment has been deemed robust this further information offers a condition that, if imposed on any consent, would prevent construction of Turbines 7 and 8 *unless* mitigation is agreed or further information deems these effects to be acceptable by Scottish Borders Council in consultation with NatureScot.

Proposed Condition

It is proposed that should it be considered necessary, the following condition could be applied to any consent for the Proposed Development:

Turbines 7 and 8 shown on Figure ZZ shall not be erected without the consent in writing of the Planning Authority in consultation with NatureScot.

Reason : *In the interest of nature conservation and protecting bird species.*

With a description of Proposed Amended Development in Annex 1 as:

Annex 1

Description of Proposed Amended Development

The Development comprises a wind powered electricity generating station known as Scawd Law Wind Farm with a generating capacity up to 60 MW located north-east, approximately 4.1 km from Innerleithen, within the Planning Authority area of Scottish Borders Council.

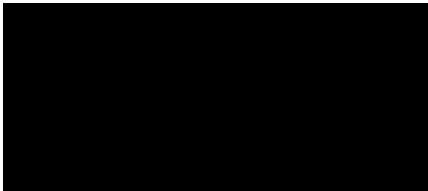
All as more particularly shown on plan reference EIA Report, Volume 3a – Figure 1.2 (proposed site layout 8 Turbines) or in the alternative as shown on plan reference AI Report Chapter 2 figure 3.1 (proposed site layout 6 Turbines) appended to this decision letter (Annex 3) and as specified in the Application submitted on 22 December 2022 including the EIA Report and the AI (2024) AI 2021 (08 July 2021) and the AI 2022 (May 2022). The main components of the wind farm and related ancillary developments would comprise;

- *Up to 8 wind turbine generators each with a maximum ground to tip height of 180m;*
- *Substation, control building and compound;*
- *Battery/energy storage infrastructure;*
- *Approximately 6.8 km of new access tracks;*
- *Underground electricity cables;*
- *Anemometry mast;*

- *Signage;*
- *One temporary borrow pit;*
- *Temporary concrete batching plant;*
- *Temporary construction and storage compounds, laydown areas and ancillary infrastructure;*
- *One minor water crossing between T3 and T6; and*
- *Drainage and drainage attenuation measures.*

It is recognised that Scottish Borders Council in deciding whether to object to the application, and the Ministers in deciding whether to grant consent, will require to consider whether the imposition of such a condition is necessary, and whether the resulting changes to the proposed development which would arise only turbines 1 – 6 were built, are acceptable. The information in the *AI Volume 3: Alternative Layout* being submitted provides the environmental information necessary to assess the impacts of an alternative layout with reduced turbine numbers and increased BESS (the Proposed Amended Development) to alleviate potential concerns.

Yours sincerely



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Encl.

cc.