Scottish Government
Riaghaltas na h-Alba
gov.scot

The Scottish Government
Energy Consents Unit

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

Liddesdale Wind Farm
EDF Energy Renewables Ltd

30 October 2023

CONTENTS

1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to EDF Energy Renewables Ltd a company incorporated under the Companies Acts with company number 06456689 and having its registered office at Alexander House 1 Mandarin Road, Rainton Bridge Business Park, Houghton Le Spring, Sunderland, England, England, DH4 5RA ("the Company") in response to a request by WSP UK on behalf of the Company dated 26 June 2023 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Liddesdale Wind Farm ("the proposed development"). The request was accompanied by a scoping report.

1.2 The proposed development, would be located within Wauchope Forest and Newcastleton Forest, to the west of the Northumberland National Park.

1.3 The proposed development is anticipated to comprise up to 80 wind turbines with tip heights up to 250 metres, solar photovoltaic (PV) panels and battery energy storage

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

- Crane hardstandings and laydown area adjacent to each wind turbine;
- New and upgraded access tracks connecting infrastructure elements;
- Hardstanding areas e.g., crane pads and laydown areas;
- Borrow pits;
- Three anemometer masts;
- Two temporary construction compounds;
- Two control buildings and substations and associated electrical cabling.

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

1.6 The proposed development is solely within the planning authority of Scottish Borders Council, with Dumfries & Galloway Council and Cumberland Council as neighbouring Councils.

1.7 The proposed development is situated at the same location, with the same site layout and within the same site boundary as a previous wind farm proposal, Wauchope Newcastleton Wind Farm, submitted by a different company. A Scoping Opinion was adopted by ECU, on behalf of Scottish Ministers, on 18 March 2016 in relation to Wauchope Newcastleton Wind Farm (ECU Reference ECU00005268), however an application was not submitted.

Although Liddesdale Wind Farm will be considered as a separate proposal from Wauchope Newcastleton Wind Farm, it is acknowledged that they are essentially the same site, with a difference in number of turbines and turbine height.
The scoping opinion previously provided for Wauchope Newcastleton Wind Farm advised that any application submitted should be divided into three separate

applications following the consultation responses from several consultees, including Scottish Borders Council.

During the scoping consultation for Liddesdale Wind Farm several consultees, including Scottish Borders Council, have maintained their advice that any application should, in fact, be three separate applications. Scottish Ministers would strongly encourage the Company to take the advice from these consultees into account prior to submitting any application(s) for consent under section 36 of the Electricity Act 1989, taking into careful consideration the regulatory requirements of an EIA Report.

2. Consultation

2.1 Prior to the scoping opinion request a list of consultees was agreed between WSP UK (acting as the Company's agent) and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 27 June 2023. The consultation closed on 19 July 2023. Extensions to this deadline were granted to:-

- Scottish Borders Council
- Historic Environment Scotland (HES)
- Defence Infrastructure Organisation
- RSPB Scotland
- Scottish Rights of Way and Access Society (ScotWays)
- Newcastleton and District Community Council
- Upper Liddesdale and Hermitage Community Council
- Southdean Community Council
- Hobkirk Community Council
- Rochester with Byrness Parish Council
- Natural England
- Campaign for Borders Rail.

The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Directorate - Science Evidence Data and Digital (MD-SEDD) 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 MD-SEDD, are attached in ***ANNEX A Consultation responses*** and ***ANNEX B MD-SEDD Standing Advice.***

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

2.3 Unless stated to the contrary in this scoping opinion, Scottish Ministers expect the EIA report to include all matters raised in responses from the consultees and advisors.

2.4 The following organisations were consulted but did not provide a response:

- Airwaves Solutions
- Arqiva
- Bewcastle Parish Council
- British Horse Society
- Campaign for Borders Rail
- Canonbie and District Community Council
- Carlisle Airport
- Cumberland Council
- Dumfries and Galloway Council
- Galloway Fisheries Trust
- Hawick Community Council
- John Muir Trust
- Kielder Parish Council
- Langholm Ewes and Westerkirk Community Council
- Mountaineering Scotland
- Nicholforest Parish Council
- Raptor Study Group
- River Tweed Commission (District Salmon Fisheries Board)
- Scottish Rights of Way and Access Society (ScotWays)
- Scottish Wildlife Trust
- South Scotland Golden Eagle Project
- Tweed Foundation
- The Woodland Trust
- Visit Scotland

2.5 With regard to those consultees who did not respond, it is assumed that they have no comment to make on the scoping report, however each would be consulted again in the event that an application for section 36 consent is submitted subsequent to this EIA scoping opinion.

2.6 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

3.1 This scoping opinion has been adopted following consultation with Scottish Borders Council, within whose area the proposed development would be situated, NatureScot (previously “SNH”), Scottish Environment Protection Agency (SEPA) and Historic Environment Scotland (HES), all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 26 June 2023 in respect of the specific characteristics of the proposed development and 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.

3.3 A copy of this scoping opinion has been sent to Scottish Borders Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

3.4 Scottish Ministers expect the EIA report which will accompany the application for the proposed development to consider in full all consultation responses attached in **Annex A and Annex B**.

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

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

3.7 The proposed development set out in the Scoping Report refers to wind turbines and other technologies including battery storage and solar panels. Any application submitted under the Electricity Act 1989 requires to clearly set out the generation station(s) that consent is being sought for. For each generating station details of the proposal require to include but not limited to:

- the scale of the development (dimensions of the wind turbines, solar panels, battery storage, other technologies)
- components required for each generating station (type of technologies)
- minimum and maximum export capacity of megawatts and megawatt hours of electricity for battery storage

3.8 Scottish Water advised that there were no Scottish Water drinking water catchments, or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed development. Scottish Water also provided general advice which should be addressed in the EIA report, including any relevant mitigation measures required.

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

3.10 Marine Directorate – Science Evidence Data and Digital (MD-SEDD) provide generic scoping guidelines for onshore wind farm and overhead line development

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 or overhead line development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

3.11 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.

3.12 MD-SEDD also provide standing advice for onshore wind farm or overhead line development (which has been appended at Annex B) which outlines what information, relating to freshwater and diadromous fish and fisheries, is expected in the EIA report. Use of the checklist, provided in Annex 1 of the standing advice, 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 are required to submit the completed checklist in advance of their application submission.**

3.13 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 to provide 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 http://www.gov.scot/Publications/2017/04/8868, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures. Where a PLHRA is not required clear justification for not carrying out such a risk assessment is required.

3.14 The scoping report identified viewpoints in Table 5.2 to be assessed within the landscape and visual impact assessment. A number of consultees have requested additional viewpoints including Scottish Borders Council, Historic Environment Scotland, Hobkirk Community Council, Northumberland National Park Authority, Southdean Community Council and Upper Liddesdale and Hermitage Community Council.

3.15 The noise assessment should be carried out in line with relevant legislation and standards as detailed in section 10 of the scoping report. 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.

The Scottish Ministers are aware that the proposed Development falls within the statutory safeguarded area around Eskdalemuir Seismological Recording Station. Scientific research has established that wind turbines of current design generate noise emissions that cause seismic vibrations which can interfere with the effective operation of the array. In order to ensure the United Kingdom can continue to implement its

obligations in maintaining the Comprehensive Nuclear Test Ban Treaty, a noise budget has been allocated to regulate the development of wind turbines within a 50km radius of the array.

As advised by the Defence Infrastructure Organisation ("the DIO"), the budget has been set at 0.336nm rms and at present the reserved noise budget has been reached. Consequently, the DIO has stated there would be concerns if this proposal progresses to application based upon current information.

The Scottish Ministers request that the company keep up to date with the information provided by the Eskdalemuir Working Group (EWG) and contact the Defence infrastructure Organisation at the earliest opportunity to discuss any possible mitigation measures. Enquiries regarding the work being undertaken by EWG can be directed to temeeka.dawson@gov.scot.

3.16 As the maximum blade tip height of turbines exceeds 150m the LVIA as detailed in section 5 of the scoping report must include a robust Night Time Assessment with agreed viewpoints to consider the effects of aviation lighting and how the chosen lighting mitigates the effects.

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

3.18 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 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 be appraised as part of the overall impact of the working. Information should cover the requirements set out in '**PAN 50: Controlling the Environmental Effects of Surface Mineral Workings**'.

3.19 Ministers are aware that further engagement is required between parties regarding the refinement of the design of the proposed development regarding, among other things, surveys, management plans, peat, radio links, finalisation of viewpoints, cultural heritage, cumulative assessments and request that they are kept informed of relevant discussions.

4. Mitigation Measures

4.1 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.

5. Conclusion

5.1 This scoping opinion is based on information contained in the applicant's written request for a scoping opinion and information available at the date of this scoping opinion. The adoption of this scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the applicant information in connection with an EIA report submitted in connection with any application for section 36 consent for the proposed development.

5.2 This scoping opinion 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.

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

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

5.5 Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit at the pre-application stage and before proposals reach design freeze.

5.6 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.

5.7 It should be noted that to facilitate uploading to the Energy Consents portal, the EIA report and its associated documentation should be divided into appropriately named separate files of sizes no more than 10 megabytes (MB).

Nicola Ferguson

Energy Consents Unit
30 October 2023

ANNEX A

Consultation

List of consultees who provided a response.

- Scottish Borders Council A1-A10
- SEPA A11-A17
- NatureScot A18-A23
- Historic Environment Scotland A24-A30
- Scottish Forestry A31
- Transport Scotland A32-A34
- BT A35-A37
- Civil Aviation Authority (CAA) – Airspace A38-A43
- Campaign for Scottish Borders National Park A44-A46
- Crown Estate Scotland A47
- Defence Infrastructure Organisation A48-A51
- Edinburgh Airport A52
- Environment Agency A53
- Fisheries Management Scotland A54
- Glasgow Airport A55
- Glasgow Prestwick Airport A56
- Historic England A57-A60
- Hobkirk Community Council A61-A63
- Joint Radio Company A64-A67
- NATS Safeguarding A68-A79
- Natural England A80-A87
- Newcastle Airport A88
- Newcastleton and District Community Council A89-A97
- Northumberland County Council A98
- Northumberland National Park Authority A99-A102
- Office for Nuclear Regulation (for Health & Safety Executive) A103
- Rochester with Byrness Parish Council A104
- RSPB Scotland A105-A107
- Scotland's Garden & Landscape Heritage A108-A109
- Scottish Water A110-A112
- Southdean Community Council A113-A120
- Upper Liddesdale and Hermitage Community Council A121-A129

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland, Scottish Forestry and Marine Directorate - Science Evidence Data and Digital (in the form of standing advice) included in **Annex B**.

See Section 2.4 above for a list of organisations that were consulted but did not provide a response.

A1

John Curry
Director – Infrastructure & Environment

Nicola Ferguson
Case Officer
Energy Consents Unit

By email

Please ask for:	*Scott Shearer*
Our Ref:	*23/00941/SCO*
Your Ref:	*ECU00004833*
E-Mail:	*sshearer@scotborder.gov.uk*
Date:	*03.10.2023*

ELECTRICITY ACT 1989

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR LIDDESDALE WIND FARM

Thank you for seeking the observations of Scottish Borders Council (SBC) in response to the above Scoping Opinion request. The following advice constitutes the formal Scoping Response for Scottish Borders Council, in the event of a Section 36 Applications being submitted to the Scottish Government in relation to this proposed development.

Procedure and General Comments

SBC provided a Scoping response on 3rd March 2016 when this proposed development was first explored. In particular we raised concerns with regards to the separation of the development to three distant arrays. Since the 2016 Scoping exercise, the height of the turbines which are being explored have increased significantly from an anticipated tip height of 132m to up to 250m. The significant increase in the height of the development result in a more complex EIA.

Scottish Borders Council remains firmly of the opinion that if any applications are forthcoming, they should be provided on an individual basis for each site. This would mean that for each site, an individual Environmental Statement would need to be provided. Although it is acknowledged that any Environmental Impact Assessment may deal with overlapping matters and be undertaken by consultants who look at the three sites together, for the application process it would only be acceptable to provide analyses of the individual sites in terms of ensuring each is considered on its merits as a potential wind farm, while at the same time assessing what influences each project might have on the others.

It is accepted that for the applicant's purposes it may be necessary to provide material that gives an overview of cumulative issues with individual foci on the sites in turn; but this must not be allowed to form the first basis of any application. If the focus of the EIA is to confirm that the 3 sites are being proposed together as one development, it will not allow an appropriate appraisal of which components might be acceptable and which might not. For example, if one of the turbine groups may have merit from a planning point of view, but require adjustment that can only be achieved through focused negotiation and collaboration, to have that site as part of one overall application would mean that the entire application for all three sites would potentially be held up while collaborative work/talks take place, Further Environmental Information is prepared,

submitted, advertised and re-considered by consultees. If the project were to be split up into 3 applications it would allow any such periods of transition to occur without having the effect of halting progress in relation to all three sites. Without prejudice, it is plausible that SBC could be satisfied with, and not likely to object to one or more of the m3 turbine groups; however, if one is giving rise to substantial planning concerns that could only be potentially overcome through what may prove to be protracted negotiation, it would be logical to enable the others to continue to a conclusion, whether that be a straightforward 'no objection' or even a straightforward 'objection'.

Given the geographical and physical separation of each site from each of the others, it will be essential that the cumulative environmental effects of each site on the others are appraised and described in adequate detail within the ES. This could only realistically be feasible if the primary focus of any of the three applications is on the individual site.

A further example of how the approach proposed by the applicants may be prejudicial to enabling full and proper consideration of the wind farm proposals is in the approach for selecting viewpoints relating to the Landscape and Visual Assessment (LVIA) and potentially for the equivalent Cultural Heritage LVIA. SBC considers that a range of viewpoints relating primarily to each turbine site/area is essential to enable a thorough understanding of the potential effects. Utilising one set of viewpoints for the overall 3-site proposal would not provide an appropriate focus and would not fully tease out the different scenarios of one, two or three of the developments (plus other development considered as part of the cumulative picture) being introduced. It would also not provide an adequate platform upon which to base appraisals of each development area to enable elements of development to be changed, if required.

We have considered the justification presented at para 1.2.3 of the Scoping Report to consider the three arrays as one site, however SBC remain strongly of the opinion that the three arrays constitute one site and would be highly concerned if the applicants are permitted to proceed on the basis of one application with the 3 areas considered as one proposal. This approach would hinder, and prejudice the ability of all interested parties (including consultees) to undertake a full and reasoned assessment of each site in turn. A very basic justification of this opinion is still that the distance between each area – from 3.5km Wauchope West to Wauchope East; and from 10-13km Wauchope sites to Newcastleton Forest.

Planning and Energy Policy Context

National Planning Framework 4

NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals. It also presents a long-term spatial strategy to 2045, which reflects the spatial aspects of a range of Scottish Government policies including achieving net zero. The long term spatial strategy to 2045 for Scotland is set out in Part 1 of NPF4. Central to the national spatial strategy is the need to reduce greenhouse gas emissions and adapt to future implications of climate change. Six overarching spatial principles are set to influence all plans and planning decisions and by applying these spatial planning principles it will support the delivery of the following three key themes;

- sustainable places
- liveable places
- productive places

NPF4 designates 18 National Developments to support this strategy. As part of supporting the delivery of sustainable places, any on or off shore wind farm which would generate in excess of 50 megawatts of electricity is designated a national development. The volume of electricity generated

at Liddesdale Wind Farm would exceed this threshold. Under NPF4 this proposal is designated as a national development.

Part 2 of NPF4 sets out the national planning policy framework to deliver policy aspirations under the three themes of; sustainable places, liveable places and productive places. The following policies are considered to be particularly relevant for this proposal should be assessed against these policy considerations;

Policy 1: Tacking the Climate and Nature Crises states *"When considering all development proposals significant weight will be given to the global climate and nature crises."*

Policy 3: Biodiversity, in particular criteria b) which requires all national and major or developments requiring Environmental Impact Assessment to demonstrate that they will conserve, restore and enhance biodiversity.

Policy 4: Consideration against criteria d) the development should not adversely affect the integrity of the SLA and River Tweed SAC/SSSI.

Policy 5: Solis, assessment of the developments impact soils is required including site specific assessment.

Policy 6: Forestry, woodland and trees in particular criteria d) which requires that where the impacts of the development on the existing woodland will only be supported where there is a suitable enhancement and improvement.

Policy 7: Historic Assets and Places. The development should seek to protect and enhance historic environment assets

Policy 11: Energy, is of particular relevance for this proposal. This policy seeks to encourage, promote and facilitate the expansion of a range of renewable energy developments. Criterion e) of Policy 11 requires that it is the responsibility of project design and mitigation to demonstrate how a wide range of impacts as a result of the proposed development will be addressed.

Policy 14 Design quality and place, it is appropriate to ensure that the proposal is designed to improve the quality of the rural environment, regardless of its scale, is consistent with the 6 qualities of successful places and is not detrimental to the amenity of the area.

Policy 18 Infrastructure first, to ensure that suitable infrastructure is at the heard of placemaking.

Policy 22 Flood risk and water management, to ensure the development is flood resilient and does not compromise water resources.

Policy 29 Rural development, promotes development which contribute to the vitality , sustainability and diversity of the rural area however proposals should also ensure they are suitably scaled, sited and designed so that they are in keeping with the character of the area

Local Development Plan

Local Development Plan

The main Local Development Plan policy to be considered is Policy ED9: Renewable Energy Development, which states that, 'The Council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology, and solar power, where they can be accommodated without unacceptable significant adverse impact considerations'.

Renewable energy developments, including wind energy proposals, will be approved provided that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated. Policy ED9 also states that, 'If there are judged to be relevant significant adverse or effects that cannot be satisfactorily mitigated, the development will only be approved if the Council is satisfied that the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it'.

The Ironside Farrar (IF) Landscape Capacity and Cumulative Impact Study (LCCS) is a material planning consideration in the assessment of wind turbine proposals within the Scottish Borders. The role of the Ironside Farrar study is recognised within Policy ED9. It should be noted that the updated 2016 Study has informed the Council's Supplementary Guidance (SG) on Renewable Energy, which forms part of the Local Development Plan. Any application at Monashee will need to be supported by an EIA that references and assesses the scheme against current SG and updated IF Study.

It should be noted that the Council are progressing Local Development Plan 2. We are now in receipt of the The Reporter's Examination of the LDP2 and this or recommendation to accept the recommendations was accepted at full Council on 29th September 2023. Once accepted by the Scottish Government, LDP2 will form part of our statutory development plan and it will be crucial for any proposed development to be considered against the requirements of LDP2. Further details of LDP2 can be found via the following link;

https://www.scotborders.gov.uk/info/20051/plans_and_guidance/121/local_development_plan/2

A comprehensive assessment of the proposed development against all relevant planning and energy policy will be required to accompany the application. The assessment can be addressed within a Planning Statement.

LVIA

The following observations have been provided by our Landscape Architect;

"Section 5 – Landscape and Visual Impact Assessment of scoping report has largely identified the key guidance and issues that need to be addressed and the receptors etc that need to be considered when carrying out the Landscape and Visual Assessment of the proposed development. I have a few comments to make as following:-

At 5.3.9 - the report recognises that while located within an Upland landscape the windfarm is bordered by smaller scale, upland fringe valleys where the dispersed residential properties and pockets of smaller settlements are located and I suggest it is these more intimate landscapes and communities together with other sensitive receptors that will experience the greatest effects from the proposal and need to be considered at every stage of the design process to ensure mitigation has been properly considered and designed into the scheme. This is a requirement and premise of successful windfarm design in policy 11 of NPF4.

5.4.3 - Landscape Receptor data Sources includes Scottish Landscape Character Assessment - Map and Descriptions (NatureScot) 2019

5.4.7 – Scottish Borders Gardens and Designed Landscape study should be considered, including the schedule of Identified Sites and map Gardens and designed landscapes | Scottish Borders Council (scotborders.gov.uk)

5.5.6 - a reduced LVIA study area of 30km from the Proposed development is acceptable.

5.5.8 – a reduced Cumulative LVIA study area of 30km is also acceptable.

5.5.13 – Table 5-2 Provisional LVIA Viewpoint List is acceptable but, given the dispersed nature of the development does not capture the full range of locations where sensitive receptors may experience significant effects. I suggest the following additional viewpoints should be considered to ensure an adequate assessment of potential effects:-
1) Chesters settlement – either A6088 or from minor road to the east of the crossroads (see VP 11 of Millmoor Rig WF) This viewpoint should also be considered for an additional night time VP
2) Bonchester Hill – recognised elevated and panoramic viewpoint.
3) Elevated location within Scottish Borders on Minor road between Langholm and Newcastleton, also potential night time VP
4) B6357 – at Cheviot (Lower or Upper) vantage point (see VP 6 of Millmoor Rig WF) - also potential night time VP
5) Location on or near Steele Road (end) or A6357, south of VP7, also potential night time VP
Other potential night time VPs include VPs 5,10, 18

5.6.20 – Given the height of the turbines, it seems appropriate that all residential properties within 3km of the site should be included in a Residential Visual Amenity Assessment (RVAA)

The dispersed layout means that there will effects will be experienced over a much greater extent than a more compact windfarm."

Cultural Heritage

The Councils observations previously expressed by SBC archaeologist in response to the previous Scoping Response are still considered to be relevant and are noted below;

The following is based substantially on the advice received from the SBC Archaeology Officer. It has been adapted only to ensure it is delivered in an appropriate form: It is confirmed that there are potentially significant implications for the proposal that will require a full assessment as part of an EIA. There are areas of archaeological potential within the proposed wind farm boundary where direct impacts are possible and will require mitigation. However, the primary, and potentially most significant, impacts will be indirect to the settings of designated and undesignated heritage assets in the wider area around the proposal. The scoping request specifies a cultural heritage impact assessment will take place as part of the EIA that will analyse potential direct and indirect impacts.

Policies:

Archaeological constraints on development are governed by national and local policies and reference to these should be made in any Environmental Assessment. The Scottish Government's policies governing planning and the historic environment include Planning Advice Note (PAN) 2 (2011), Scottish Historic Environment Policy (SHEP) and Scottish Planning Policy (SPP). These sit alongside the Managing Change in the Historic Environment Guidance Notes series published by Historic Scotland. Scottish Borders Council's policies on archaeology constraints and mitigation are dealt with through Local Plan policy EP8.

Potential Impacts:

The Scoping Report provides a baseline assessment of Cultural Heritage. This assessment does not adequately address the range of potential impacts and should not be used as the baseline for the EIA. A much more rigorous understanding of the known resource, designated an undesignated, is required as the baseline and this will require professional archaeological desk based assessment backed by detailed field survey of proposed infrastructure. While the Environmental Issues Checklist does highlight the potential impacts to the Historic Environment, there is concern that both this and the Scoping Report section on the Historic Environment have been written without a full understanding of the most likely heritage issues, or indeed the policy

environment that governs the assessment of these. In particular the issue of setting impacts to designated and undesignated archaeological assets is absent from the Issues Table and not explicit in the main body of the Scoping Report. Furthermore, the baseline assessment has only examined designated assets without due regard to the majority of assets that are undesignated. This is implied in the Issues Table but is again not explicit. The Historic Environment maps are substantially incomplete and do not include undesignated heritage. At this stage the proposed baseline or scope of the Historic Environment Assessment is not recommended.

The Baseline provided in the Historic Environment section (5.2) of the scoping report lists several of the 'most significant assets that may be affected', though no rationale is given for why this is the case. It is agreed that the assets listed have the potential for significant impacts to their settings. However, on an initial assessment of our HER it is noted that there are a number of further Scheduled and undesignated assets within the ZTV at under 5km-10km of the proposal boundary (on the Scottish Borders side, consideration should be given to assets in England as well) where significant effect may occur. These include, but are not limited to:

- Wheel Village
- Dykehead Homestead Moat
- The Wheel Causeway and Westshiels Spur
- Dykeraw Tower
- Southdean Law fort
- Slacks Tower
- Steelknowe settlement
- Martinlee Sike settlement
- Shaw Craigs settlement
- Highlee Hill settlement (undesignated)

Key iconic heritage receptors have also not been included including Rubers Law and Hermitage Castle, though this site was identified as an issue elsewhere in the Scoping Report.

Recommended Assessment:

The Historic Environment section of the EIA study is best conducted by a trained archaeologist working to the standards and guidance of the Chartered Institute for Archaeologists (CIfA). The recommended method for this to first produce a thorough desk-based assessment of data from the Council's HER, the National Monument Record for Scotland, the Scheduled Ancient Monument Inventory, aerial photos, historic maps and any relevant datasets that could aid our understanding of the archaeological potential for the site and the surrounding landscape. The desk based assessment will allow for a full understanding of known issues and should be used to inform a field survey of all proposed wind farm infrastructure. The will be included in the EIA and inform a gazetteer of sites including photographs where appropriate. The compilation of these sources will form the baseline data for later assessments and mitigation proposals. The desk-based assessment should examine the potential for direct and indirect impacts on heritage assets both within the proposed development site and in the surrounding area to an extent of at least 10 kilometres (though there may be assets beyond this). The subsequent report should include:

- an interpretive assessment, by prehistoric and historic period, on the existing archaeological and structural heritage assets within the development boundary
- an assessment on the potential for encountering previously unknown heritage assets
- interpretive statements on relative importance of heritage assets within the site boundary at the local, regional and national levels
- The assessment of setting impacts to Scheduled and, where appropriate, undesignated assets.

- A list of visualisations where the ZTV indicates impacts should be agreed with the Council and Historic Environment Scotland prior to any assessment. These will include cumulative effect wirelines from all potentially effected assets, and cumulative effect photomontages from key assets. The visualisations will show numbered turbines and label any intervisible Scheduled assets within the view. Photographs should be taken from a location where an asset is best understood, appreciated and experienced. This may not be from within the asset itself.
- an assessment of potential effects on historic or cultural landscapes.
- A full assessment of all potential cumulative impacts with existing and proposed wind energy schemes in the likely area of greatest impact

The Historic Environment chapter should suggest mitigation strategies for the prevention or limitation of adverse impacts to archaeological sites, cultural landscapes and their settings. In addition to the cultural heritage chapter in the EIA, the following should be supplied to allow the Archaeology Service of the Planning Authority to assess the findings:

- a GIS shapefile corresponding to the final gazetteer sites in the development boundary following the field survey
- photos and plans of heritage assets (if produced) within the development boundary fo inclusion in the HER

These must be supplied in digital formats.

Other assessments that may be used to inform the EIA statement can include

- a geophysical survey of known or suspects heritage asset
- an earthwork, or topographic, survey of known or suspected heritage assets that might be directly impacted by development
- a LIDAR scan or infrared/multispectral image of the development area which may be useful in identifying heritage assets as well as inform other environmental issues in the EIA

Mitigation:

Where possible, archaeology should be avoided altogether and preserved in situ. A marked buffer around known archaeological sites, and agreed to by the applicant and the Archaeology Officer, would accomplish this. Where it is not possible to preserve the archaeology in situ, a less favourable mitigation is 'preservation by record'; that is to excavate record and publish archaeological features. Where there is evidence that previously unknown archaeology will be uncovered during the course of ground disturbance, the preferred mitigation strategy is either a Watching Brief during which an archaeologist will monitor ground disturbance, record archaeology should it be discovered and possibly request the expansion of excavation in order to fully assess buried features or finds; geophysical survey and/or an evaluation by trial excavation in which archaeologists extend trenches across the development area to assess the absence, presence and quality of buried archaeology.

There may also be potential for off-setting impacts to setting through the increasing of appreciation, experience and understanding of key assets.

Ornithology and Ecology

Observations of Ecology Officer;

"I am largely satisfied with proposed scope of the assessment.

Ornithology

I am not convinced that the proposed scope for ornithology and in particular potential impacts on the Kielderhead Moors: Cater Fell to Peel Fell SSSI is sufficient. 7.2.5 of the Ornithology section sates that as the designated sites "are open moorland and therefore have qualifying features with open/upland habitats" there is no connectivity between the application site and the designated sites. The SSSI citation for Cater Fell to Peel Fell includes one schedule 1 raptor which utilises the woodland edge. The application site boundary runs along the woodland edge. Additionally, the wind turbines (movement of the blades) could also cause visual disturbances to birds within the SSSI which could result in changes to how they used the site. Although the above mentioned raptor may have already been included in the scope based on existing flight and breeding data, I am of the opinion that there will likely be connectivity between the application site and the Cater Fell to Peel Fell SSSI and the site itself should therefore to be scoped in.

Habitat management

A S36 application should include and outline Habitat Enhancement and Management Plan which details how any woodland loss and loss of peatland and peat soils will be will be minimised and compensated. Proposals for habitat enhancements appropriate to the scale of the development should also be included."

Geology, Hydrology and Hydrogeology

The following observations are provided by our Environmental Health Officer in relation to private water supplies only;

"The report recognises that the potential impact on private water supplies is a matter which requires consideration. It proposes to identify and assess properties which may utilise a private water supply within 2km of the proposed development. This approach is considered appropriate.

The report identifies that the Council holds data on private water supplies and this is to be used in the assessment. This information is available and we have received a recent request from WSP, however WSP should be aware that we may not have accurate information pertaining to the actual sources and the information provided may only confirm the properties which are likely to have their sources close by and potentially within the search area. It is suggested that the property owners are contacted directly to confirm the exact locations of their PWS sources. There may also be other properties within the areas that we do not have recorded on our register but which may be served by PWS, and therefore should be considered accordingly."

Noise and Vibration

The following observations are provided by our Environmental Health Officer;

"The report identifies the need to consider construction noise and vibration, and operational noise.

The operational noise assessment will be carried out in accordance with 'ETSU-R97: The Assessment and Rating of Noise from Wind Farms' and the Institute of Acoustic's 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise'. It will also consider cumulative effects associated with other wind turbine developments, including those which are operational, consented or subject to an application. We agree with this approach.

It is recommended the scope of the assessment is agreed with the Council prior to its commencement."

Telecommunications, Aviation and other considerations and Shadow Flicker

The following observations are provided by our Environmental Health Officer;

"Where turbines are located within 1.75km of a residential property (10 x rotor diameter of 170m plus 50m micro siting) the report proposes a shadow flicker assessment will be carried out. There is general acceptance which suggests shadow flicker should not be an issue at a distance greater than 10 x rotor diameters, however there is also evidence to suggest that shadow flicker can be experienced at a greater distance and that modelling of those properties within 10 x rotor diameter may not capture all homes where people experience effects. The Council's Supplementary Guidance on Renewable Energy (July 2018) therefore suggests assessments take account of all properties within 2km of a turbine."

Traffic and Transport

The Councils Roads Planning Service expect the EIA to address the following points;

- Identification of all proposed transport routes, both for abnormal loads and construction traffic.
- Details of anticipated traffic movements associated with the construction process.
- Swept path analysis for abnormal load route
- Mitigation measures proposed to lessen the impact of traffic movements during the construction period on the public road network.
- Ensure all turbines are a minimum of 1.5 times the tip height away from the nearest public road.
- Details of ay new access onto the public road network and of and upgrades to existing access to the network.

Core Paths, Public Rights of Way and Promoted Paths

According to the records held by Scottish Borders Council, there is one core paths within this area of land There are other core paths, rights of way and promoted paths in the local area from which the development will be clearly visible. Mapping of the wider path network across the Scottish Borders can be found at: www.scotborders.gov.uk/mapadvanced

Please note that SBC does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, community councils and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

Path Planning Study

A Path Planning Study should be commissioned within the title deed extent of the landowner affected. A detailed plan of public access (pedestrian, cycle, horse, all ability routes), across and out with the site, (existing, during construction and upon completion) should be provided by the developer for the consideration of the Planning Authority. This should show:

1. All existing paths and tracks used by the public;
2. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
3. All paths and tracks proposed for construction or used for site traffic, for use by walkers, cyclists, horse, all-abilities users, etc.
4. Any diversions of paths - temporary or permanent - proposed for the purposes of the development;
5. Improvements which the developer will implement in terms of:
    a. Provision of high-quality public access routes within the proposed development site
    b. Provision of high-quality public access routes linking the site with the wider access network of paths and tracks;

c. Provision of additional path furniture required in terms of signage and interpretation.

6. Any existing public car park provision and potential car parking at suitable entrances to the wind farm to facilitate recreational use.

Proximity to recreational routes

Wind turbines should be set back at a reasonable distance from rights of way and other potential recreational routes. In their 'Scottish Wind Farm Advice Note', the British Horse Society Scotland recommend a separation distance of four times the overall height should be the target for core paths and National Trails, as these are likely to be used by equestrians unfamiliar with turbines, and a distance of three times overall height from all other routes, including roads to maintain safe access for horses and riders.

Managing Public Access

With regards to managing access during and after construction, Developers should follow the guidance set out in the document 'Good Practice during Wind Farm Construction – Part 8 Recreation and Access'.
See: www.nature.scot/guidance-good-practice-during-wind-farm-construction

Further advice on the Land Reform (Scotland) Act 2003 and the Scottish Outdoor Access Code is available from www.outdooraccess-scotland.com or by contacting one of our Outdoor Access Team (Tel: 01835 825060 email: outdooraccess@scotborders.gov.uk)

Conclusion

I trust that this is of assistance and please do not hesitate to contact me in relation to any of the above observations.

Yours Sincerely,

Scott Shearer
Principal Planning Officer (Local Review and Major Development

A11

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Nicola Ferguson
Energy Consents Unit
The Scottish Government

By email only to: Econsents_Admin@gov.scot

Our Ref: 9627
Your Ref: ECU00004833

SEPA Email Contact:
planning.south@sepa.org.uk

11 July 2023

Dear Nicola

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Scoping Opinion for Proposed Section 36 Application For Liddesdale Wind Farm, Wauchope Forest and Newcastleton Forest, Scottish Borders

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development on 27 June 2023. We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter.

Advice for the determining authority

To **avoid delay and potential objection** the EIA must contain a scaled plan of sensitivities, for example peat, GWDTE, proximity to watercourses, overlain with proposed development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, and then reduce then mitigate significant impacts on the environment. The issues covered in Appendix 1 below must be addressed to our satisfaction in the EIA process. This provides details on our information requirements and the form which they must be submitted.

1. Site specific comments

1.1 National Planning Framework 4 (NPF4) has recently been published. The guidance referenced in this response is being reviewed and updated to reflect the new policies. It will still provide useful and relevant information but some parts may be updated further in the future. Please refer to our website for the most up to date information requirements.

1.2 We note the development is to comprise up to 80 wind turbines with a 400MW grid connection, together with associated infrastructure. Given the scale of the project we would welcome further pre-application engagement particularly once initial peat probing and habitat survey work has been completed and the layout developed further as a result.

1.3 We support the completion of Phase 1 Habitat and National Vegetation Classification surveys but note there is no details regarding the peat surveys planned to inform the development design. This should follow the requirements of Peatland Survey – Guidance on Developments on Peatland (2017). Peat condition assessment is also required to identify peatland in near natural condition and can help identify areas where peatland restoration could be carried out.

Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

Chairman
Bob Downes

CEO
Nicole Paterson

Tel: 03000 99 66 99
www.sepa.org.uk

1.4 Overall, the EIA process must be used to inform the layout of the development to firstly avoid and then reduce then mitigate significant impacts on the environment. We therefore welcome the commitments made in Section 10.6.1 to avoid deep peat, apply a 50m buffer zone to watercourses and 100m and 250m buffers around PWS and GWDTE. Please note in relation to peat it is our expectation that the development avoid peatland in near natural condition and peat > 1m depth.

1.5 While there is limited site specific advice we can offer at this stage on development design until survey work becomes available and the layout further developed, we note from Figure 1.3.3 there may be numerous opportunities to utilise existing access tracks as part of the project. We request existing tracks are reused and / or upgraded wherever possible to minimise the extent of new works on previously undisturbed ground.

2. Regulatory advice for the applicant

2.1 Details of regulatory requirements and good practice advice can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: ELC@sepa.org.uk.

If you have queries relating to this letter, please contact us at planning.south@sepa.org.uk including our reference number in the email subject.

Kind regards,

Simon Watt
Senior Planning Officer
Planning Service

Ecopy to: Nicola.Ferguson@gov.scot

Appendix 1: Detailed scoping requirements

This appendix sets out our minimum information requirements and we would welcome receipt and discussion around these prior to formal submission to avoid delays. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site to **avoid delay and potential objection.** If there is a significant length of time between scoping and application submission the developer should check whether our advice has changed.

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 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 where 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 should be designed to minimise watercourse crossings and avoid other direct impacts on water features. The submission must include 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. Measures should be put in place to protect any downstream sensitive receptors.

2.2 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.

2.3 Refer to our Flood Risk Standing Advice for advice on flood risk. Crossings must be designed to accommodate the 0.5% Annual Exceedance Probability flows (with an appropriate allowance for climate change), or information provided to justify smaller structures. If it is considered the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment (FRA) must be submitted. Our Technical flood risk guidance for stakeholders outlines the information we require to be submitted in an FRA. 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 Where proposals are on peatland or carbon rich soils the following should be submitted to address the requirements of NPF4 Policy 5:

a) layout plans showing all permanent and temporary infrastructure, with extent of excavation required, which clearly demonstrates how the mitigation hierarchy outlined in NPF4 has been applied. These plans should be overlaid on:
   i. peat depth survey (showing peat probe locations, colour coded using distinct colours for each depth category and annotated at a usable scale)
   ii. peat depth survey showing interpolated peat depths
   iii. peatland condition mapping
   iv. National Vegetation Classification survey (NVC) habitat mapping.
b) an outline Peat Management Plan (PMP).
c) an outline Habitat Management Plan (HMP)

3.2 We have included more detailed advice on these requirements below.

a) Development design in line with the mitigation hierarchy

3.3 In order to protect peatland and limit carbon emissions from carbon rich soils, the submission should demonstrate that proposals:

- Avoid peatland in near natural condition, as this has the lowest greenhouse gas emissions of all peatland condition categories;
- Minimise the total area and volume of peat disturbance. Clearly demonstrate how the infrastructure layout design has targeted areas where carbon rich soils are absent or the shallowest peat reasonably practicable. Avoid peat > 1m depth;
- Minimise impact on local hydrology; and
- Include adequate peat probing information to inform the site layout and demonstrate that the above has been achieved. As a minimum this should follow the requirements of the Peatland Survey – Guidance on Developments on Peatland (2017).

3.4 The Peatland Condition Assessment photographic guide lists the criteria for each condition category and illustrates how to identify each condition category. This should be used to identify peatland in near natural condition and can be helpful in identifying areas where peatland restoration could be carried out.

3.5 In line with the requirements of Policy 5d of NPF4, the development proposal should include plans to restore and/or enhance the site into a functioning peatland system capable of achieving carbon sequestration.

b) The outline PMP

3.6 In addition to the above the PMP should also include:

- Information on peatland condition.
- Information demonstrating avoidance and minimisation of peat disturbance.
- Excavation volumes of acrotelmic, catotelmic and amorphous peat. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes.
- Proposals for temporary storage and handling.
- Reuse volumes in different elements of site reinstatement and restoration.

3.7 Handling and temporary storage of peat should be minimised. Catotelmic peat should be kept wet, covered by vegetated turves and re-used in its final location immediately after excavation. It is not suitable for use in verge reinstatement, re-profiling/ landscaping, spreading, mixing with mineral soils or use in bunds.

3.8 Disposal of peat is not acceptable. It should be clearly demonstrated that all peat disturbed by the development can be used in site reinstatement (making good areas which have been disturbed by the development) or peatland restoration (using disturbed peat for habitat restoration or improvement works in areas not directly impacted by the development, which may need to include locations outwith the development boundary).

3.9 The faces of cut batters, especially in peat over 1m, should be sealed to reduce water loss of the surrounding peat habitats, which will lead to indirect loss of habitat and release of greenhouse gases. This may be achieved by compression of the peat to create an impermeable subsurface barrier, or where slope angle is sufficiently low, by revegetation of the cut surface.

c) The outline HMP

3.10 The Outline HMP should include:

- Proposals for reuse of disturbed peat in habitat restoration, if relevant.
- Details of restoration to compensate for the area of peatland habitat directly and indirectly impacted by the development.
- Outline proposals for peatland enhancement in other areas of the site.
- Monitoring proposals.

3.11 To support the principle of peat reuse in restoration the applicant should demonstrate that they have identified locations where the addition of excavated peat will enhance the wider site into a functional peatland system capable of achieving carbon sequestration. The following information is required:

- Location plan of the proposed peatland re-use restoration area(s), clearly showing the size of individual areas and the total area to be restored.
- Photographs, aerial imagery, or surveys to demonstrate that the area identified is appropriate for peat re-use and can support carbon sequestration. This should include consideration of an appropriate hydrological setting and baseline peatland condition.

3.12 In addition, if any proposed re-use restoration areas are outwith the ownership of the applicant, information should be provided to demonstrate agreement in principle with the landowner, including agreed timescales for commencement of the works, and proposed management measures to ensure the restored areas can be safeguarded in perpetuity as a peatland.

3.13 NatureScot's technical compendium of peatland restoration techniques provides a useful overview of the procedural and technical requirements for peatland restoration.

4. Disruption to GWDTE and existing groundwater abstractions

4.1 Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas. A National Vegetation Classification survey which includes the following information should be submitted:

a) A map demonstrating all GWDTE and 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. The survey needs to extend beyond the site boundary where the distances require it.
b) If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. 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. Forest removal and forest waste

5.1 If forestry is present on the site, we prefer a site layout which avoids large scale felling as this can result in large amounts of waste material and a peak in release of nutrients which can affect local water quality. The submission must include a map with the boundaries of where felling will take place and a description of what is proposed for this timber in accordance with Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS.

6. Borrow pits

6.1 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 250m. 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.
c) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.

7. Pollution prevention and environmental management

7.1 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 Ecological Clerk of Works, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to the Guidance for Pollution Prevention (GPPs) and our water run-off from construction sites webpage for more information.

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 state 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.

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

The Scottish Government Energy Consents Unit
Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Econsents_Admin@gov.scot

Our ref: CNS/REN/WF/SB/LID
Your ref: ECU00004833

20 July 2023

Dear Sir

ELECTRICITY ACT 1989 SECTION 36
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
SCOPING OPINION REQUEST FOR LIDDESDALE WIND FARM, SCOTTISH BORDERS

Thank you for consulting us on the scope of the environmental impact assessment (EIA) in relation to our interests for the proposed Liddesdale Wind Farm, in Wauchope Forest and Newcastleton Forest.

Please note we would like to receive a paper copy of the landscape and visual impact assessment figures and zone of theoretical visibility (ZTV) maps of the EIA Report when consulted on the application. We will provide an address for these to be sent to at that time.

Our advice is based on the Liddesdale Wind Farm EIA Scoping Report, dated June 2023, prepared by WSP UK Limited for EDF Renewables.

The Proposal

This development, located within Wauchope Forest and Newcastleton Forest in the south of the Scottish Borders, would comprise up to 80 wind turbines with a height of up to 250m to blade tip, solar panels, battery energy storage and associated infrastructure, for an unspecified operational period.

Turbines within Wauchope Forest would be located in separate clusters either side of the B6357, with around 3km between the nearest turbines of each cluster. A third cluster of turbines are proposed within Newcastleton Forest, located around 6km south of Wauchope Forest, with around 10km between these and the nearest turbines of the Wauchope West cluster.

Planning History

The Scoping Opinion for the previous wind farm proposal on this site, Wauchope Newcastleton Wind Farm, issued by Scottish Ministers in March 2016 (reference EC00005268) is included at Appendix B of the Scoping Report. Although the site boundary of the Liddesdale proposal is

slightly reduced, removing the likelihood of impacts on specific Sites of Special Scientific Interest (SSSIs) the issues presented are essentially the same.

NatureScot Advice

The Scoping Report appears comprehensive in its approach to EIA.

Please refer the applicant to our scoping and pre-application guidance for onshore wind farms. This guidance aims to assist developers and consultants involved in preparing wind farm applications and EIA reports. It presents our general pre-application and scoping advice, contains links to more detailed guidance, and outlines the type of survey and assessment work that developers may need to undertake to support their application.

Where the guidance is not followed in the EIA process we would expect explanations to be given in the EIA Report accompanying the application.

We advise that the environmental impacts of each cluster (Wauchope Forest East, Wauchope Forest West and Newcastleton Forest) are assessed separately, in pairs and cumulatively as one. This should apply to all assessments on natural heritage interests.

Landscape and Visual Impacts

Landscape and visual impacts of the proposed development are a key concern, including cumulative impacts with other wind farms in the wider area, and impacts from the visible aviation lighting that will be required due to turbine height.

Key considerations for the successful accommodation of this large and complex proposal into the landscape will be the design and layout of each cluster, including their visual relationship with each other, with adjacent wind farms and with other wind farms nearby. Any proposed phasing of construction operations for each cluster may also be an important factor to consider.

The advice we gave in our scoping response to the previous proposal remains relevant, and is repeated here for ease of reference:

> The scope of the landscape and visual assessment, as outlined in the scoping report, is broadly appropriate for this site. As with other aspects of the environmental assessment, and in order to avoid lack of clarity or over large visualisation images, we would advise that the LVIA should (in separate volumes) consider each development cluster individually and then cumulatively with each other.
>
> With regard to the three clusters of turbines proposed we would advise that these should be clearly and separately identified in supporting visualisations. This would likely best be achieved through differential colouring of turbine clusters on wirelines, with numbering of individual turbines running concurrently between schemes (e.g. 0-90).
>
> Given the separation between clusters and the potential for this overall development to establish a new pattern of wind farm development in this area, we would recommend that close attention is paid to SNH's guidance on "Siting and Designing Wind Farms in the Landscape" (2014) (Note – reference should be made to version 3a published in 2017, where the paragraph referenced below is unchanged). Section 4 of the document sets out useful guidance for "Designing in landscapes with multiple wind farms" with paragraph 4.4 of particular relevance to the current scoping proposal:-
>
> > *When designing an individual wind farm key design objectives should be developed as discussed in section 3. Where cumulative impacts are likely to occur within an area it is important to establish design objectives that can be*

consistently applied to all proposed developments. This should result in a similarity of design and wind farm image within an area that limits visual confusion, and reinforces the appropriateness of each development for its location. Cumulative design objectives should relate to ancillary infrastructure as well as wind turbines.

With regard to these issues we would advocate that a standalone design statement is provided to support the application and the communication of the landscape and visual assessment findings and the embedded mitigation strategy, as highlighted in ~~paragraph 6.5.20 of~~ the scoping report. As per the content of Scottish Government "PAN 68: Design Statements" the design statement should also be produced with the objective of enabling the applicant to explain the design rationale for the proposal and why the selected design solution is the most suitable in the circumstances. We support the broad scope of the cumulative assessment set out in the scoping report and consider the routes for sequential assessment are appropriate at this stage in our understanding of the project details. Given the relatively changeable nature of the cumulative baseline information we advise the applicant to remain in dialogue with regard to the methodology for the cumulative assessment.

We agree that a Wild Land Assessment for Talla – Hart Fell Wild Land Area is not required.

River Tweed Special Area of Conservation (SAC)

This SAC is designated for the qualifying interests Atlantic salmon, otter, three species of lamprey and as a water course typically supporting water crowfoot (*Ranunculus*) species.

The Wauchope clusters of this wind farm development will have connectivity with the River Tweed SAC due to drainage and water flow from the site entering the SAC directly and indirectly. Potential impacts on its qualifying interests will need to be considered. For Wauchope West, watercourses within the site flow into Wauchope Burn, Lurgies Burn and Slitrig Water, part of this designated site; for both Wauchope West and Wauchope East the Catlee Burn and its tributaries are important; and for Wauchope East, Black Burn and its tributaries are important.

We advise consideration is given to the potential effects of construction, operation and decommissioning of the proposed development in relation to the qualifying features of the SAC. The qualifying interests are sensitive to disturbance to the river habitat, including silt and sediment entering the watercourse and smothering gravel beds, suspended solids in the water column, pollution events, and changes in water quality and in water chemistry. Further information on this is given in the SNH publication '*Guidance for Competent Authorities when dealing with proposals affecting SAC freshwater sites*'.

Potential impacts can be addressed by good wind farm design, including embedded mitigation, by commitment to the employment of good construction and pollution prevention methods, the preparation and implementation of a Construction Environmental Management Plan (CEMP) or similar and having an Ecological Clerk of Works (ECoW) on site at appropriate stages of the development. Reference should be made to our guidance '*Good practice during windfarm construction*', available on our website.

A Habitats Regulation Appraisal (HRA) will be required. We advise that sufficient information is provided in the EIA Report to enable the competent authority to carry out an appraisal of the likely impact of the proposed development on the qualifying interests of the River Tweed SAC.

Borders Woods SAC; Cragbank and Wolfehopelee Site of Special Scientific Interest (SSSI)

This SAC and SSSI is internationally and nationally important for its woodland habitat interests.

It is possible that construction and decommissioning activities associated with taking access to the development sites in Wauchope East and West clusters could be connected to this designated site, depending on what activities take place close to the SAC/SSSI, especially around Hell's Hole and Hyndlee. Of particular concern would be the potential for aerial pollutants arising from construction activities to affect sensitive lichen species, especially dust.

If connectivity is likely, an HRA may be required and we advise that sufficient information is provided in the EIA Report to enable the competent authority to carry out an appraisal of the likely impact of the proposed development on the qualifying interests of the SAC. This should include details of mitigation measures that could be used to avoid an adverse impact on the qualifying interests. Should there be no likelihood of connectivity, then an HRA will not be required.

Langholm – Newcastleton Hills Special Protection Area (SPA)

This SPA is important for the qualifying interest breeding hen harrier. We are content that the distance between the nearest turbines and the qualifying interest of the SPA means connectivity with the SPA is not likely. Assessment of impacts can be scoped out.

Kielderhead Moors: Carter Fell to Peel Fell SSSI

Throughout the Scoping Report it is stated that this designated site is outwith the wind farm site boundary, except for in paragraph 8.2.7 which states that it is located within the development site boundary. The SSSI was within the previously scoped boundary of the Wauchope Newcastleton Wind Farm proposal. The following advice is given under the assumption that the SSSI is outwith the development site boundary. Should this not be the case, we would wish to amend our advice.

We are content that the topographical relationship of the SSSI to the wind farm site makes hydrological connectivity with the peatland interests of the SSSI not likely. The afforested nature of the wind farm site means that connectivity with the breeding bird interests of the SSSI is also not likely. Assessment of impacts on the notified features of this SSSI can be scoped out.

Palmer's Hill Railway Cutting SSSI

This geological SSSI is located within the boundary of the wind farm site, but is not mentioned in the Scoping Report. It is of national geological interest for the exposures of the rock of Late Devonian to Early Carboniferous age (around 375 – 345 million years old), known as 'Upper Old Red Sandstone' that contain important information about the geography and climate of the Scottish landscape at that time. The wind farm figures suggest that this SSSI may become an access track to Wauchope Forest West. Discussion with NatureScot will be required at the earliest opportunity if that is the case, because widening of what is currently a narrow cutting along the disused former Waverley Railway is likely to result in the loss of the nationally important geological feature of the SSSI, the impacts of which will need to be carefully considered.

Ecology

The habitat and species surveys proposed and the approach to the assessment of impacts appear appropriate. Where impacts on protected species are identified, mitigation measures should be outlined within a species protection plan. Reference to our standing advice notes for protected species may be helpful. Note that there are no freshwater pearl mussel in the Tweed catchment.

We note that information will be sourced from our local records centre, The Wildlife Information Centre (TWIC) to inform desk and field studies.

Habitat Management Plan

We support the use of a Habitat Management Plan (HMP) on a wind farm site to provide for positive management and enhancement of habitats across the development site to benefit biodiversity and not just mitigate impacts. We note that an HMP is proposed for this development, with a likely focus on improvements to woodland habitat networks and peatland restoration works (paragraph 8.4.5).

The EIA Report should offer an outline HMP that sets out broad measures to benefit biodiversity. The outline HMP would then be worked up in detail and implemented should the development be granted permission and be constructed. Reference can usefully be made to Scottish Borders Council's Supplementary Planning Guidance for Biodiversity on their website.

National Planning Framework 4 (NPF4) - Biodiversity

NPF4 introduces a new requirement for all developments to contribute to the enhancement of biodiversity. Scottish Government is committed to preparing guidance on this policy. Meanwhile, we have advice on our website at Planning and development: Enhancing biodiversity, and guidance in our Developing with Nature publication.

Ornithology

NatureScot provided advice in 2022 regarding the scope of baseline bird surveys. Where impacts on protected species are identified, mitigation measures should be outlined within a species protection plan. Reference to our standing advice notes for protected species may be helpful.

We note contact will be made with the South of Scotland Golden Eagle Project.

We agree that impacts on the designated sites listed in paragraph 7.4.6 can be scoped out of assessment.

Construction Environment Management Plan

We note the intention for the EIA Report to include an outline Construction Environment Management Plan (CEMP) that would be worked up into a final CEMP post-consent. We would expect this to be in accordance with SEPA guidelines for pollution prevention, and include site specific measures to avoid the risk of impacts on the species and habitat for which the River Tweed SAC is designated. These measures should ensure there is minimal direct disturbance of the qualifying features, and protect against adverse indirect impacts on important ecological requirements such as on water quality, water flow and/or river channel substrate. The CEMP should also include measures to minimise the impact of dust on sensitive species within Borders Woods SAC and Cragbank and Wolfehopelee SSSI.

Please note, these comments are given without prejudice to any comments we may wish to make in future regarding this development proposal.

This advice is provided by NatureScot, the operating name of Scottish Natural Heritage.

Please contact me should you wish to discuss our response.

Yours faithfully

By e-mail

Anne Brown
Operations Officer - South

Copy: Scott Shearer, Scottish Borders Council

Ed Tooth, RSPB - Scottish Lowlands and Southern Uplands

A24

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email to: Econsents_Admin@gov.scot

Nicola Ferguson
Case Officer
Energy Consents Unit

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300066369
Your ref: ECU00004833

18 August 2023

Dear Nicola Ferguson

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

Thank you for your Scoping consultation which we received on 27 June. 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 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 a wind farm within Wauchope Forest and Newcastleton Forest on the Scottish/English border called Liddesdale Wind Farm. It will comprise a maximum of 80 250m high turbines and associated infrastructure including a battery storage sites and anemometer masts. The proposals are separated into three 'cluster' sites, two within the northern site boundary and a second further south within the southern site boundary adjacent to the Scottish/English Border.

We previously provided comments in relation to a scoping report for a 90 132m high turbine wind farm located within the boundary of the current proposals (February 2016, Our Reference 201506476). In our response we noted that the proposals had the potential to result in impacts on the setting and fabric of numerous heritage assets within our remit, and that cumulative setting impacts should be carefully assessed as part of any environmental impact assessment for a wind farm within this location.

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Scope of assessment
We welcome that the environmental impact assessment (EIA) undertaken in support of the development will include an assessment of impacts on the historic environment. This assessment should be undertaken by a suitably experienced heritage professional with an understanding of heritage issues. The assessment should meet the requirements of National Planning Framework 4, the Historic Environment Policy for Scotland (HEPS, 2019) and associated Managing Change Guidance Notes. Additional guidance can also be found in the Cultural Heritage Appendix to the EIA Handbook (SNH, HES, 2018).

We consider that the proposed development has the potential for significant adverse impacts on the fabric and setting of several historic environment assets in our remit. There are several scheduled monuments and Category A-listed buildings and in the surrounding area which have the potential to receive adverse effects to their setting.

We welcome that the report indicates that mitigation measures to prevent, reduce or offset significant adverse effects will be provided. Where the assessment identifies the potential for significant impacts, wireframes and/or other visualisations will be required to understand the potential impacts where appropriate. We would be happy to discuss this further once the assessment has reached the appropriate stage.

We consider that mitigation will also be required to avoid or minimise direct impacts on designated assets within our remit and we recommend that mitigation by design is undertaken to reduce significant impacts. We therefore recommend that the applicant seeks pre-application engagement with us in advance of their planning application regarding potential design mitigation options.

Further information regarding the potential impacts on our interests and comments regarding mitigation is included in the annex below.

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 Sam Fox and they can be contacted by phone on 0131 668 6890 or by email on samuel.fox@hes.scot.

Yours faithfully

Historic Environment Scotland

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Annex

Our Interests

Scheduled Monuments

We agree that there is a potential for significant adverse setting impacts on scheduled monuments identified in Table 6-3 and 6-4 of the Scoping Report. There is also the potential for direct physical impacts on 11 scheduled monuments located within the proposed development boundary. These impacts may arise from proposed ancillary infrastructure such as access tracks and storage sites, which are not currently indicated on the plans provided at scoping, and setting impacts from the location of proposed turbines.

Newcastleton Forest development site

- **Long Knowe, Long Cairn (SM2154)**

Wauchope Forest development site

- **Nine Stones, Stone Circle, Ninestone Rig (SM1688)**
- **Tamshiel Rig, Fort, Settlement And Field System (SM10605)**
- **Wheel Causeway, Section 640m Long On S Slope Of Wardmoor Hill (SM3423)**
- **Westshiels, Spur Earthwork 1550m Sw Of (SM3425)**
- **Martinlee Sike, Farmstead, Field System And Assart Bank (SM6602)**
- **Martinlee Sike, Enclosure Bank, Field System, Cairns & Old Road (SM6599)**
- **Martinlee Plantation, Homestead Se of Martinlee Sike (SM6601)**
- **Martinlee Plantation, Enclosure 140m N Of (SM6636)**
- **Dykeraw Tower, Southdean (SM3848)**
- **Black Hill, Settlement (SM2319)**

We note that there is yet no indication of the design and layout of other associated infrastructure, such as access tracks and borrow pits, which may also have direct impacts on these monuments without careful design. We therefore strongly recommend that design of the proposals avoids any direct impacts on these nationally important assets, in line with national policies, and that efforts are made to minimise any impacts on the setting of these assets. We note that any direct impacts on these assets are likely to require scheduled monument consent as administered by HES and that based on the current information we would be unlikely to grant consent for works within the scheduled areas. Any direct impacts to these assets without SMC would be likely to trigger our compliance procedures.

From the proposed scoping layout and given the large scale of the proposed turbines for this wind farm, we consider that there is the potential for the proposed development to have significant adverse effects on the setting of the scheduled monuments both within the development site boundary and within the 10km study area. Of particular concern are the potential impacts on the integrity of the setting of the scheduled monuments within the proposed development site as listed above, and the 13 below monuments in the surrounding area:

Newcastleton Forest development site

- **Liddel Castle, Newcastleton (SM1716)**

Wauchope Forest development site

- **Rubers Law,Fort & Roman Signal Station (SM2129)**
- **Hermitage Castle, Castle, Chapel, Enclosures, Deer Trap, Park Boundary and Farmstead (SM90161)**
- **Southdean Law, Fort & Settlement (SM2211)**
- **Blakebillend, Fort (SM2297)**
- **Pleaknowe, Fort & Homestead 430m Nw Of (SM3412)**
- **Penchrise Pen, Fort 635m Sw Of Penchrise Farm Cottage (SM2296) relationship with SM2297**
- **Bonchester Hill, Fort (SM2173)**
- **Dykeraw Tower,Southdean (SM3848)**
- **Riccarton Tower (SM4007)**
- **Carby Hill, settlement (SM1690)**
- **Kirk Hill, enclosure (SM2149)**
- **Wheel Village, deserted settlement 1400m NE of Wormscleugh (SM3424)**

Listed Buildings

We welcome that the applicant has identified **Ferniehurst Castle With Arched Gateway, Garden Walls And Outbuildings (LB13369) & Ferniehurst Castle Visitor Centre (Former Chapel) (LB13370)** to be taken forward for further assessment in the EIAR. However, we recommend that the applicant also consider the following Category A-listed buildings as part of the EIA assessment;

- **Tentyfoot Tower (LB8397) & Branxholme Castle (LB13686)**

It is unclear from the ZTV provided at scoping how many turbines would be visible

from these two A-listed buildings (LB13369 & 13370) as they are not included on Fig 6.1 (p.1 of 4). We note that these assets are located close to the B-listed Fenwick LB8380 (marked on Fig 6.1) where up to 33 to 48 turbines may be visible.

- **Harden (LB15089)**

This asset sits beyond Hawick in the northwest of the map shown as Fig 6.1 (p.1 of 4) and close to the B-listed LB48109. The A-listed LB15089 Harden is not marked on the figure as it lies beyond the 10km study area. However, we note from the information provided that up to 49-65 turbines may be visible from this A-listed building (LB15089).

Scoping Report
Although we welcome the proposed assessment of the setting of heritage assets within our remit within a 10km study area, we recommend that the applicant also consider impacts to assets beyond this distance which may be sensitive to changes in their setting, such as long-distance key views. We note that paragraph 6.3.5 states the full scope of the assessment will be determined with a finalised ZTV for the proposed development.

However, we would reiterate our previous comments that there remains the potential for turbines to appear in the background of key views towards historic environment assets which may have been scoped out of the assessment based on the ZTV, and this should be considered as part of the assessment. We recommend that site visits are undertaken in advance of the application to assets within the 10km study area to review and identify where long-distance views from or towards these assets are considered as particularly sensitive.

It is stated in paragraph 6.4.3 of the report that “assets have been scoped out where: the setting of the asset is not sensitive to the perceptual change anticipated at the predicted separation from the Proposed Development”. We recommend that the applicant should provide specific reasoning for their exclusion if these assets have been discounted, and that this is clearly explained in the EIA Report so we can assess whether their exclusion is reasonable. Please note that we do not consider woodland to be screening of or mitigation for effects on the setting of assets due to its vulnerability to storm damage, disease or harvesting.

Visualisations
If the proposed development were to come forward in this design we recommend that visualisations are provided to assist in the assessment of impacts. Visualisations would be required for the historic environment assets listed above.

We would recommend that the applicant should assess the impact upon Rubers Law, fort, and Roman signal station (SM2129) with regard to potential impacts upon the setting of the monument when viewed from the north. We have concerns about whether the proposed development would disrupt the distinctive profile of the hill on which the scheduled monument is located, as well interrupt the views between this monument and the forts of SM2173, SM2211 and SM10605 looking south.

We recommend that a viewpoint taken from the north should show Rubers Law (SM2129) and SM2173, SM2211, SM2319 and SM10605 with the proposed turbines in the background.

We recommend that viewpoints looking out from the above monuments towards the turbines are provided, as wells as viewpoints looking towards the monuments within the development site with the turbines in the backdrop.

We also recommend that attention is paid to potential impacts on the setting of Hermitage Castle, Castle, Chapel, Enclosures, Deer Trap, Park Boundary and Farmstead (SM90161). Visualisations of views from and towards the castle will be important in this, dealing with both the main buildings and wider elements of the designation including the Park Boundary. We regard the setting of the castle as particularly sensitive to change.

We recommend that where impacts on the setting of assets are identified, wireframes should be produced in order to inform the assessment of the setting impacts. Where these impacts may be significant, photomontages should be produced to illustrate the impacts.

We would be happy to provide further advice on visualisations and viewpoints, however if wireframes for the monuments can be provided at an early stage this would assist with identifying whether further visualisations such as photomontages will be required. This will also assist in identifying potential mitigation options by design in advance of the planning application.

Mitigation

We welcome that paragraph 6.6.1 of the Scoping Report indicates that the preferred mitigation option will be to avoid or reduce adverse impacts through design. We recommend that any significant effects on the setting of scheduled monuments should be mitigated by design to avoid or reduce effects to a level that is no longer significant. This is likely to involve substantial changes to the development layout including the relocation, deletion, or reduction in height of the proposed turbines.

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

The design of the proposed development should also avoid any direct impacts on the scheduled monuments that are present within the development boundary, both in terms of the turbines themselves and any associated ancillary infrastructure.

We note that the proposed access indicated on the redline boundary joining the A6088 in the north to the Wauchope Forest development site is close to or passes through the scheduled monuments within the development boundary: SM6602, SM6599, SM6601, and SM6636. Infrastructure such as access tracks and any upgrades to existing tracks would need to be designed to avoid significant impacts on these monuments.

Any direct impacts on scheduled monuments are likely to require scheduled monument consent as administered by HES. Based on the current information we would be unlikely to grant consent for works within the scheduled areas. Any direct impacts to these assets without SMC would be likely to trigger our compliance procedures.

Turbines are proposed close to Tamshiel Rig fort and settlement (SM10605) and redesign may be required to avoid or reduce significant effects on the setting of this monument. Given the potential for relationships between prehistoric fort and settlement sites in the vicinity it will also be important to consider whether mitigation by design is required to avoid impacts on the setting of this monument in relation to other nearby scheduled monuments such as Southdean Law, Fort & Settlement (SM2211) and Black Hill, Settlement (SM2319).

Historic Environment Scotland
August 2023

A31

From:	Doug Howieson
To:	Nicola Ferguson
Subject:	FW: Request for Scoping Opinion Liddesdale Wind Farm
Date:	10 July 2023 16:27:23
Attachments:	image001.png image002.png image003.png

Hi Nicola.

Thank you for the opportunity to comment on this wind farm.

I'm please that there is a specific chapter on forestry in the scoping report. Given that there are up to 80 turbines planned, the forestry EAI chapter will need to be carefully developed to avoid negative impacts.

The SG control of woodland removal policy will be a material consideration in this proposal and there will need to be compensatory planting.

Doug.

Name: Doug Howieson MICFor
Job Title: Conservator, South Scotland
Scottish Forestry
Greystone Park | 55/57 Moffat Road | Dumfries | DG1 1NP
Direct: 0131 370 5262
Mobile: REDACTED
Email: doug.howieson@forestry.gov.scot

forestry.gov.scot
www.facebook.com/scottishforestry
@scotforestry

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation.

BRAVE values are the roots that underpin Scottish Forestry, to create a workplace where our staff, and the people we work with, feel valued, supported and respected.

Be professional, **R**espect others, **A**ct with honesty and integrity, **V**alue teamwork and collaboration and **E**ncourage innovation and creativity.

Development Management and Strategic Road Safety
Roads Directorate

George House 36 North Hanover St Glasgow G1 2AD
Direct Line: 0141 272 7379, Fax: 0141 272 7350
gerard.mcphillips@transport.gov.scot

A32

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Nicola Ferguson
Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Econsents_Admin@gov.scot

Your ref:
ECU00004833

Our ref:
GB01T19K05

Date:
10/07/2023

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR LIDDESDALE WIND FARM

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by WSP in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

Proposed Development

The proposed development comprises up to 80 wind turbines with tip heights of up to 250m located within Wauchope Forest and Newcastleton Forest, to the west of the Northumberland National Park, between the A7(T) and the A68(T) roads. We note that due to the scale of the site, it lies in three distinct clusters, however, we understand that all three will be accessed via the local road network. The northern-most part of the site is closest to the trunk road network and lies approximately 3.9km west of the A68(T).

Assessment of Environmental Impacts

Chapter 12 of the SR presents the proposed methodology for the assessment of the potential effects relating to Traffic and Transport. 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 environmental impacts associated with increased traffic such as severance, accidents and safety, pedestrian amenity, pedestrian delay and driver delay etc will be considered and assessed where appropriate (i.e. where IEMA Guidelines for further assessment are breached). These specify that road links should be taken forward for 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.

The SR states that it is assumed that construction materials would be sourced from one of the local quarries, however, a quarry has not been specified at this point. As an initial assumption, the study area for the assessment has been identified as comprising the following locations:

- The B6357 between the A7(T) and A6088;
- The A6088 between the B6357 and the A68(T);
- The A68(T) in the vicinity of the A6088/A68 junction; and
- The A7(T) in the vicinity of the B6357/A7(T) junction.

Transport Scotland would state that the potential impact of development generated traffic on any trunk roads proposed to be utilised during construction will require to be considered.

We note that baseline traffic flow data will be obtained from the Department for Transport (DfT) database. We would state that the use of 2020 or 2021 data is inappropriate and should be avoided. We would also note that Transport Scotland has traffic counters on the A7(T) and the A68(T) and data is available on request. The use of estimated data from the DfT database should be avoided.

The SR states that it is likely that an Abnormal Indivisible Load (AIL) study would be required to be submitted alongside the Environmental Impact Assessment (EIA) Report and that the AIL deliveries would be relatively few in number. As a consequence, WSP have stated that the routing of AILs would not be included within the potential traffic related effects in the Traffic and Transport chapter of the EIA.

Given the proposed number of 80 turbines, Transport Scotland would disagree with this assumption and would state that the number of AILs will require to be included within the assessment of generated traffic flows, with a full breakdown of numbers involved being provided and the worst-case scenario being considered.

The SR states that it is proposed to use Trip End Model Presentation Program (TEMPRo) for future traffic growth rates. Transport Scotland would request that base traffic data be factored to the peak construction year using National Road Traffic Flows (NRTF) low growth factors.

It is noted that any impacts associated with 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

Transport Scotland will require to be satisfied that the size of turbines proposed can negotiate the selected route and that transportation 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 EIA Report 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. It should also be noted that that any proposed changes to the trunk road network must be discussed and approved (via a technical approval process) by the appropriate Area Manager(s).

I trust that the above is satisfactory but 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 on 0141 343 9636.

Yours faithfully

REDACTED

Gerard McPhillips

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.

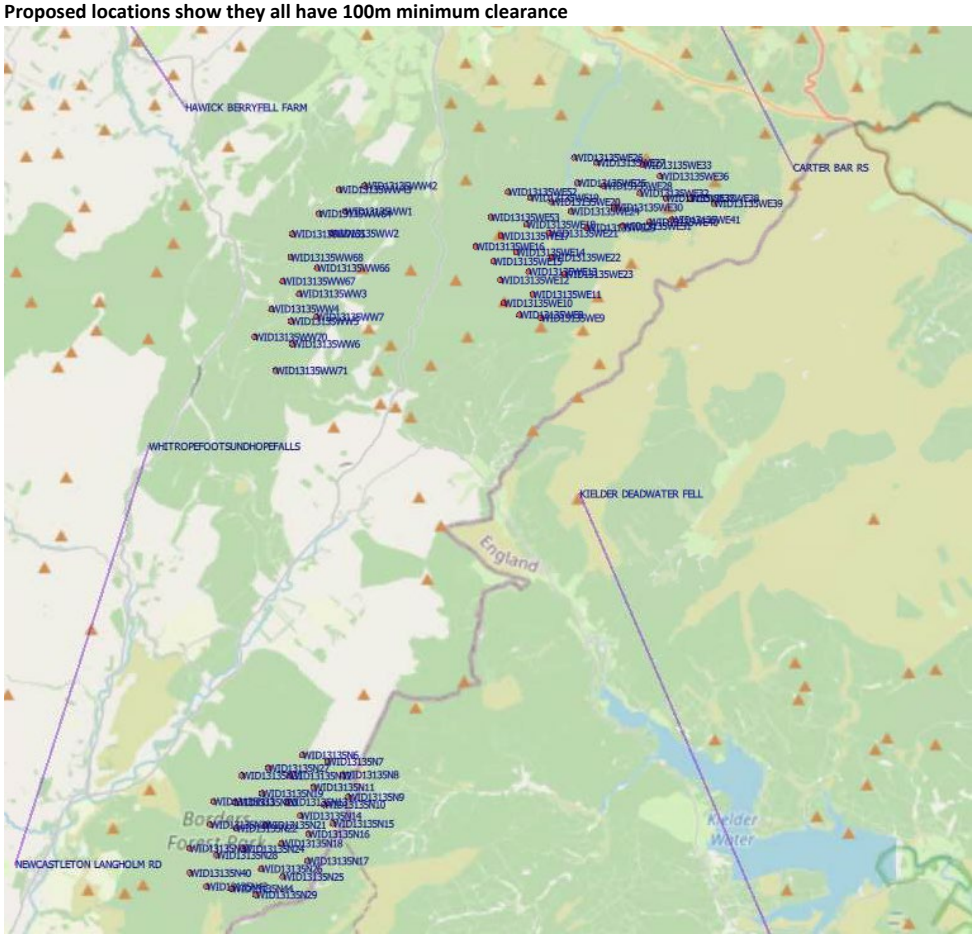
From: radionetworkprotection@bt.com
To: Nicola Ferguson
Cc: radionetworkprotection@bt.com
Subject: WID13135 - Request for Scoping Opinion Liddesdale Wind Farm Previous Ref WID13144
Date: 12 July 2023 09:51:36
Attachments: image003.png
image004.png
image005.png
image002.png
image006.png
image007.png
image008.png

BT Group

OUR REF: WID13135

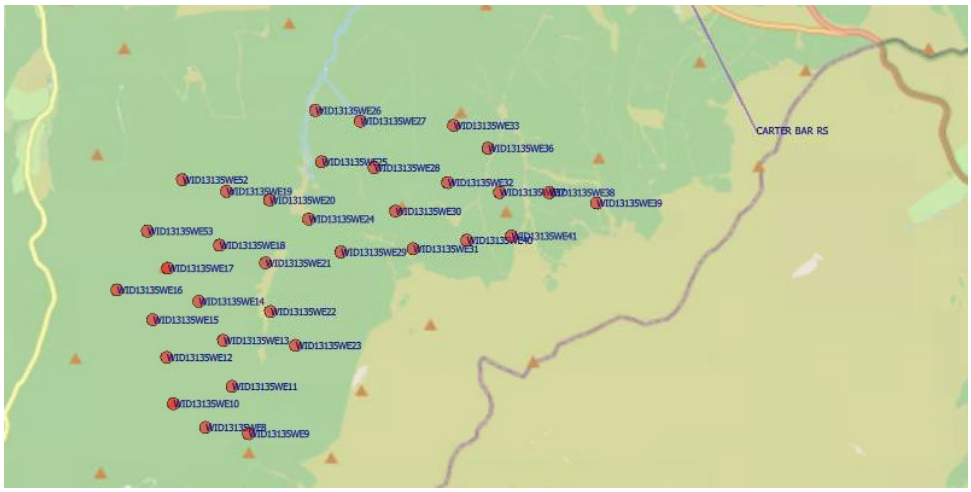
Thank you for providing the grid references for the exact locations of the proposed Wind Turbines for Liddesdale, within the Wauchope and Newcastleton Forests.
We have studied this Liddesdale Wind Farm proposal with respect to EMC and related problems to BT point-to-point microwave radio links.

Proposed locations show they all have 100m minimum clearance

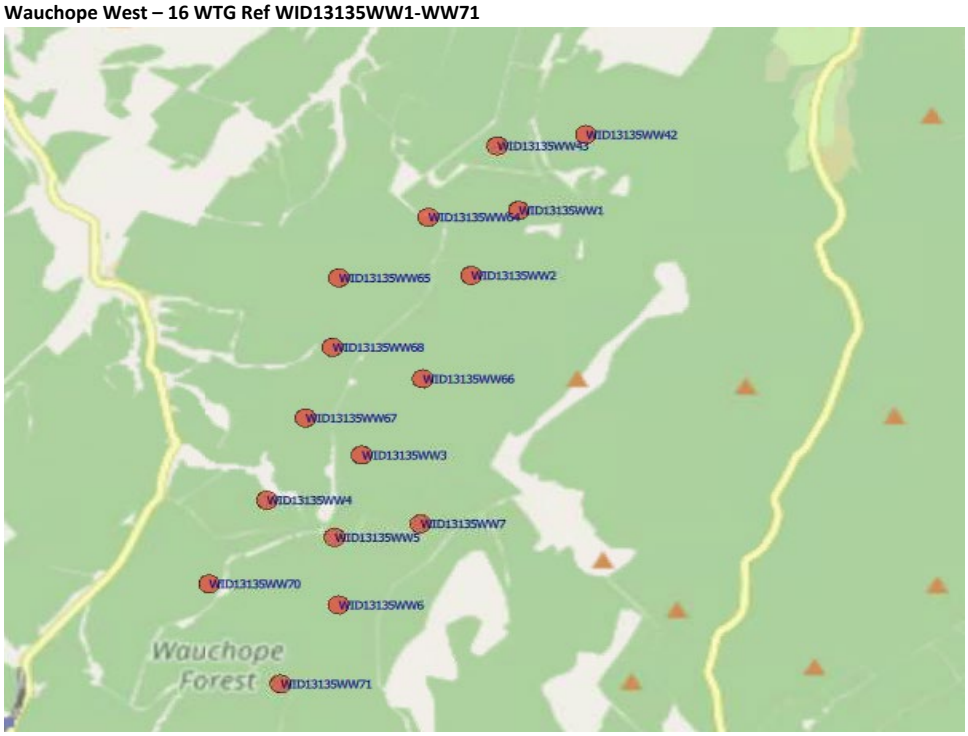


The conclusion is that the Turbine locations provided should not cause interference to BT's current and presently planned radio network.

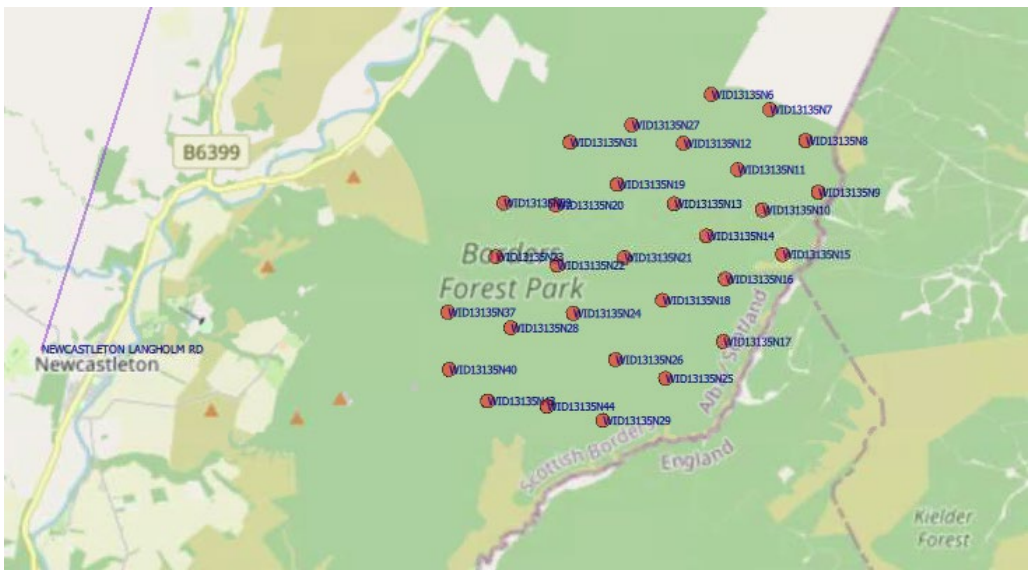
Wauchope East - 34 WTG Ref WID13135WE8-53



Wauchope West – 16 WTG Ref WID13135WW1-WW71



Newcastleton – 30 WTG Ref WID13135N6-N44



BT requires 100m minimum clearance from any structure to the radio link path. If the proposed 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.

Please direct all queries to radionetworkprotection@bt.com

Kind regards

Debra Baldwin
National Radio Planner
Network Planning

BT Group

CAA Policy and Strategy
Aviation and Windfarm Policy

Civil Aviation Authority

Nicola Ferguson
Case Officer, Energy Consents Unit
Directorate for Energy and Climate Change
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

17 July 2023
Ref Windfarms / Liddesdale Wind Farm

Dear Ms Ferguson,

Scoping Report for Liddesdale Wind Farm

Reference: E-mail dated 27 June 2023 containing scoping report

Thank you for the report at reference, discussing the proposed 80 wind turbines with tip heights up to 250 metres, located within Wauchope Forest and Newcastleton Forest, to the west of the Northumberland National Park.

The CAA responded to the Wauchope Newcastleton Wind Farm consultation in January 2016 and much of the information given in that response remains the same. However, we would note changes to the regulatory environment that may have occurred since the original input was made.

Aviation Obstacle Notification

The CAA requires notification of a change to aviation obstacles if it or they are 100 metres or more above sea level, in accordance with Article 225A of the Air Navigation Order (2016). This is a recent addition to the Air Navigation Order legislation.

Additional consideration of the aviation obstacle environment may be required during the initial build phase and the temporary use of cranes that may extend above a height of 100 metres or in the case of pre-built turbines being towed from shore to final generating position.

The CAA works closely with NATS Aeronautical Information Services (providing the relevant information to inform the required publication of UK en-route obstacles in the

Civil Aviation Authority
1W Aviation House Beehive Ring Road Crawley West Sussex RH6 0YR www.caa.co.uk
Telephone 0330 138 3166 andy.wells@caa.co.uk

Aeronautical Information Publication) and the MoD Defence Geographic Centre (obstacle data that the CAA receives is shared and vice versa).

To notify new or existing obstacles, changes to existing obstacles and failures of aviation lighting, please register for the **Airspace Coordination and Obstacle Management Service (ACOMS)** via the CAA customer portal.

Further information is available at:
https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Obstacle-notification/Obstacle-notification/

Aeronautical Obstacle Lighting and Marking

An “en-route obstacle” means a building, structure or erection that is: (a) not in the vicinity of a national licensed aerodrome or a certificated aerodrome; and (b) not an obstacle to which section 47 of the Civil Aviation Act 1982 (warning of presence of obstructions near licensed aerodromes) applies.

The statutory requirement for aviation lighting for civil aviation, set out in the Air Navigation Order, Article 222, Lighting of En-Route obstacles, is any building, structure or erection, the height of which is 150 metres or more above ground level. Aviation obstacle lighting should consist of a medium intensity steady red (2000 candela) light on the nacelles of each turbines, with a second co-located 2000 candela light to act as alternate in the event of a failure of the main light (note that both lights should not be lit at the same time). Both lights should have the capability of being dimmed to 10% of peak intensity to be applied, using one or more visibility measuring devices, when the lowest visibility as measured at suitable points exceeds 5km. At least three (to provide 360-degree coverage) low-intensity (32 candela) lights must be provided at an intermediate level of half the nacelle height ± 10 m.

Any variation to the above en-route obstacle lighting requirements must be agreed with the CAA prior to planning consent; the Ministry of Defence may be an interested party in any proposed variation.

There are various protections put in place in Regulations to protect aviation from collisions with en-route obstacles, as set out in the Standardised Rules of the Air. This includes:

(i) a list of known land based and off shore obstacles that are over 100 m in height are listed in the internationally-standardised aviation reference document for the UK, the UK Aeronautical Information Publication at ENR 5.4;

(ii) a requirement for night visual flight rules (i.e. flying using visual means of air navigation) that flight takes place at a level which is at least 300 m (1000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft;

(iii) a requirement for instrument flight rules (i.e. flying using navigation aids and instruments in the aircraft only) that flight takes place at a level which is at least 300 m (1000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft.

Civil operations may be permitted to operate below these heights by the CAA but only with CAA approval of any safety mitigation plan submitted by the air operator and this mitigation plan would need to set out how en-route obstacles will be considered and addressed.

Daytime flight is unaffected as the person in charge of an en-route aviation obstacle light must display such lights at night only, however daytime visual flight rules (i.e. flying using visual means of air navigation) requires that it is flown at “an indicated airspeed of 140 kts or less to give adequate opportunity to observe other traffic or any obstacles in time to avoid collision.”

Continued (2 of 6 pages)

Within the CAA's publication CAP764, CAA Policy and Guidelines on Wind Turbines, para 3.10 states that "in general terms, structures less than 150 m (492 ft) high, which are outside the immediate vicinity of an aerodrome, are not routinely lit; unless the 'by virtue of its nature or location' argument is maintained…in respect to a proposed wind turbine development, there might be a need to install aviation obstruction lighting to some or all of the associated turbines, when specific concerns have been expressed by other elements of the aviation industry; i.e. the operators…However, this would only be done where it can reasonably be argued that the structure(s), by virtue of its/their location and nature, could be considered a significant navigational hazard.

Instrument Flight Procedures

An Instrument Flight Procedure (IFP) is a set of instructions regarding navigation around aerodromes. Within the design of IFPs, rules are set out regarding obstacle clearance, to ensure the necessary safeguarding. The protected areas for IFPs are complex as it is necessary to consider where the obstacle is in relation to multiple stages of multiple flight paths for multiple types of aircraft. This may be relevant for windfarms built within 30 nautical miles (~55km) of an aerodrome.

Impacts on civil aviation monitoring systems

Wind turbines located within the line-of-sight of surveillance systems (in particular, primary radar) can cause clutter and interference and can result in performance degradation. VHF communications systems may also be affected. These should be considered within the Environmental Impact Assessment and Report.

Our regulatory powers ensure that air navigation service providers undertake appropriate safeguarding activities in respect of their systems and equipment used for the provision of services, that changes to the operating environment are fully considered within their Safety Management Systems and that the operational systems and equipment are functional and being used safely.

We recommend that engagement with all potentially affected aviation stakeholders is undertaken and appropriate mitigation schemes developed, if required.

Aviation Stakeholders

There are a number of officially safeguarded aerodromes which are defined in government circulars. Such aerodromes should have lodged safeguarding maps with planning authorities identifying the areas in which they need to be consulted. These aerodromes will consider the impacts of the proposed development on their operations and infrastructure with a view to maintaining high levels of aviation safety.

Given the location of the windfarms, the CAA would expect the appropriate aviation consultees to be NATS/NERL, the MOD and Edinburgh, Carlisle and Newcastle Airports. The positions of each consultee regarding the proposed development should be established by consultation.

In addition, there may be unlicensed airfields in the area who could reasonably be expected to take an interest in the development. It is also recommended that Emergency Service Helicopter Support Units are consulted as they may operate in the area of concern and be affected by the introduction of tall obstacles.

Continued (3 of 6 pages)

Yours sincerely

REDACTED

Andy Wells
Manager Aviation and Wind Farm Policy

Continued (4 of 6 pages)

Appendix: Regulatory References referred to in the CAA Response

Article 222 – Lighting of en-route obstacles

(1) The person in charge of an en-route obstacle must ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval of not more than 52 metres.

(2) The person in charge of an en-route obstacle must, subject to paragraph (3), ensure that by night the lights required to be fitted by this article are displayed.

(3) In the event of the failure of any light which is required by this article to be displayed by night the person in charge must repair or replace the light as soon as reasonably practicable.

(4) At each level on the obstacle where lights are required to be fitted, sufficient lights must be fitted and arranged so as to show when displayed in all directions.

(5) In any particular case the CAA may direct that an en-route obstacle must be fitted with and must display such additional lights in such positions and at such times as it may specify.

(6) A permission may be granted for the purposes of this article for a particular case or class of cases or generally.

(7) This article does not apply to any en-route obstacle for which the CAA has granted a permission to the person in charge permitting that person not to fit and display lights in accordance with this article.

Article 225A.— Notifications relating to en-route obstacles

(1) In respect of an existing en-route obstacle, the relevant person must, as soon as reasonably practicable, notify the CAA in writing of—

(a) the obstacle's type;

(b) the obstacle's position, represented by geographical coordinates in degrees, minutes and seconds;

(c) the obstacle's elevation above mean sea level and height above ground level to the nearest metre or foot; and

(d) the type and colour of any obstacle lighting.

(2) Paragraph (1) does not apply where the CAA has already been notified.

(3) In respect of planned works which have a confirmed commencement date, the relevant person must notify the CAA in writing of the information specified in paragraph (4) in accordance with paragraph (5).

(4) The information referred to in paragraph (3) is—

(a) the obstacle's type, or planned type;

(b) the obstacle's position, represented by geographical coordinates in degrees, minutes and seconds;

(c) the obstacle's elevation above mean sea level and height above ground level to the nearest metre or foot prior to and upon completion of the necessary works;

(d) the type and colour of any lighting to be fitted to it, or to be removed from it; and

(e) the scheduled dates of commencement and completion of the works.

(5) Notice under paragraph (3) must be given—

(a) at least 8 weeks before the commencement of the planned works; or

(b) as soon as reasonably practicable where there is insufficient time to give 8 weeks' notice or there is an urgent need to commence the planned works.

6) The relevant person must notify the CAA in writing of the completion of the planned works and whether there has been any change to the information provided under paragraph (4) no later than 30 days after the completion of the works.

(7) In this article— 4 "en-route obstacle" means any building, structure or erection, the height of which is 100 metres or more above ground level; "planned works" means works to—

(a) erect a new en-route obstacle;

(b) increase the height of an existing en-route obstacle;

(c) decrease the height of an existing en-route obstacle;

Continued (5 of 6 pages)

(d) develop an existing building, structure or erection into an en-route obstacle;
(e) remove an existing en-route obstacle;
(f) fit obstacle lighting to an en-route obstacle; or
(g) remove previously fitted obstacle lighting from an en-route obstacle;

“relevant person” means—
(a) in relation to paragraph (1), the person in charge of an existing en-route obstacle;
(b) in relation to paragraphs (3) and (6), the person in charge of the planned works which would, on completion of those works, result in the creation, modification or removal of an en-route obstacle.”

Further information is available at:
https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Obstacle-notification/Obstacle-notification/

Yours sincerely

REDACTED

Andy Wells
Manager Aviation and Wind Farm Policy

From: REDACTED
To: Nicola Ferguson
Subject: Liddesdale Wind Farm Scoping Report
Date: 20 July 2023 13:37:20

Dear Nicola,

On behalf of the Campaign for a Scottish Borders National Park SCIO SCO50030 (CSBNP), we wish to request that the following information and additional coverage be included in the EIA to be submitted for the proposed Liddesdale Wind Farm.

Yours sincerely

Jane

Professor Jane Bower FRSE
Chair, CSBNP
REDACTED

Liddesdale Wind Farm Scoping Report ECU00004883

Requirement for more information and additional coverage of the EIA requested by the Campaign for a Scottish Borders National Park SCIO SCO50030

Note : The area identified as the site(s) of the proposed Liddesdale Wind Farm lies within the likely boundaries of the proposed Scottish Borders National Park.

Application should include the whole development

The Applicant notes in the Scoping Report (2.4.1) that it has secured a grid connection to the Harker substation at Carlisle. However there is no description of the 50km transmission line, nor of its route which will be required for the connection of the proposed Wind Farm to Harker, nor any EIA of this line.

This is a major and essential part of the whole development, since the windfarm without the connecting line would be unable to function commercially and so would be a "stranded asset"

The (2017) Act requires that the EIA must include "*a description of the physical characteristics of the whole development…"* (Schedule 4.1.b) : The Act (Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017) which applies to "*An application under section 36 of the Electricity Act 1989 for consent to construct, extend or operate a generating station*" (1.2.a) states that an application, "*must be accompanied by an Environmental Impact Assessment report (EIA report)*" (5.1) which must include, "*a description of the development comprising information on the site, design, size and other relevant features of the development*…" (5.2.a) and "*a description of the likely significant effects of the development on the environment*" (5.2.b). and must include "*a description of the physical characteristics of the whole development"* (Schedule 4.1.b).

Note also that the (2017) Act does not limit the EIA to the local environment. The

developer should include an assessment of the damage caused by the extraction and processing of the materials used in the Project's construction. There has been considerable discussion recently of the environmental damage associated with the mining and processing of key components of wind turbines and storage batteries, and detailed evaluation of the quantities required for wind turbine construction. This information should be drawn on to cover these issues in the EIA, as required by the (2017) Act.

Peat

The site(s) proposed for the wind farm are mainly either planted with conifers or have recently been felled. These areas were planted before the importance of intact peat was recognised. There are substantial areas of deep peat which were planted on, which should now be restored. The Developer should provide a detailed map of areas of deep peat, assess their condition, and explain how, during and after construction, they will be either protected, or if damaged, restored.

Archaeology

There are a substantial number of known archaeological sites within the boundary of the proposed wind farm. Although some archaeological survey work was carried out some years ago, technology has moved on and additional work should be carried out to improve knowledge of recorded sites and to identify unknown sites which modern techniques will reveal. A full Lidar Survey of the area (present coverage is patchy) should be carried out and archaeological review undertaken.
Access to these sites is currently difficult or in some cases impossible. The Developer should undertake to address these problems and identify how to facilitate access and give proper protection to the sites. We propose :

- The (partially listed) Wheel Causeway, which is currently overgrown, should be made passable by foot and bike/pony.
- A route/bridleway from A6088 to Meadowcleuch Quarry & Kilns should be created.
- Excavation, interpretation and access of selected sites (Wheel Kirk, Hudshouse Tower, Abbey Sike, Dawston Rigg etc. and more lower down the Lidd

Wildlife and Biodiversity

The area of the proposed Wind Farm includes a substantial part of the hunting ground and probable nesting sites of several important raptors, including Golden Eagles (currently reintroduced), ospreys, hen harriers etc. How will their protection during construction and operation of the wind farm and its extensive network of associated structures, road etc, be managed?

Ditto for the route of the transmission line.

Wind Farm site(s) straddles two river catchment areas, Tweed and Solway. The site(s) contain spawning grounds of the important and threatened North Atlantic Salmon. Their will pose considerable challenges during the construction and operation of the wind farm and its associated structures, roads etc.

Ditto for the route of the transmission line.

Net Zero 2050

Trees are one of the means by which CO2 can be captured and they are an important part of the SG's plans for Net Zero 2050. The Rural Affairs Secretary, Mairi Gougeon, estimates that since 2000, 15.7 million trees have been felled on public land managed by Forestry and Land Scotland to make way for wind farms (quoted Daily Telegraph 19.7.23). The EIA should calculate the numbers of trees which will have to be felled for the whole of the proposed Liddesdale WF project, indicate how many will be replanted at the site, where compensatory planting for the rest will take place, and proposed replanting dates.

A47

From:	Olivia Morrad
To:	Ferguson N (Nicola)
Cc:	Econsents Admin
Subject:	20230917 Request for Scoping Opinion Liddesdale Wind Farm. Email to GovScot
Date:	17 September 2023 18:55:11
Attachments:	image001.png

Good afternoon,
Thank you for your email.
I write to confirm that the assets of Crown Estate Scotland are not affected by this proposal and we therefore have no comments to make.
Kind regards

Olivia Morrad
Assistant Portfolio Co-ordinator
Crown Estate Scotland

t: 0131 376 1506 / 07407378899

Our team are currently working from home. Mail is occasionally being collected from our offices (addresses are at www.crownestatescotland.com/contact-us). Where possible, please email or call us rather than post mail.

A48

Defence Infrastructure Organisation

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

Telephone [MOD]: 07970 170934

E-mail: teena.oulaghan100@mod.gov.uk

Your Reference: ECU00004833

Our Reference: DIO10035190

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

15 August 2023

By email only

Dear Nicola,

Application ref:	ECU00004833
Site Name:	Liddesdale Wind Farm (previously Wauchope & Newcastleton Forests and Borders Wind Farm)
Proposal:	Electricity Act 1989 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Request for Scoping Opinion for proposed Section 36 application for Liddesdale Wind Farm.
Site address:	Site is located within Wauchope Forest and Newcastleton Forest, west of Northumberland National Park between the A7 and A68.

Thank you for consulting the Ministry of Defence (MOD) in relation to the scoping opinion through your communication dated 27 June 2023.

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 80 turbines with maximum blade tip heights of 250.00 metres above ground level. The proposed development has been assessed using the location data (Grid References) below provided in an email received from the Scottish Government's Energy Consents Unit dated 06 July 2023. The wind turbines would be split into three named groups, Wauchope West, Wauchope East, and Newcastleton.

Turbine no.	Easting	Northing
WW 1	356516	604659
WW 2	356148	604093
WW 3	355298	602530
WW 4	354570	602142
WW 5	355084	601812
WW 6	355108	601220
WW 7	355740	601924
WW 43	356358	605226
WW 64	355826	604606
WW 66	355770	603193
WW 42	357034	605317
WW 65	355139	604083
WW 67	354872	602860
WW 68	355084	603476
WW 70	354122	601415
WW 71	354659	600533

Turbine no.	Easting	Northing
WE 8	361038	601927
WE 9	361594	601840
WE 10	360625	602237
WE 11	361386	602453
WE 12	360544	602835
WE 13	361281	603048
WE 14	360965	603555
WE 15	360370	603323
WE 16	359907	603711
WE 17	360569	603985
WE 18	361240	604276
WE 19	361337	604971
WE 20	361893	604854
WE 21	361835	604043
WE 22	361893	603414
WE 23	362215	602974
WE 24	362398	604605
WE 25	362572	605342
WE 28	363251	605259
WE 29	362810	604176
WE 30	363522	604697
WE 31	363747	604209
WE 32	364201	64905060
WE 33	364284	605797
WE 36	364725	605500
WE 37	364872	604929
WE 38	365512	604921
WE 39	366124	604780
WE 40	364442	604314
WE 41	365021	604364
WE 26	362497	606004
WE 27	363076	605863
WE 52	360768	605126
WE 53	360309	604467

Turbine no.	Easting	Northing
N 6	355259	590507
N 7	355911	590331
N 8	356308	589980
N 9	356443	589400
N 10	355816	589208
N 11	355544	589663
N 12	354940	589964
N 13	354829	589288
N 14	355188	588924
N 15	356039	588708
N 16	355395	588440
N 17	355363	587740
N 18	354688	588208
N 19	354193	589511
N 21	354265	588692
N 22	353510	588613
N 24	353685	588073
N 25	354712	587333
N 26	354153	587549
N 20	353502	589288
N 23	352826	588716
N 27	354362	590175
N 28	352985	587918
N 29	354006	586869
N 31	353670	589988
N 33	352921	589317
N 37	352280	588101
N 40	352287	587459
N 43	352716	587101
N 44	353380	587035

The principal safeguarding concerns of the MOD with respect to this wind farm proposal relate to the potential for the development to:

- impact on the operation and capability of the Eskdalemuir Seismological Recording Station;
- be detectable to, and impact on the operation and capability of, one or more MOD radars as specified below;
- impact on the operation and capability of technical assets deployed at or in support of the function of the RAF Spadeadam Electronic Warfare Tactics facility; and
- introduce a physical obstruction to air traffic movements.

Eskdalemuir Seismological Recording Station

Each of the three development sites identified fall within the statutory consultation zone associated with the seismological recording station at Eskdalemuir (the array), an asset that forms part of the UK contribution to the Comprehensive Nuclear Test Ban Treaty.

Research has confirmed that wind turbines of current design generate seismic noise which can interfere with the operational functionality of the array. In order to ensure the United Kingdom can continue to implement its

obligations in maintaining the Comprehensive Nuclear Test Ban Treaty a finite seismic noise budget for the 50km radius surrounding the array, based on the findings of research, is managed by the MOD.

At this time, there is no seismic noise budget available. The MOD must, therefore, make you aware that we will likely object to proposals for wind energy development in the locations identified through this consultation due to the unacceptable impact the proposed wind energy development would have on the operation and capability of the array.

Air Defence (AD) radar

The turbines will be 49.5km from, detectable by, and will cause unacceptable interference to the AD radar deployed at RAF Brizlee Wood.

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.

Air Traffic Control (ATC) Radar

The turbines will be 4.8km from, detectable by, and will cause unacceptable interference to the ATC radar, specifically a Primary Surveillance Radar, deployed at RAF Spadeadam: Deadwater Fell.

As is the case for those radars used for Air Defence purposes, 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.

Threat Radar

The proposed development is in the vicinity of sites used by the RAF Spadeadam electronic warfare tactics facility and may cause unacceptable interference to threat radars at these sites. Threat radars are employed during critical military exercises to train pilots against the common surface-to-air missile threats they will be faced with when on operations.

Physical Obstruction

In this case the development falls within Tactical Training Area 20T (TTA 20T), an area within which fixed wing aircraft may operate as low as 100 feet or 30.5 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 both the Air Navigation Order 2016 and MOD aviation safety lighting requirements.

Summary

The principal safeguarding concerns of the MOD with respect to this wind farm proposal relate to the potential for the development to:

- impact on the operation and capability of the Eskdalemuir Seismological Recording Station;
- be detectable to, and impact on the operation and capability of, one or more MOD radars as specified below;
- impact on the operation and capability of technical assets deployed at or in support of the function of the RAF Spadeadam Electronic Warfare Tactics facility; and
- introduce a physical obstruction to air traffic movements.

The MOD must emphasise that the advice provided within this letter is in response to the information detailed above. 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

From: Safe Guarding
To: Econsents Admin
Cc: Nicola Ferguson; Safe Guarding
Subject: ECU00004833 - Liddesdale Wind Farm
Date: 06 July 2023 14:28:21
Attachments: image003.png

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

t: +44 (0)131 344 3845 m: REDACTED
www.edinburghairport.com

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

A53

From: Enquiries, Unit
To: Nicola Ferguson
Subject: 230714/LH14 Request for Scoping Opinion Liddesdale Wind Farm
Date: 14 July 2023 12:09:19
Attachments: image001.png

Good afternoon

The Environment Agency is the main environmental regulator in England. As your enquiry appears to relate to a location in Scotland, please direct your enquiry to the Scottish Environment Protection Agency. You can find their contact details on their website:

Home | Scottish Environment Protection Agency (SEPA)

Kind regards

Louise Humphries
Customer Service Advisor
Environment Agency - National Customer Contact Centre

☎ Tel: 03708 506 506
💻 Web Site: www.gov.uk/environment-agency

Click an icon to keep in touch with us:-

From:	Brian Davidson
To:	Ferguson N (Nicola)
Cc:	Jamie Ribbens (jamie@gallowayfisheriestrust.org)
Subject:	RE: Request for Scoping Opinion Liddesdale Wind Farm
Date:	29 June 2023 10:25:16
Attachments:	image001.png

Dear Nicola,

Thank you for your correspondence concerning Liddesdale Wind Farm.

Fisheries Management Scotland (FMS) represents the network of 41 Scottish District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), who have a statutory responsibility to protect and improve salmon and sea trout fisheries and the 26 fishery trusts who provide a research, educational and monitoring role for all freshwater fish.

FMS act as a convenient central point for Scottish Government and developers to seek views on local developments. However, as we do not have the appropriate local knowledge, or the technical expertise to respond to specific projects, we are only able to provide a general response with regard to the potential risk of such developments to fish, their habitats and any dependent fisheries. Accordingly, our remit is confined mainly to alerting the relevant local DSFB/Trust to any proposal. The proposed development falls within the catchment where the Galloway Fisheries Trust undertakes monitoring work. It is important that the proposals are conducted in full consultation with the trust (see link to FMS members). We have also copied this response to the trust.

Due to the potential for such developments to impact on migratory fish species and the fisheries they support, FMS have developed, in conjunction with Marine Scotland Science, advice for DSFBs and Trusts in dealing with planning applications. We would strongly recommend that these guidelines are fully considered throughout the planning, construction and monitoring phases of the proposed development.

- LINK TO ADVICE ON TERRESTRIAL WINDFARMS
- LINK TO FISHERIES MANAGEMENT SCOTLAND MEMBERS

regards,

Brian

Brian Davidson | Dir Communications & Administration
Fisheries Management Scotland
11 Rutland Square, Edinburgh, EH1 2AS
Tel: 0131 221 6567 | REDACTED
www.fms.scot

From: #GLA Safeguarding
To: Nicola Ferguson
Subject: RE: Request for Scoping Opinion Liddesdale Wind Farm
Date: 17 July 2023 11:16:02
Attachments: image001.png
image788499.png
image603740.png
image254174.png
image756989.png
image189480.png
image505418.png

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

Kind regards
Kirsteen

GLASGOW AIRPORT

#GLA Safeguarding
#GLA Safeguarding

07808 115 881
glasafeguard@glasgowairport.com
www.glasgowairport.com

Glasgow Airport, Erskine Court, St Andrews Drive, Paisley, PA3 2TJ

A56

From: Ian Hutchinson
To: Ferguson N (Nicola); Safeguarding
Subject: RE: External - Request for Scoping Opinion Liddesdale Wind Farm
Date: 27 June 2023 14:32:13
Attachments: image001.png

Hi Nicola,

On behalf of Glasgow Prestwick Airport, I have reviewed the documentation available on the ECU portal for Liddesdale Wind Farm (ECU00004833).

The development lies outside the GPA safeguarding area, and consequently we would have no comment or valid objection to make.

Kind regards,

Ian

Ian Hutchinson
Aviation Safeguarding Manager

T: (+44) 01292 511038
M:

ihutchinson@glasgowprestwick.com

www.glasgowprestwick.com

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

Historic England

Ms Nicola Ferguson
Scottish Government Energy Consents Unit
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Direct Dial: 0161 242 1412

Our ref: PL00793432

18 July 2023

Dear Ms Ferguson

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)(SCOTLAND) REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR LIDDESDALE WIND FARM
Your reference: ECU00004833

Thank you for your letter of 27 June 2023, seeking the views of Historic England on this request by EDF Renewables UK for a scoping opinion from the Scottish Ministers for the proposed section 36 application for the Liddesdale Wind Farm. We note that Historic England is not included among the statutory consultees, non-statutory consultees and interested parties identified at 18.1.3 of the Scoping Report which accompanied the request for a scoping opinion, although it is suggested at 6.7.1 that consultation with Historic England will be required during the production of the EIA Report. As statutory advisors to the UK Government on England's historic environment, we might have expected to have been identified as consultees on a development which will undoubtedly result in significant impacts on designated and undesignated heritage assets situated to the south of the border.

The proposed development is of up to 80 turbines, with a tip height of up to 250m. The Site is located within Wauchope Forest and Newcastleton Forest, west of Northumberland National Park between the A7 and A68. It is located entirely within the administrative boundary of Scottish Borders Council, although close to the national boundary between Scotland and England; indeed, the southern boundary of the Newcastleton Forest element of the Site appears to be aligned with the national boundary.

Given the sheer scale of the structures comprising the proposed development, and the surrounding landscape character, this development is likely to be visible across a very large area and could, as a result, affect the significance of designated heritage assets at some considerable distance from the Site itself. We would therefore expect the assessment to clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all designated heritage assets likely to be affected by

the development have been included and are properly assessed.

Those chapters of the proposed EIA Report of particular relevance to the study of potential impacts upon heritage assets are 5 ('Landscape and Visual Assessment') and 6 ('Cultural Heritage'). The methodologies set out each of the two chapters appear to be broadly in line with current best practice, though there is disparity between the study areas defined in each. The study area proposed for the LVIA is based on a Zone of Theoretical Visibility (ZTV) of 45km from the Site, although it is proposed at 5.5.6 that the actual study area should be 30km. For cultural heritage, it is proposed at 6.3.3 that direct and indirect effects on designated and undesignated heritage assets within 500m of the Site boundary should be assessed, whilst at 6.3.4 it is stated that indirect effects upon designated and nationally important heritage assets within a wider 10km study area. Table 1 ('Summary of Scope') confirms that it is therefore proposed that designated and nationally important heritage assets outwith the 10km study area should be scoped out of the assessment.

Historic England considers that, for the purpose of identifying potentially significant indirect impacts upon heritage assets sited in England, there needs to be closer correlation between the study areas identified in these two chapters. While we have no objection to the proposal to assess the direct and indirect effects of the proposed development on undesignated heritage assets within 500m of the Site boundary, we consider that limiting the study area for indirect effects on designated and nationally important heritage assets to a 10km study area could potentially fail to properly assess the impact of the proposed development, given the number, scale and location of the proposed wind turbines. We agree that it is important that indirect impacts on nationally important but undesignated heritage assets are considered in the EIA Report, given that scheduling is a discretionary power of the Secretary of State, and that not all nationally important archaeological remains are designated as a result. However, the Scoping Report does not appear to set out how such sites will be identified.

The most significant heritage asset in England which could potentally be indirectly affected by the proposed development is the Frontiers of the Roman Empire (Hadrian's Wall) World Heritage Site, which as an international designation is of the highest significance. Figure 5.1a suggests that turbines may be visible from the World Heritage Site, which at its closest point is some 20km from the proposed development, and runs for over 30km through the 30km study area defined in the LVIA. Viewpoint 25 of the proposed LVIA viewpoints listed in table 5.2 is stated to be on the Hadrian's Wall Path; if the proposed development has the potential to impact upon the experience of walkers using the Hadrian's Wall Path, it could also have the potential to impact indirectly upon the World Heritage Site itself. However, there is no mention of the World Heritage Site as a potential receptor in chapter 6 of the Scoping Report.

While we would not expect the indirect impact of the proposed development upon

every last designated or nationally important heritage asset within the 30km study area defined in the LVIA to be considered, the nature of the cultural heritage of the Border country means that there are number of large and highly graded heritage assets within it. The highly significant scheduled complex of Roman fort, Anglo-Saxon cross, and Medieval castle at Bewcastle (National Heritage List for England entry number 1015728), for example, lies only a couple of kilometres outside the boundary of the 10km study area proposed in chapter 6, but the potential exists for its setting to be impacted upon by the development. In the opinion of Historic England, indirect impacts upon the most significant designated heritage assets within the 30km study area proposed in the LVIA need to be included in the cultural heritage assessment.

We note that, according to table 6.5 - 'Scoped in assets within 10km (England)' - a number of designated heritage assets within the proposed 10km study area have already been scoped out. The table lists only 10 designated heritage assets within this study area as being scoped in, although there are actually some 25 within it. We consider that the correct place in which to record that assets which will not be affected due to screening by topography or vegetation, or where the setting of the asset is not sensitive to the perceptual change anticipated at the predicted separation from the proposed development, are not being considered further is in the EIA Report itself rather than at the scoping stage.

We also have reservations about the basis on which importance is assigned to designated heritage assets, as set out in table 6.1 of the Scoping Report. There is no mention of World Heritage Sites (which as international designations should be assessed as being of the highest importance), and we are concerned that Grade II* and Grade II buildings are accorded only medium importance, which is defined as being of "regional, or more than local, importance". Grade II* and Grade II are national designations, and in our view assets so designated should be accorded high importance as a result. Given the international significance of World Heritage Sites, we suggest that the Frontiers of the Roman Empire (Hadrian's Wall) WHS should be accorded a level of importance above all other types of heritage asset listed in table 6.1.

Finally, we strongly recommend that the Conservation Officers and archaeological staff of Cumberland and Northumberland councils and of the Northumberland National Park, and their Historic Environment Records, should be involved in the development of this assessment with reference to potential impacts on heritage assets in England. They are best placed to advise on local historic environment issues and priorities; how the proposals can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Yours sincerely,

Historic England

Andrew Davison
Inspector of Ancient Monuments
andrew.davison@HistoricEngland.org.uk

Response to scoping request for Liddesdale Windfarm from Hobkirk Community Council

1 Coherence of the Proposals

When a broadly similar WF was proposed for these sites we agreed with SG that it should be considered as 3 separate developments. This is still the case for this proposal. There are 3 distinct areas of development each on a separate geographical feature, they are physically detached from each other by at least 3.5 Km. Administratively they are in different CC areas, but more importantly in separate catchment areas, with each part having the potential to affect flooding in different places. Whilst we could have been supportive to 1 or 2 of the proposed sites, we unable to be as we are seriously disturbed by the substantial effect part of the windfarm will have on the Langburnshiels area of Hobkirk and the residents there.

Hobkirk Community Council objects to the schemes being treated as one.

2 Size of the Proposed Development

The previous proposal featured 132m high turbines and was considered in size and number a large development. We doubted if that scheme could be accommodated within the landscape. This scheme featuring 250m turbines cannot be accommodated in the environment and will overwhelm local roads and residences. On Wyndburgh hill from the B6399 the skyline obstruction will be double that of the hills themselves and therefore totally unacceptably obtrusive. The onus should be on the developer to demonstrate convincingly that this is not the case. The developers will also have to make a convincing case that it will be acceptable to build a site which goes way beyond what Scottish Borders Council Development Plan considers appropriate – especially in terms of turbine height.

3 Energy Targets

The developer expects that the proposed development would contribute to CO2 reduction targets and government renewable targets. We would ask that as part of the application there is a full assessment of how far these targets are currently being met. We would ask that there is a consideration of what is operating, consented, in planning and in scoping. We would further ask that evidence is given of progress at the time and that it is regularly updated prior to a final decision being made. Whilst no doubt windfarms assist toward net zero target, they are as here, being built by multinational companies for profit. This at the cost to local communities without sufficient mitigation. HCC objects to the fact that there is no attempt for the power generated to be used to satisfy Scotland's need for energy, as it is to be connected directly to Carlisle. Our Scottish landscape being destroyed/spoilt to provide power to England.

4 Cumulative

The application needs to include up to date information so that a proper assessment of cumulative impact can be made. In addition, given the separate locations of parts of this proposal, the effect of each site on the other needs to be considered in the cumulative effect.

5 Flooding

There is a history of recent flooding in Hawick, Jedburgh, Bonchester Bridge, Newcastleton and outlying areas. This level of construction in the area may exacerbate the flood risk. All of the developments lie in the catchments of the Teviot, Jed, Rule, and Slitrig. The construction of roads, hard standing and concrete bases with the attendant loss of forestry will lead to accelerated run off and increase flood risk in each catchment area. Provision for delaying/containing run off from site

must be built into the proposal. Any increase whatsoever will lead to our already critical flood risk being increased.

6 Transport

There needs to be an independent assessment of the suitability of the local roads and infrastructure. Of particular concern are the A7 and B6395 and the village of Newcastleton. The A7 is the Borders Historic Route from Carlisle to Edinburgh. The B6397 is an iconic cycling road which has featured in most recent editions of the Tour of Britain and is, along with the B6399, now part of the newly established Stranraer to Eyemouth scenic cycling route being promoted by South of Scotland Enterprise. It is also a popular road with touring motor cyclists. The high level of additional heavy traffic on this route will need to be assessed taking account of all relevant factors. The A6088 through Bonchester Bridge with steep downhill approaches and tight bends is unsuitable for heavily laden HGVs.

A full Traffic Management Plan needs to be established for all vehicles especially indivisible loads and aggregate HGVs prior to approval. A TMP as a planning condition does not, in our experience, protect villages, residences and road users from unacceptable disruption danger and expense. The actual adaption of roads to cope with windfarm traffic must be considered for its potential to disrupt and isolate rural residents and businesses. Closure of any roads must be avoided as with so few alternatives' diversions are unacceptably lengthy.

7 Visual Amenity

The area under consideration is an area of largely unspoilt countryside albeit with very few human constructions. The developers need to include far more viewpoints than those included in the scoping documents to demonstrate likely effects. Far more consideration also needs to be given to scenic roads if the true impact of such a huge scheme is to be properly assessed. Additional viewpoints at Langburnshiels/B6399 are needed to gauge the impact of the proposed close turbines. Residential visual amenity assessment must include night time lighting assessment.

8 Ornithology

The developer needs to consider the whole issue of displacement with the large number of schemes proposed in the area. The base assessments cannot be relied on when numbers may be distorted by displacement from nearby wind farm construction. Assessments need to be reliable and draw on consultation with local experts, as well as relying solely on observation which by its nature is partial in timescale. This also highlights the need for this to be considered as 3 different WFs. Studies of one site will not be relevant to others and 3 separate studies are needed.

9 Economic benefit and Tourism

We would like to see full justification for the opinion (14.4.1) of the scoping document that wind farm development may have positive effects on local and tourism. Evidence and concrete examples would be welcome. Our experience is that local firms are too small to be used and that the work is specialised and so workers are imported. There are few businesses who have accommodated incoming workers so again little economic benefit. In our experience with road closures and diversions we find that it is costing the local community when a windfarm is developed. Even a scoping for a windfarm causes a form of "planning blight." Inevitable is the loss of value of properties

once only surround by trees to have prospect of a windfarm close by. Any application needs to detail how it will mitigate these effects.

Community benefit is mentioned briefly in the scoping report. A more robust statement and signed agreement with local communities prior to or accompanying any application is needed to reassure the local community. Our experience is that intentions voiced before permission are not always honoured.

The proposed list of consultees makes no mention of rambling, road cycling, motor cycling and motoring organisations – all important to local tourism.

10 The Borders Railway

This is part of the Waverley Line from Carlisle to Edinburgh. The northern part of this route has been re-opened with great success. There is considerable pressure to re-open the southern part as well. The developers need to be aware of this and ensure that any development does not impede the possible future development of this section of the line. Consultation with the Campaign for Borders Rail would be a useful starting point.

11 National Parks

The scoping document refers to the proximity of the Northumberland National Park. There is a bid for this area to be included in a South of Scotland National Park. The developers should be aware of this and address it in their proposals.

12 Dark Sky

Application must detail type of lighting to be used. Visible light would significantly alter the night sky over all 3 areas. Close residential receptors, Langburnshiels community for instance, would experience a change in their night time environment.

HCC objects to use of any visible light sources from construction or operation of the Windfarm.

13 Shadow Flicker

In table 1 Scope Sh

Shadow Flicker has been scoped out “as the likelihood of this phenomenon is unlikely due to the design and spacing of the Proposed Development’s turbines.” But in 15.5 it states the conditions for shadow flicker which would clearly apply at the Langburnshiels community in whole or part, where some of the residents are defined as particularly susceptible to Shadow flicker. Relocation of turbines to eliminate or measures to prevent Shadow Flicker need to be detailed in the application.

14 Noise & Vibration

The settlement at Langburnshiels has been omitted from 13.2.1 and is closer than any others. Background assessments need to be carried out in association with local community to avoid unusual transient noise sources being included.

15 Mapping of Wyndburgh Hill

The submitted maps do not reflect the actual landscape at the top of and leading up Wyndburgh Hill. A very special high moor landscape exists with a pond. This is shown on OS maps, and still exists. The submitted maps show just commercial forest.

A64

From: JRC Windfarm Coordinations Old
To: Nicola Ferguson
Cc: WindSPEN
Subject: Liddesdale Wind Farm - Request for Scoping Opinion [WF993928]
Date: 12 July 2023 09:27:08

Dear nicola,

A Windfarms Team member has replied to your co-ordination request, reference **WF993928** 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 Nicola,

***Site Name**: Liddesdale Wind Farm*

***Turbine(s) at NGR**:*

Wauchope East - 34 WTG
WTG ID Easting Northing
WE 8 361038 601927
WE 9 361594 601840
WE 10 360625 602237
WE 11 361386 602453
WE 12 360544 602835
WE 13 361281 603048
WE 14 360965 603555
WE 15 360370 603323
WE 16 359907 603711
WE 17 360569 603985
WE 18 361240 604276
WE 19 361337 604971
WE 20 361893 604854
WE 21 361835 604043
WE 22 361893 603414
WE 23 362215 602974
WE 24 362398 604605
WE 25 362572 605342
WE 28 363251 605259
WE 29 362810 604176
WE 30 363522 604697
WE 31 363747 604209
WE 32 364201 605060
WE 33 364284 605797
WE 36 364725 605500
WE 37 364872 604929
WE 38 365512 604921
WE 39 366124 604780
WE 40 364442 604314
WE 41 365021 604364

WE 26 362497 606004
WE 27 363076 605863
WE 52 360768 605126
WE 53 360309 604467

Wauchope West - 16 WTG
WTG ID Easting Northing
WW 1 356516 604659
WW 2 356148 604093
WW 3 355298 602530
WW 4 354570 602142
WW 5 355084 601812
WW 6 355108 601220
WW 7 355740 601924
WW 43 356358 605226
WW 64 355826 604606
WW 66 355770 603193
WW 42 357034 605317
WW 65 355139 604083
WW 67 354872 602860
WW 68 355084 603476
WW 70 354122 601415
WW 71 354659 600533

Newcastleton - 30 WTG
WTG ID Easting Northing
N 6 355259 590507
N 7 355911 590331
N 8 356308 589980
N 9 356443 589400
N 10 355816 589208
N 11 355544 589663
N 12 354940 589964
N 13 354829 589288
N 14 355188 588924
N 15 356039 588708
N 16 355395 588440
N 17 355363 587740
N 18 354688 588208
N 19 354193 589511
N 21 354265 588692
N 22 353510 588613
N 24 353685 588073
N 25 354712 587333
N 26 354153 587549
N 20 353502 589288
N 23 352826 588716
N 27 354362 590175
N 28 352985 587918
N 29 354006 586869
N 31 353670 589988
N 33 352921 589317
N 37 352280 588101
N 40 352287 587459

N 43 352716 587101
N 44 353380 587035

***Hub Height**: 165m **Rotor Radius**: 85m*

*This proposal is ***cleared*** with respect to radio link infrastructure operated by the local energy networks.*

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal. Please note that due to the large number of adjacent radio links in this vicinity, which have been taken into account, clearance is given specifically for a location within the declared grid reference (quoted above).

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, you are advised to seek re-coordination prior to submitting a planning application, as this will negate the possibility of an objection being raised at that time as a consequence of any links assigned between your enquiry and the finalisation of your project.

JRC offers a range of radio planning and analysis services. If you require any assistance, please contact us by phone or email.

Regards

Wind Farm Team

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

Dear Nicl

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?id=30833

From:	NATS Safeguarding
To:	Econsents Admin
Cc:	Ferguson N (Nicola)
Subject:	RE: Request for Scoping Opinion Liddesdale Wind Farm [SG35557]
Date:	28 June 2023 12:40:03
Attachments:	image002.png image003.png image004.png image005.png image006.png image007.png image008.png SG35557 Liddlesdale Wind Farm - TOPA Issue 1.pdf

Our Ref: SG35557

Dear Sir/Madam

We refer to the application above. The proposed development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria.

Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection are outlined in the attached report TOPA SG35557.

We would like to take this opportunity to draw your attention to the legal obligation of local authorities to consult NATS before granting planning permission. The obligation to consult arises in respect of certain applications that would affect a technical site operated by or on behalf of NATS (such sites being identified by safeguarding plans that are issued to local planning authorities).

In the event that any recommendations made by NATS are not accepted, local authorities are obliged to follow the relevant directions within Planning Circular 2 2003 - Scottish Planning Series: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003 or Annex 1 - The Town And Country Planning (Safeguarded Aerodromes, Technical Sites And Military Explosives Storage Areas) Direction 2002.

These directions require that the planning authority notify both NATS and the Civil Aviation Authority ("CAA") of their intention. As this further notification is intended to allow the CAA to consider whether further scrutiny is required, the notification should be provided prior to any granting of permission.

It should also be noted that the failure to consult NATS, or to take into account NATS's comments when determining a planning application, could cause serious safety risks for air traffic.

Should you have any queries, please contact us using the details below.

Yours faithfully

NATS

NATS Safeguarding
E: natssafeguarding@nats.co.uk
4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk

Prepared by:
NATS Safeguarding Office

Technical and Operational Assessment (TOPA)

For Liddlesdale

Wind Farm Development

NATS ref: SG35557

Issue 1

Contents

Publication History

Issue	Month/Year	Change Requests and summary
1	June 2023	Scoping Request

Document Use

External use: Yes

Referenced Documents

1. Background

1.1. En-route Consultation

NATS en-route plc is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility it has a comprehensive infrastructure of RADAR's, communication systems and navigational aids throughout the UK, all of which could be compromised by the establishment of a wind farm.

In this respect NATS is responsible for safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control (ATC).

In order to discharge this responsibility NATS is a statutory consultee for all wind farm applications, and as such assesses the potential impact of every proposed development in the UK.

The technical assessment sections of this document define the assessments carried out against the development proposed in section 3.

2. Scope

This report provides NATS En-Route plc's view on the proposed application in respect of the impact upon its own operations and in respect of the application details contained within this report.

Where an impact is also anticipated on users of a shared asset (e.g. a NATS RADAR used by airports or other customers), additional relevant information may be included for information only. While an endeavour is made to give an insight in respect of any impact on other aviation stakeholders, it should be noted that this is outside of NATS' statutory obligations and that any engagement in respect of planning objections or mitigation should be had with the relevant stakeholder, although NATS as the asset owner may assist where possible.

3. Application Details

Scottish Government submitted a request for a NATS technical and operational assessment (TOPA) for the development at Liddlesdale Wind Farm. It will comprise turbines as detailed in Table 1 and contained within an area as shown in the diagrams contained in Appendix B.

Turbine	Lat	Long	East	North	Tip (m)
1	55.1788	-2.7508	352281	587422	250
2	55.1757	-2.7437	352735	587072	250
3	55.1753	-2.7335	353379	587018	250
4	55.1739	-2.7234	354024	586865	250
5	55.1845	-2.7514	352254	588060	250
6	55.1830	-2.7398	352989	587889	250
7	55.1846	-2.7288	353688	588051	250
8	55.1801	-2.7209	354187	587548	250
9	55.1780	-2.7129	354695	587305	250
10	55.1901	-2.7425	352826	588680	250
11	55.1893	-2.7318	353506	588581	250
12	55.1900	-2.7200	354260	588653	250
13	55.1860	-2.7132	354686	588204	250
14	55.1814	-2.7031	355321	587683	250
15	55.1954	-2.7413	352907	589263	250
16	55.1951	-2.7325	353470	589228	250
17	55.1974	-2.7215	354169	589479	250
18	55.1954	-2.7114	354813	589246	250
19	55.1920	-2.7058	355167	588859	250
20	55.1879	-2.7021	355394	588401	250
21	55.2016	-2.7294	353670	589946	250
22	55.2031	-2.7186	354359	590108	250
23	55.2011	-2.7100	354904	589883	250
24	55.1987	-2.7003	355521	589605	250
25	55.1948	-2.6961	355784	589165	250
26	55.1904	-2.6922	356029	588680	250
27	55.2063	-2.7046	355258	590449	250
28	55.2045	-2.6946	355893	590243	250
29	55.2015	-2.6887	356265	589910	250
30	55.1963	-2.6864	356401	589326	250
31	55.2955	-2.7156	354658	600384	250
32	55.3032	-2.7248	354082	601255	250
33	55.3020	-2.7094	355057	601105	250
34	55.3102	-2.7177	354540	602021	250
35	55.3072	-2.7091	355086	601691	250
36	55.3083	-2.6991	355722	601796	250
37	55.3168	-2.7125	354880	602757	250
38	55.3137	-2.7069	355234	602411	250
39	55.3219	-2.7096	355072	603327	250
40	55.3197	-2.6986	355766	603072	250
41	55.3280	-2.7087	355131	604003	250
42	55.3281	-2.6924	356165	604003	250
43	55.3328	-2.6984	355795	604529	250

44	55.3331	-2.6869	356519	604559	250
45	55.3384	-2.6898	356342	605144	250
46	55.3390	-2.6791	357021	605204	250
47	55.3249	-2.6342	359857	603613	250
48	55.3211	-2.6262	360359	603177	250
49	55.3168	-2.6231	360551	602697	250
50	55.3116	-2.6221	360610	602126	250
51	55.3086	-2.6151	361053	601781	250
52	55.3078	-2.6072	361555	601691	250
53	55.3314	-2.6271	360314	604333	250
54	55.3271	-2.6319	360004	603853	250
55	55.3231	-2.6167	360964	603402	250
56	55.3190	-2.6122	361245	602937	250
57	55.3134	-2.6101	361378	602321	250
58	55.3381	-2.6209	360713	605069	250
59	55.3300	-2.6126	361230	604168	250
60	55.3282	-2.6033	361821	603958	250
61	55.3227	-2.6020	361895	603342	250
62	55.3182	-2.5971	362205	602847	250
63	55.3364	-2.6116	361304	604874	250
64	55.3359	-2.6027	361865	604814	250
65	55.3329	-2.5952	362338	604483	250
66	55.3293	-2.5880	362795	604078	250
67	55.3462	-2.5933	362470	605955	250
68	55.3400	-2.5918	362559	605264	250
69	55.3450	-2.5840	363061	605820	250
70	55.3391	-2.5809	363253	605159	250
71	55.3343	-2.5766	363519	604619	250
72	55.3298	-2.5733	363726	604123	250
73	55.3373	-2.5662	364184	604949	250
74	55.3308	-2.5621	364435	604228	250
75	55.3442	-2.5651	364257	605715	250
76	55.3420	-2.5586	364671	605474	250
77	55.3361	-2.5555	364863	604814	250
78	55.3310	-2.5528	365025	604243	250
79	55.3362	-2.5457	365483	604814	250
80	55.3351	-2.5359	366103	604694	250

Table 1 – Turbine Details

4. Assessments Required

The proposed development falls within the assessment area of the following systems:

En-route Surv	Lat	Long	nm	km	Az (deg)	Type
Claxby Radar	53.4501	-0.3083	133.8	247.8	323.9	CMB
Clee Hill Radar	52.3983	-2.5975	166.8	309.0	282.7	CMB
Great Dun Fell Radar	54.6841	-2.4509	30.9	57.3	348.1	CMB
Lowther Hill Radar	55.3778	-3.7530	35.5	65.8	99.1	CMB
Perwinnes Radar	57.2123	-2.1309	113.3	209.7	188.9	CMB
Tiree Radar	56.4556	-6.9230	157.6	292.0	114.5	CMB
En-route Nav	**Lat**	**Long**	**nm**	**km**	**Az (deg)**	**Type**
None						
En-route AGA	**Lat**	**Long**	**nm**	**km**	**Az (deg)**	**Type**
None						

Table 2 – Impacted Infrastructure

4.1. En-route RADAR Technical Assessment

4.1.1. Predicted Impact on Lowther RADAR

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

4.1.2. Predicted Impact on Great Dun Fell RADAR

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

4.1.3. En-route operational assessment of RADAR impact

Where an assessment reveals a technical impact on a specific NATS' RADAR, the users of that RADAR are consulted to ascertain whether the anticipated impact is acceptable to their operations or not.

Unit or role	Comment
Prestwick Centre ATC	Unacceptable
Military ATC	Acceptable

Note: The technical impact, as detailed above, has also been passed to non-NATS users of the affected RADAR, this may have included other planning consultees such as the MOD or other airports. Should these users consider the impact to be unacceptable it is expected that they will contact the planning authority directly to raise their concerns.

4.2. En-route Navigational Aid Assessment

4.2.1. Predicted Impact on Navigation Aids

No impact is anticipated on NATS' navigation aids.

4.3. En-route Radio Communication Assessment

4.3.1. Predicted Impact on the Radio Communications Infrastructure

No impact is anticipated on NATS' radio communications infrastructure.

5. Conclusions

5.1. En-route Consultation

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be unacceptable.

Appendix A – Background RADAR Theory

Primary RADAR False Plots

When RADAR transmits a pulse of energy with a power of P_t the power density, P, at a range of r is given by the equation:

$$P = \frac{G_t P_t}{4\pi r^2}$$

Where G_t is the gain of the RADAR's antenna in the direction in question.

If an object at this point in space has a RADAR cross section of σ, this can be treated as if the object re-radiates the pulse with a gain of σ and therefore the power density of the reflected signal at the RADAR is given by the equation:

$$P_a = \frac{\sigma P}{4\pi r^2} = \frac{\sigma G_t P_t}{(4\pi)^2 r^4}$$

The RADAR's ability to collect this power and feed it to its receiver is a function of its antenna's effective area, A_e, and is given by the equation:

$$P_r = P_a A_e = \frac{P_a G_r \lambda^2}{4\pi} = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4}$$

Where G_t is the RADAR antenna's receive gain in the direction of the object and λ is the RADAR's wavelength.

In a real world environment this equation must be augmented to include losses due to a variety of factors both internal to the RADAR system as well as external losses due to terrain and atmospheric absorption.

For simplicity these losses are generally combined in a single variable L

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4 L}$$

Secondary RADAR Reflections

When modelling the impact on SSR the probability that an indirect signal reflected from a wind turbine has the signal strength to be confused for a real interrogation or reply can determined from a similar equation:

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r_t^2 r_r^2 L}$$

Where r_t and r_r are the range from RADAR-to-turbine and turbine-to-aircraft respectively. This equation can be rearranged to give the radius from the turbine within which an aircraft must be for reflections to become a problem.

$$r_r = \sqrt{\frac{\lambda^2}{(4\pi)^3}} \sqrt{\frac{\sigma G_t G_r P_t}{r_t^2 P_r L}}$$

Shadowing

When turbines lie directly between a RADAR and an aircraft not only do they have the potential to absorb or deflect, enough power such that the signal is of insufficient level to be detected on arrival.

It is also possible that azimuth determination, whether this done via sliding window or monopulse, can be distorted giving rise to inaccurate position reporting.

Terrain and Propagation Modelling

All terrain and propagation modelling is carried out by a software tool called ICS Telecom (version 11.1.7). All calculations of propagation losses are carried out with ICS Telecom configured to use the ITU-R 526 propagation model.

Appendix B – Diagrams

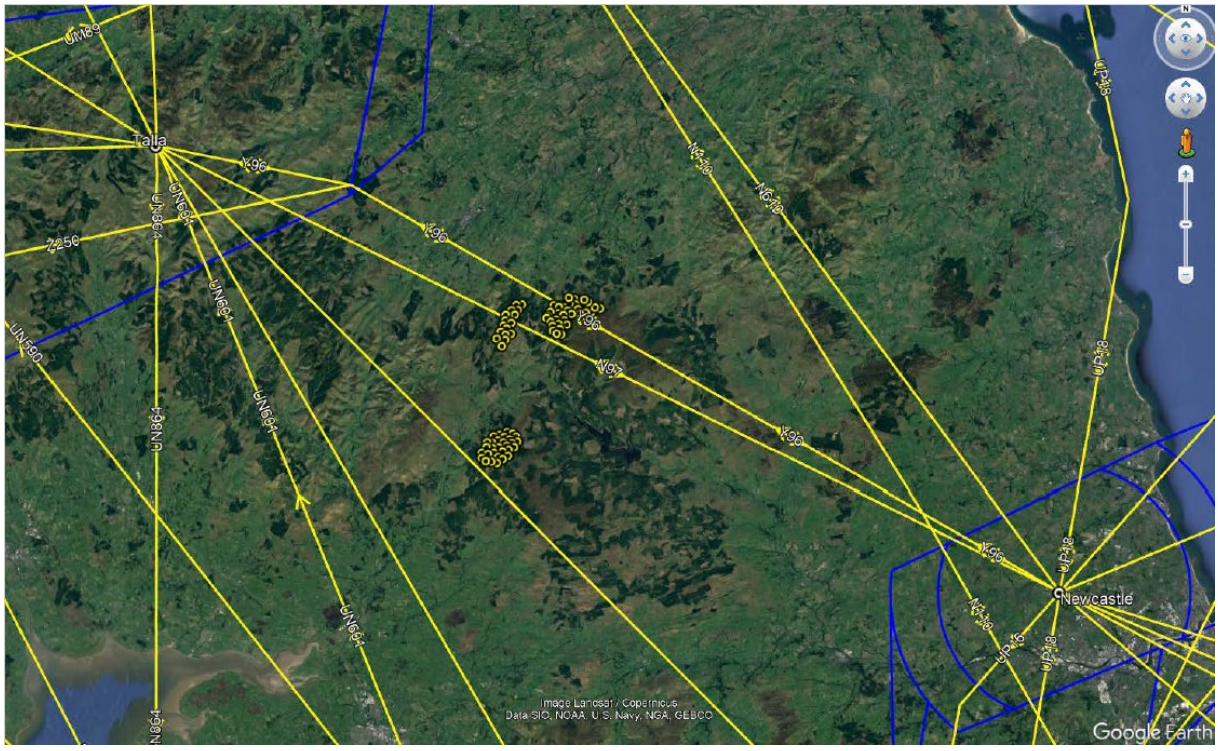


Figure 1: Proposed development location shown on an airways chart

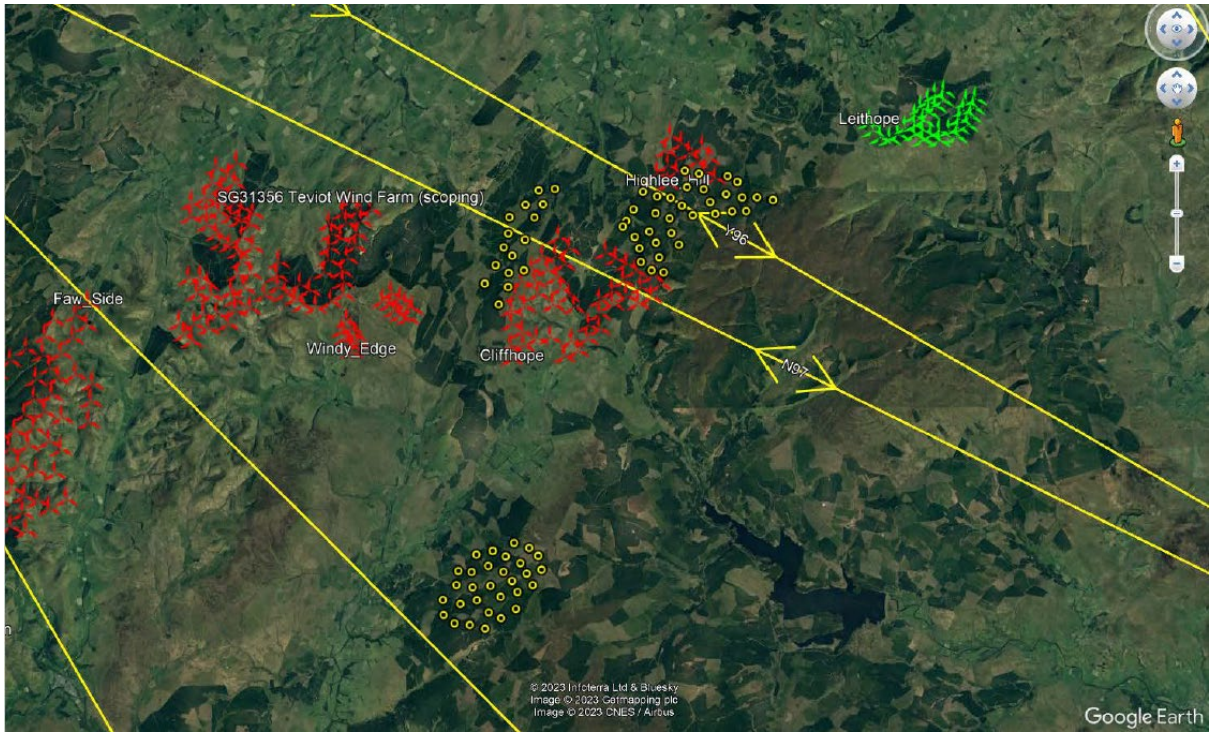


Figure 2: Proposed development shown alongside other recently assessed applications

consented/built | impact –accepted | impact –objection | mitigated
mitigation –proposed | no impact | refused/withdrawn

A80

Date: 08 August 2023
Our ref: 440515
Your ref: Liddesdale Wind Farm

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

The Scottish Government
Energy and Consents Unit

For the attention of – Kirstin Keyes

BY EMAIL ONLY

Dear Kirstin

The Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (As amended): Scoping Opinion Request for Proposed Section 36 Application

Location: Liddesdale Wind Farm, Scottish Borders

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 27 June 2023 which we received on the same day. Thank you for allowing us extra time to respond.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law[1] and guidance[2] has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact me on 07554 459452 or antony.muller@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Antony Muller
Senior Adviser - Northumbria Area Team

[1] Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)
[2] *Note on Environmental Impact Assessment Directive for Local Planning* Authorities Office of the Deputy Prime Minister (April 2004) available from http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/noteenvironmental/

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

a. existing completed projects;
b. approved but uncompleted projects;
c. ongoing activities;
d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and

plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EcIA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EcIA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites)

The development site is adjacent to the following designated nature conservation sites:

- Kielderhead and Emblehope Moors SSSI (Wauchope); Kielder Mires SSSI (Newcastleton) and 'Border Mires: Kielder – Butterburn SAC' (both sites i.e. west-south-west of and north of Kielder Water)
- Further information on the SSSIs and their special interest features can be found at www.magic.gov . The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within Kielderhead and Emblehope Moors, and Kielder Mires SSSIs, and Border Mires: Kielder – Butterburn SAC and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

  Note - 'Kielderhead' and 'White Lee Moor' National Nature Reserves also form part of the Border Mires: Kielder – Butterburn SAC and component SSSI.

  - We draw your attention to mobile species such as hen harrier and golden eagle alongside the breeding bird assemblage for which the SSSI is notified.
- Natura 2000 network site conservation objectives are available on our internet site: http://publications.naturalengland.org.uk/category/6490068894089216

2.3 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.

2.3 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication 'Guidance for Local Authorities on Implementing the Biodiversity Duty'.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration…in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration. Please see 2.6 below.

Biodiversity net gain

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as Biodiversity Metric 4.0 together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.
The metric should be used to:
• assess or audit the biodiversity unit value of land within the application area
• calculate the losses and gains in biodiversity unit value resulting from proposed development
• demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

Local Record Centre (LRC) in Scottish Borders please contact:

The Wildlife Information Centre for Lothian and the Borders (TWIC)
Caretaker's Cottage
Vogrie House
Vogrie Country Park
Nr Gorebridge
Midlothian, EH 23 4NU
01875 825968; www.wildlifeinformation.co.uk

Local Record Centre (LRC) in Northumberland please contact:

Environmental Records Information Centre North East (ERICNE)
Great North Museum: Hancock
Barras Bridge
Newcastle upon Tyne, NE2 4PT
0191 208 8918; www.ericnortheast.org.uk

3. Designated Landscapes and Landscape Character

Nationally Designated Landscapes

As the development site is adjacent to **the Northumberland National Park**, consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation within the environmental impact assessment, as well as the content of the relevant management plan for the Northumberland National Park.

On the basis of previous wind farm schemes in the locality we would draw particular attention to the need to assess:

(i) Cumulative and sequential impacts on visual amenity in respect of the Pennine Way national trail.
(ii) Cumulative and in combination impacts on landscape character (i.e. together with other permitted and proposed wind energy proposals in the area).

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant National Character Areas which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England's landscape pages here.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Connecting People with nature

The EIA should consider potential impacts on access land, public open land, and rights of way in the vicinity of the development. Consideration should also be given to the potential impacts on the nearby **Pennine Way National Trail**. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Water Quality

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels. Further information can be obtained from the Local Planning Authority.

5. Climate Change Adaptation

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 109), which should be demonstrated through the ES.

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the Committee on Climate Change's (CCC) Independent Assessment of UK Climate Risk, the National Adaptation Programme (NAP), the Climate Change Impacts Report Cards (biodiversity, infrastructure, water etc.) and the UKCP18 climate projections.

The Natural England and RSPB Climate Change Adaptation Manual (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's Nature Networks Evidence Handbook(2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's Carbon Storage and Sequestration by Habitat report (2021) and the British Ecological Society's nature-based solutions report (2021) provide further information.

From: Adam Ewart
To: Nicola Ferguson
Subject: Request for Scoping Opinion Liddesdale Wind Farm
Date: 13 July 2023 13:49:12
Attachments: image001.png
image004.png
image005.png
image006.png
image007.png

Hi Nicola,

Thanks for consulting Newcastle International Airport on the above written scoping opinion. The Airport's Air Traffic Engineer has had the opportunity to review the proposals and has confirmed that we raise no objection to the proposals as No the base-of-radar cover at this range is about 3000ft.

Thanks

Adam

Adam Ewart I Airport Planner I Newcastle International
DDI: +44 (0)191 2143279

Newcastle International Your Airport

Visit NORTH EAST ENGLAND

THE TRAVEL INDUSTRY AWARDS 2022 by ttg — WINNER — UK & Irish Airport of the Year

Newcastleton Community Council
Response to EDF – Liddesdale Windfarm scoping

September 16 2023

NEWCASTLETON
COMMUNITY COUNCIL

Introduction
The CC has used the executive summary table provided in the report to make comments on issues it wishes to see detailed in the proposal when it moves to the next stage.

Site evaluations
At the outset the Newcastleton community wish to state that the sheer scale and size of this submission covering three sites is daunting for us to review given the capacity and experience available to us to call upon.

Newcastleton CC seeks a meeting with ECU and our neighbouring communities to revisit the decision made by them on the communities' behalf in 2017, and to request separate proposals be provided for each location.

NCC contends that each location will still have its own distinct issues and needs, each requires dedicated levels of attention to detail across all environmental issues to ensure that each catchment is addressed individually and cumulatively. EDF and its advisors have totally ignored the recommendations of the ECU from the last submission/meetings in 2017 and yet nothing has changed.

Community Wealth building and Natural capital policies
NCC welcomes the increased measures Scottish Government has approved and put into place since that time which provides communities with added powers via the now established Community empowerment act, new community wealth building policies and measures to protect natural capital as well as the land reform act and rural land use initiatives, all of which need to be considered in this process particularly under the umbrella of **just transition** as part of the Scottish Governments aim to deliver Net Zero targets.

Newcastleton is playing an active role as a community to support the Scottish Governments ambition to do this, and we recognise that this development will contribute to that aim BUT this proposal needs to achieve this certain that its impact leaves no lasting negative impact on those who depend on the land and local environment for their livelihoods.

We expect EDF and their advisors to reference the relevant policies in their considerations, they are in place to help Scotland deliver net zero but also provide protection to those who live and work here.

Newcastleton community is dependent on the land to provide for its economic wellbeing through agriculture, forestry, tourism, and leisure (hospitality) any impacts on this fragile economic balance can have devasting impact on our community wellbeing. We have many examples we can cite and respectfully request EDF to acknowledge this fragility in their planning process.

Comments provided reflect our immediate concerns about Newcastleton Forest, we are less qualified to comment on the other two sites at Wauchope East & West, but in this phase of scoping our remarks should be assumed to apply to all locations as the cumulative impact change will impact the whole of the Liddesdale valley and this is particularly critical to flooding impacts.

NCC has responded to the executive summary table, using this as the basis to note issues of concern or that require greater exploration than indicated.

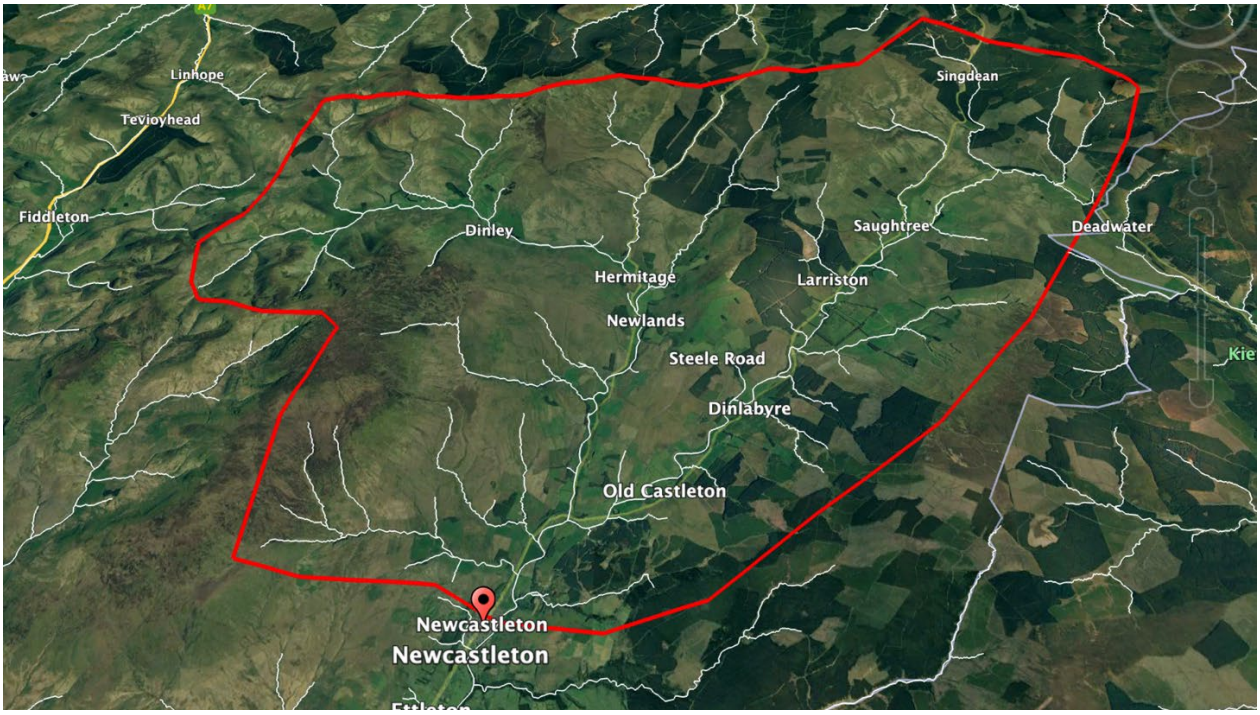
We look forward to working with ECU, EDF, their agents and consultants during this process and hope that the community contribution is valued.

Environmental Topic	Summary of Proposed Scope of Assessment	Element Proposed to be Scoped Out
Landscape and Visual	A Study Area of 45km for the LVIA, and 60km for cumulative development identification. Receptors comprising landscape character types, landscape character areas, the Dark Sky Park, settlements, residential properties, A Roads, B Roads and C Roads, recreational routes, core paths, public rights of way and visitor attractions identified in the Zone of Theoretical Visibility (ZTV). A residential visual amenity assessment within 2km of turbines, and a night-time lighting assessment. NCC – request the visual amenity assessment to be broadened to 5km of turbines, as well as a night-time lighting assessment. The community development proposals on Holm Hill include Dark Sky facilities which will be impacted by the turbines	Developments at scoping stage, turbines under 50m in height, and variation to consented schemes beyond 10km. Wild Land Assessment AONB Receptors not visible in the ZTV. Receptors beyond the Study Area.
Cultural Heritage	Direct and indirect effects on designated and non-designated heritage assets that are within the Site and within 500m of the Site boundary. A wider 10km Study Area would also be used to identify potential indirect effects on designated and nationally important heritage assets. Redheugh – is the prime seat of the Eliotts, a riding Border family, and ancient seat of Clan Elliot, occupied circa 1326. Whilst this isn't recognised by Historic Environment Scotland it is still lived in by the Chief of the Eliotts. The centre of Clan Eliott, it has a clan museum and regular clan gatherings where between 150 and 200 Elliots meet at the house and on the land. The local community benefit from the international visitors (mainly) who stay locally and use the village facilities. Redheugh, has a strategic position overlooking Hermitage Water straight across land on the opposite bank at Newcastleton Forest. This is a valued local heritage and cultural site where many traditions are centred. The community consider the cultural value of this is being undermined given the planned location of turbines which will significantly impact on the heritage value of the Clan seat. NCC request that consideration be given to the citing of the turbines so the impact on the gathering spaces and viewpoints significant to the clan can be preserved.	Assets out with the 10km Study Area. Assets outside the ZTV within the Study Area.

Ornithology	Considering the information available regarding the species assemblage and distribution at the Site, it is considered that goshawk, hen harrier, nightjar and osprey are likely to be the species considered as Important Ornithological Features and therefore would be scoped into the assessment. Community reports local sightings of Golden Eagle (Tarras Valley, Greena Quarry, Dykecrofts and Yethouse Hill). Reports submitted to RSPB by local monitors. This needs to be included given the current program to reintroduce the breed into the south of Scotland and the success this is having within the local catchment area.	Common and / or low conservation species not listed as Annex 1/Schedule 1 species, not included in non-statutory lists, and passerine species not generally considered at risk from wind farm developments. Subject to the results of the collision risk modelling, effects relating to any target species not identified to be breeding within the relevant Study Area would be scoped out of the assessment. Designated sites Langholm – Newcastleton Hills SPA, Carter Fell to Peel Fell SSSI, Kielderhead and Emblehope Moors SSSI and River Eden and Tributaries SSSI would be scoped out of the assessment due to no potential for a likely significant effect.
Ecology (including peat)	The detailed scope of assessment would be defined by the outcome of the desk study and habitat and species surveys as the EIA progresses. However, based on an initial desk study appraisal and professional judgement, the following important ecological features are likely to be taken forward for further detailed assessment: statutory and non-statutory designated sites, Annex 1 habitats (including peatland habitats), potential Groundwater Dependent Terrestrial Ecosystems (GWDTEs), otter, water vole, badger, bat, red squirrel, pine marten, salmonids and fresh water pearl mussel. Should any additional sensitive features be identified during the course of the surveys, these would be included within the assessment as appropriate. NCC is committed to supporting the work of community voluntary groups who monitor and support the red squirrel habitats. This species is badly impacted in our immediate catchment, local disturbance of established colonies is of major concern. EDF and their consultants are encouraged to create new habitat areas to compensate for the impact in the forest of the established environments now so this can be mitigated.	

Environmental Topic	Summary of Proposed Scope of Assessment	Element Proposed to be Scoped Out
Forestry	A forestry impact assessment would be prepared. Changes to the woodland structure would be described and analysed, including changes to woodland composition, timber production, traffic movements and felling and restocking plans. The resulting changes to the woodland structure would be assessed for compliance with the UK Forestry Standard and the requirement for compensation planting to mitigate against any woodland loss would be identified. NCC see this as an opportunity to change the current monoculture of Sitka spruce that is the bulk of Newcastleton Forest and its sister sites at Wauchope East and West. Many of these have been felled; ended their current cycle, destroyed because of larch disease or windblown due to the impacts of climate change. This is an opportunity to revisit the sites and to work with local communities to broaden opportunity for community wealth building and community benefit, NCC welcomes any opportunity to review this with EDF and Scottish Forestry as part of this process. Replanting proposals do need to be considered in the wider context and cumulatively given the scale of new forestry happening within the Liddesdale catchment area outside the Scottish Forestry boundary. Issues regarding flooding, run off, extraction, gullies etc. need to be considered in the wider context not as an afterthought in the planning context.	Woodland outside of the Site
Geology, Hydrology and Hydrogeology	The key scope for geology, hydrology and hydrogeology would relate to water quantity (level and flow) and quality. However, depending on the effects on surface water flows, there may also be effects on immediate and downstream morphology and sediment dynamics and flood risk. The following receptors have been scoped in within 10km of the Site boundary: Groundwater within bedrock and the associated Newcastleton, Jedburgh and Wauchope Forest Water Framework Directive (WFD) groundwater bodies; Watercourses and associated WFD surface water bodies, namely Larriston Burn, Kershope Burn, Tweeden Burn and the Liddel Water / Peel Burn draining the Newcastleton Forest site and the Black Burn, Jed Water, Hyndlee Burn, the Rule Water / Wauchope Burn, Lurgies Burn, Flosh Burn, Roughley Burn / Laidlenhope Burn, Dawston Burn / Alison Sike and the Liddel Water / Peel Burn draining the Wauchope Forest part of the Site; Nearby abstractions, springs and water resource use, including Private Water Supplies (PWS); and Water conditions supporting conservation sites, including GWDTEs. NCC strongly contends that the scoping must review all water impacts and run off as a mandatory element of the planning proposal. **The full catchment of the water course that feeds into Liddel Water is huge, over 206 square metres/50,000 acres.** This covers the full extent of the three planned sites; any increases in barriers to stop water retention/mitigate against flood will have a direct impact on all the communities in the full catchment.	In terms of the receptors 'scoped out' from further assessment, these would be confirmed but are likely to include the following: Kershope Bridge SSSI and Langholm-Newcastleton Hills SSSI and SPA Kielder Mires SSSI, Border Mires SAC, Kielderhead and Emblehope Moors SSSI are all located out with the surface water catchments of the Proposed Development; Other conservation sites outside of the Study Area, given the relatively small scale of the Site relative to the downgradient

	Community flooding in 2020 and 2021 is estimated to have cost over £16.5m in recovery and repair to local infrastructure, lost earnings, health impacts etc. Newcastleton absolutely cannot bear another major flood and every effort must be employed to ensure this does not occur. Full impacts are available on the SEPA web site. Whilst we recognise that EDF and their advisors will be familiar with our flood challenges as part of their due diligence process others within the decision-making bodies will not. NCC is keen to ensure that ALL participants are full conversant with the connected tributaries, rivers and streams which impact the community so that informed decisions can be made at the outset to ensure that the communities and hamlets remain protected from flood and that all mitigation measures are included in the process. NCC is happy to share local knowledge and to engage EDF in our flood mitigation program which commences this month with other local landowners and stakeholders to provide local insights if this is required. We request detailed appraisals be included in the next stage to reassure us and others that this program will enhance not inhibit our local flood mitigation strategy where all available land mitigation measures are being encouraged to be considered.	surface water catchments; and Flood risk, given the small scale of the Site relative to the downgradient surface water catchments and the paucity of downstream property and infrastructure.

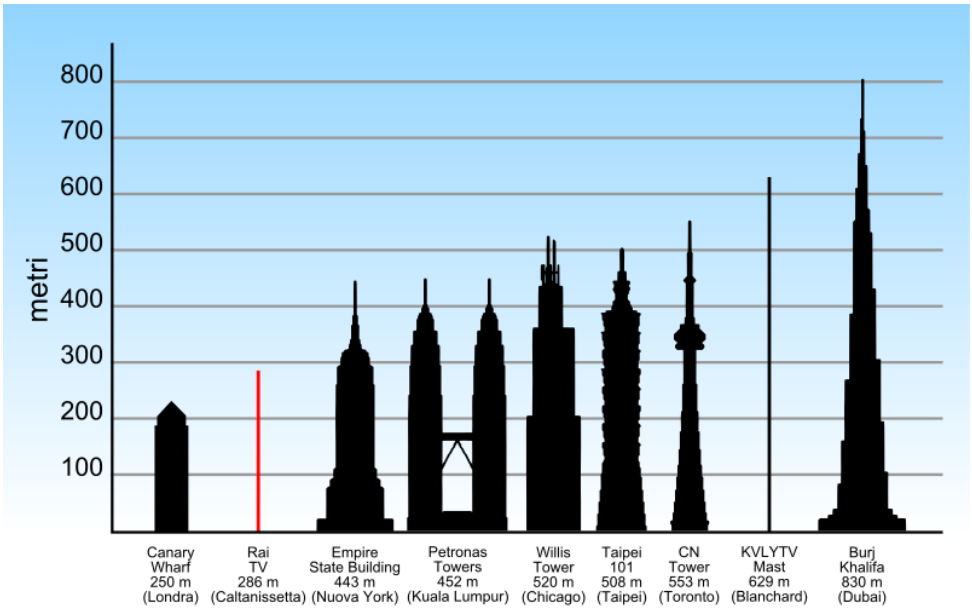


Traffic and Access	Currently scoped in receptors are the B6357, A6088, A68 and A7 and the smaller scale road infrastructure that operates from these receptors. All of these are key access roads for our community, given the current fiasco being endured by residents for other localized wind farm traffic we expect lessons to be learnt and a detailed traffic management plan to be provided for each location – not in in the round. It is noted that as the sources for construction materials are not yet known, other road infrastructure could need to be identified in the future. Receptors also include road users (including pedestrians and cyclists) and properties along the road. Many of our roads are single tracks used by vehicles, farm vehicles, cyclists, walkers, and horse riders. Consideration for all users MUST be provided in the traffic mgt plan as this will directly impact the economic viability of the community.	It is considered that the effects of operational traffic would be negligible and therefore it is proposed that the assessment of the operational phase of the Proposed Development is 'scoped out' of the EIA. This is unacceptable given the current challenges being endured elsewhere. It is also considered that the assessment of the decommissioning phase of the Proposed Development is 'scoped out' of the EIA.

Noise and Vibration	The potential effects from the construction noise (including construction traffic) of the Proposed Development would be considered. This is expected to be significant and to extend for some time to complete construction phases. NCC seeks to ensure **no activity is undertaken from 4pm Fri until 8am on Mon** to ensure that the community and its visitors can continue to enjoy peace and serenity during their leisure time. Efforts should be made to undertake **major works outside of the key peak holiday periods tourism periods** so that access and roads remain open. Newcastleton businesses benefit significantly from dark sky visitors who reside with us during the winter periods when the dark sky season is at peak. This is also another consideration to ensure road access is open to Kielder throughout this period. Operational noise would be considered, especially from noise levels that exceed the ETSU-R-97 noise limits (significant effects). NCC request EDF provide comparative assessment for this so that the community can relate to the level of noise described. Please include examples of what you expect this to sound like	Vibration effects from the construction of the Proposed Development are scoped out due to there being no receptors close enough to the Site to experience adverse effects. The potential effects from operational traffic noise are scoped out due to the Proposed Development developing minimal operational traffic.

Socio-economics, Tourism and Recreation	The potential effects of the Proposed Development upon local employment, visitor attractions, recreational facilities and public accesses would be considered. The potential effects on local tourism and recreation economy/assets would also be considered. This is a critical element of our local economy; the community trust and business forum can provide examples relating to occasions when business has been badly impacted by change, whether this has been road closures, climate events or animal husbandry impacts. We know our own fragility and are happy to share this with EDF to ensure you understand the impact your proposals will have on us. The potential indirect effects (the economic activity generated as a result of purchases in the supply chain) and induced effects (the effects of spending by households in the local economy as a result of direct and indirect effects activity related to the Proposed Development) of the Proposed Development would be considered. NCC requests that this be provided over the timeline of the development so that it can be seen in the context of the impact on the development against local expenditure lost from tourism and footfall because of the wind farm. Local community experience of wind farm development does not convince us, any benefits will be short-term and not be sustained over the duration of the development cycle.	The potential effects in terms of population increases to a local area is not considered as the Proposed Development is not of sufficient scale to cause a considerable migration of people to the local area.
Telecommunications, Aviation and other considerations	The potential effects of the Proposed Development on infrastructure (including utilities), telecommunications and broadcast services would be considered. The developments provide opportunity to support community benefit via direct to home installations, but this is a future consideration and unlikely to benefit households during construction. It is imperative that no impact to comms is felt in any area, NCC maintains analogue phones to utilise during emergency situations as mobile coverage is not available to us. Communication is always paramount to us and must be protected. Our emergency Resilience teams, and local volunteer fire service rely on **radio phones for connection to emergency HQ during crisis**, it is imperative that these are also considered in the comms package. Without them we are totally disconnected in a crisis. The potential air quality effects (including from dust) would be considered for the construction of the Proposed Development. Dust; given challenges of climate change, drought is beginning to cause local concern, particularly amongst those who suffer breathing issues and suffer hay fever. Presumably the blades during operation have propensity to spread pollen and dust over significantly larger catchments than we currently experience. NCC requests that this be explored in detail and that any health risks are highlighted. The potential effects from lighting on the wind turbines, which are an aviation requirement, would be considered during the operational phase of the Proposed Development, to ensure such effects are acceptable. NCC expects all blade lighting to conform to Dark Sky requirements but seeks confirmation of this in the proposal detail. A wide range of potential Major Accidents and Disasters has been scoped in to ensure the potential effects from such	The potential air quality effects of the operation of the Proposed Development are scoped out due to the potential effects being too small. As the Proposed Development would not produce heat or radiation, these elements are scoped out. The potential effects from lighting during the construction phase of the Proposed Development are scoped out due to such effects being easily manageable and minor in nature. Shadow Flicker has been scoped out as the likelihood of this phenomenon is unlikely due to the design and spacing of the Proposed Development's turbines.

	unlikely events have been considered appropriately but in a proportionate manner.	



Blade height – this is seen as excessive given the volume of turbines proposed. NCC requests a review of turbine heights particularly in the vision of the key and iconic viewpoints from **Hermitage Castle, Holm Hill at Whitegate, Redheugh as well as the local cemetery at Castleton**. This is a place on sanctuary and repose being shadowed by turbines will be an unwelcome experience at funerals and when relatives pay their respects. Consideration is requested at the sensitivity of all these locations, there will be others, but these are considered of particular significance.

Leisure Assets - Location and proximity of the turbine placement to current leisure assets (7stanes trails, walks and cross border routes) and impact on local economic sustainability remain a key concern for the community and local businesses as well as our neighbours at Kielder with whom we share our visitor market. There are several core routes which need to be included in the proposals covering cross border links. NCC expect all these to be considered in the proposal and if necessary alternative routes provided to ensure that the economic viability of both remote rural communities is protected prior to the development commencing and during the development phase.

Joined upness - We are sharing our feedback with South of Scotland Enterprise to ensure that the development agency and other public sector partners (Forest and Land Scotland, VisitScotland, South of Scotland Destination Alliance) are aware of the potential disruption and impact of the development and measures can be considered to reduce this locally if possible. We request that EDF and its agents keep them informed as part of their awareness program.

A98

Northumberland
County Council

Nicola Ferguson
Scottish Government
Directorate For Energy And Climate Change
5 Atlantic Quay
150 Broomielaw
Glasgow G2 8LU

Planning Ref: 23/02388/CNA
Your Ref:
Contact: Mr David Love
Direct Line: REDACTED
E-Mail: David.love@northumberland.gov.uk
Date: 26th July 2023

Dear Sir/Madam,

TOWN & COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Proposal Consultation regarding request for Scoping opinion for proposed Section 36 application of the Electricity Act 1989 (as amended) to construct and operate a wind farm at Liddesdale, within the Wauchope and Newcastleton Forests. Reference ECU00004833.

Location Liddesdale Wind Farm

Applicant Nicola Ferguson Scottish Government

I would confirm that Development Management have **No Objection** to the above consultation.

Yours Faithfully

Mr David Love
Planning Officer

A99

Northumberland National Park

Energy Consents Unit
DECC
Scottish Government
Atlantic Quay
Glasgow
G2 8LU

Date : 04th August 2023
Our Ref :
Your Ref : ECU00004833
Contact : Susannah Buylla
Email : planning@nnpa.org.uk

By email

Dear Sirs,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR LIDDESDALE WIND FARM

Thank you for the consultation received 27th June 2023. I apologise for the delay in our response.

Our Head of Conservation has the following comments to make on the scoping opinion:

> I note that this proposed development covers two separate sites, namely Wauchaup Forest (50 turbines) and Newcastleton Forest (30 turbines).
>
> I attach a map indicating the proximity of the Liddesdale Wind Farm proposal in relation to the former MillMoor Rig application (ECU00003426 - 23NP0006Co) that the Authority commented upon earlier in the year relating to a proposal of 16 turbines up to 230 metres high. The attached photomontage identifies the likely effect of this 13 turbine development on the visual amenity for walkers on the Pennine Way on the Border Ridge. I have no reason to believe this application for 50 turbines of up to 250 meters high on adjacent land would have any less an impact on views gained from within the National Park so I do have concerns about this proposed development and its likely effect upon the visual amenity and public's enjoyment of the National Park's landscape and views gained whilst recreating within the National Park.
>
> In relation to scoping report details, I have the following observations to make.
>
> - Scoping report paragraph 5.5.6 – LVIA Study Area to be reduced from recommended 45km to 30km. – This does not sit comfortably with me since best practice as set out in the SNH, February 2017. Visual Representation of Wind Farms: Good Practice Guidance, Version 2.2 identifies that the higher the height of the wind turbine, the greater the visibility and likely effect there will be on adjacent landscapes hence the

recommendation for the Zone of Theoretical Visibility (ZTV) to increase in distance from the nearest turbine. The 2017 guidance recommends a ZTV of 45km for turbines to blade tip of 150m. and above; suggesting that "Greater distances may be needed to be considered for larger turbines used offshore". The offshore reference is made since 250m. tall turbines were not being deployed on land at the time. Unless there is more recent evidence to suggest that a 45kn ZTV is not necessary I would recommend the study area is kept at 45km and for cumulative effect kept at 60km.

- Viewpoints – The Scoping Report has picked up on the NNPA 2016 recommended viewpoints at:-
    - Pennine Way at Paidon Hill, (GR 381900,592800, viewpoint 22)
    - Road Junction at Lanehead (GR379206,585658, viewpoint 23)

  However, the suggested viewpoint from the Pennine Way at Black Halls has been switched for at nearby location of Brownhart Law (Viewpoint 19, GR378778,609383) and a suggested night-time photomontage. The difficulty with this is that the National Trail does not actually pass over the top of Brownhart Law and therefore in terms of undertaking the LVIA assessment this site is meaningless. I would also add that the number of people likely to be at this location walking in the dark is also likely to be limited, also making the LVIA assessment a night-time assessment as indicated in Table 5.2 at the bottom of page 51 of the Scoping Report is also meaningless.

  As indicated in the 2016 response I would request that viewpoint 19 should be just north of Black Halls and taken on the line of the Pennine Way at (GR378860,610700). It is also key that this viewpoint should be assessed in daylight hours and photomontage produced in line with best practice set out in the LI's GLVIA3 and LI's Technical Guidance Note 06/19 Visual Representation of Development Proposals.

I trust the above comments will be taken into account. If you have any queries or would like information on the progress of your application, please do contact me at the above address.

Yours faithfully,

REDACTED

Susannah Buylla MRTPI
Head of Planning & Policy

e-mail: planning@nnpa.org.uk

A101

Viewpoint Information
OS Reference: E378828 N610659
Ground level: 446m (AOD)

Distance to nearest turbine: 15,827m (T3)
Bearing to centre of photograph: 255°

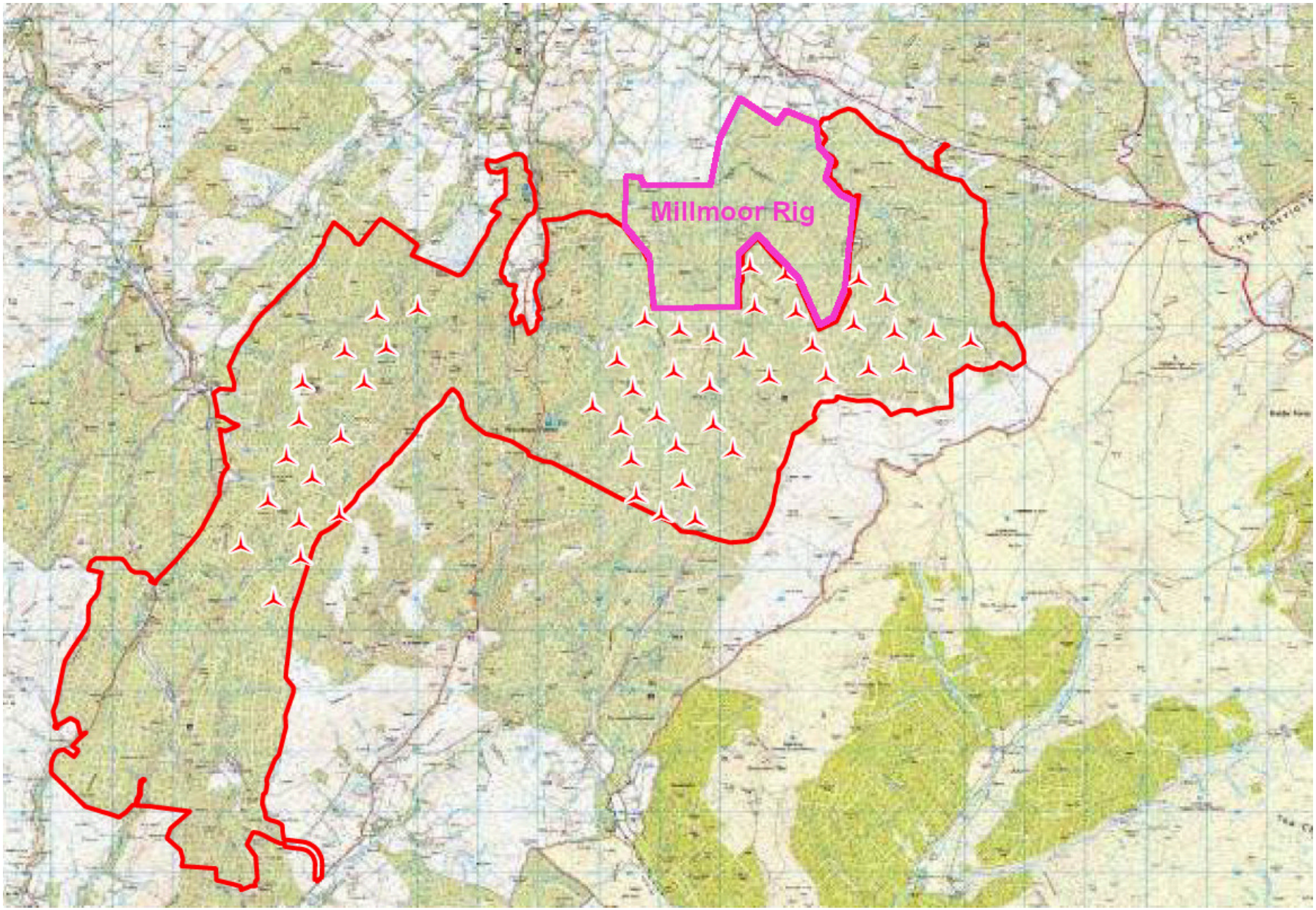
Angle of view: 53.5° (planar)
Principal distance: 812.5mm
Paper size: 841 x 297 mm (half A1)
Correct printed image size: 820 x 260mm

Camera: Canon EOS 5D Mark III
Lens: 50mm Fixed Focal Lens
Height: 1.5m
Date & Time: 19/05/2022 11:35

MILLMOOR RIG WIND FARM

(Sheet C)
Figure 6.54 Viewpoint 15 - Pennine Way, Black Halls
Drawing number P21-1816.114

A102



A103

From:	ONR Land Use Planning
To:	Econsents Admin; Nicola Ferguson
Subject:	ONR Land Use Planning - Application ECU00004833
Date:	04 July 2023 09:53:21
Attachments:	image001.png image001.png

Dear Sir/Madam,

With regard to planning application ECU00004833, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

You can find information concerning our Land Use Planning consultation process here: (http://www.onr.org.uk/land-use-planning.htm).

Kind regards,

Vicki Enston
Land Use Planning
Office for Nuclear Regulation
ONR-Land.Use-planning@onr.gov.uk

A104

From: REDACTED
To: Nicola Ferguson
Subject: Re: FW: Request for Scoping Opinion Liddesdale Wind Farm
Date: 02 August 2023 10:20:43
Attachments: image001.png

Dear Nicola

Thank you for sharing the details of this proposal.

Whilst the Councillors have no comments at this time they should be grateful if you would include the Parish Council at this email address of future consultations, developments and communications.

Regards

Martin Chilvers
Parish Clerk
Rochester with Byrness Parish Council

A105

Nicola Ferguson
Case Officer
Energy Consents Unit (sent by email)

28th July 2023

Dear Nicola,

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR LIDDESDALE WIND FARM

Thank you for consulting RSPB Scotland on the Scoping Report for this development. We have the following comments to make; however, without prejudice to our comments below, it is our view that the proposed development should be dealt with as separate development proposals, due to its size, scale and location.

Scoping Report Chapter 7

7.2 Baseline Conditions 7.2.1.

We note that it is confirmed that relevant ornithological organisations will be contacted for data on breeding raptors to inform this project following the end of the 2023 breeding season. We recommend that this information would usually be requested before survey work has been undertaken as part of the desk study in order to inform the selection of target species for survey work. Since this has not been done, **we recommend that any data provided by these organisations that confirms the presence or potential presence of Annex 1 or SPA designated raptor species should be used to assess the requirement for additional breeding survey in 2024**. The EIAR should also clearly confirm how this data has been used to assess the potential impact of this project as appropriate.

7.2.2. Ornithological Survey

We note that survey coverage has been devised based on a buffer around the turbine array, and not the whole project site/developable area (Fig 7.4). In our view, the

Dumfries & Galloway Office
The Old School
Crossmichael
Castle Douglas
Kirkcudbrightshire
DG7 3AP

Tel: 01556 670 464
Facebook: RSPBDumfriesandGalloway
Twitter: @RSPBDandG
rspb.org.uk/Scotland

suggested survey buffers around the turbine array do not conform with NatureScot's General pre-app and scoping advice for onshore wind farms[1], which provides "the survey area and design must adequately cover the entire development area" (page 10). **Therefore, we advise that this factor should be included in the EIAR relating to potential impact to ornithological species. We advise that the EIAR assesses impact using the appropriate buffer area from the project boundary which will include the whole development area, i.e. the proposed red-line boundary.**

7.2.4 Designated sites and connectivity

We note the estimated distance given for designated sites in relation to this proposal which is given as 5.6km. This would appear to be based on the location of the Wauchope East boundary while the project boundary for the Newcastleton turbine array is less than 3km from the Langholm to Newcastleton Hills SPA. This would bring the Newcastleton site just outside the minimum foraging distance for designated species Hen Harrier (2km) and within the maximum foraging range (10km). We therefore, disagree with the conclusion drawn that there is no connectivity between this project and the SPA. This factor also supports our recommendation that this project should be considered as separate applications given their geographical separation.

While we acknowledge that the location for wind farm infrastructure is planned to be within forestry, the necessary felling for key-holing of turbines will result in the creation of potentially suitable habitat for designated species Hen Harrier putting them at potential collision risk with turbines. We note that survey work recorded designated species Hen Harrier '..*on the edge of the site/within the 2km survey area*' and recorded flight activity for this species during vantage point survey work (7.2.6/7). **Therefore we recommend a Habitats Regulation Appraisal (HRA) is carried out in relation to the SPA, which should be informed by sufficient information included in the EIA report for this project.**

7.2.8 Black Grouse and Nightjar

We note that survey work in 2022 did not record Black Grouse (7.2.8). However, we can confirm lekking Black Grouse in the Scottish Borders less than 2km of boundary of Newcastleton turbine array in 2022 which has been recorded for over a decade. An additional historical and current lek site is also located within 4km of the Newcastleton turbine array (in the Scottish Borders). Given the continuing decline of the southern Scotland population and the management of forestry as part of this application which may result or would have the potential to result in suitable habitat for this species, we would advise Black Grouse remains scoped into the EIA for this project.

We note that survey work recorded nightjar territories across the proposed development site. The felling of existing forestry to accommodate wind farm infrastructure is likely to increase the suitability of habitat across project sites for this species which will put it at increased risk of collision. Given this issue and the increase in the range of this species in southern Scotland and specifically, Scottish Borders, we recommend that Nightjar remains scoped into the EIA for this project.

Data request

We advise that a data request is made to Southern Upland Partnership for data on Black Grouse (Scottish Borders) and to Natural England and GWCT (England) to inform this

[1] Recommended bird survey methods to inform impact assessment of onshore wind farms SNH March 2017 Version 2

project. We also advise that a data request is made to Natural England and Forestry England for data on Hen Harrier within the recommended desk-based search area for this species.

Meeting the requirements of NPF4 Policy 3

NPF4 emphasises the urgent need to respond to the nature and climate crisis, therefore development proposals must critically recognise the opportunity they have to meet this challenge. Specifically, Policy 3 (biodiversity) clearly sets out that development proposals are required to contribute to biodiversity enhancement, including criteria that all Environmental Impact Assessment, major and national developments must meet to ensure biodiversity is in a demonstrably better state than without intervention. Therefore, we welcome the commitment at paragraph 7.6.1 to develop a Biodiversity Enhancement Management Plan (BEMP). We recommend the BEMP, in draft form, is submitted as part of the EIAR, to inform the decision-making process for this proposed development, and to ultimately ensure biodiversity enhancement is secured and meaningfully delivered in the long-term to address the nature and climate emergency with the required urgency.

Yours sincerely,

REDACTED

Julia Gallagher
Senior Conservation Officer – Scottish Lowlands & Southern Uplands

Scotland's Garden & Landscape Heritage

Energy Consents Unit
Onshore Electricity
Strategy and Consents
Directorate for Energy and Climate Change
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow G2 8LU

FAO: Nicola Ferguson, Case Officer 18 July 2023

By email only: Nicola.Ferguson@gov.scot

Dear Nicola,

Case Ref: Request for scoping opinion for proposed Section 36 Application for Liddesdale Wind Farm

Scotland's Garden and Landscape Heritage is grateful to be included in the scoping consultation for Liddesdale Wind Farm. We have reviewed the scoping report and as requested have provided advice on the scope of the environmental impact assessment for this proposal. Specifically, we were asked to advise whether there are any further matters we would like Ministers to highlight for consideration and inclusion in the assessment, particularly site-specific information.

We have reviewed the study areas and have not identified any historic gardens and designed landscapes included on HES Inventory of Gardens and Designed Landscapes within the red line boundaries of the proposed sites.

Through desk-based research, first referring to OS 6-inch map series 1888-1913 and subsequently Peter McGowan Associates 'Borders Designed Landscapes Survey: Schedule of ID sites' 2009 which accompanied a report 'Borders Designed Landscapes an Outline Strategy'

2008 prepared on behalf of Scottish Borders Council, we did identify two non-inventory designed landscapes near Hyndlee adjacent to the Wauchope Forest red line study boundary.

In the schedule of ID sites, Peter McGowan notes Wauchope & Wolflee Ref. 113 as *'two neighbouring designed landscapes in upper Rule Valley of little distinction'* to which he assigned a significance of local and some.

Based upon desk-based research, we note the Wolflee designed landscape as being extant with the policies appearing consistent with those recorded on the OS 1st Edition Map series, whereas the policies of Wauchope appear to have been eroded and the mansion house demolished.

On the basis of the above information, we would ask that both sites, Wauchope and Wolflee are added to Table 6.4 – Scoped in assets within 10Km (Scotland) contained in Chapter 6 Cultural Heritage.

Further, we consider historic and designed landscapes to be a cultural heritage asset. Therefore, we would ask that historic and designed landscapes are considered within Chapter 6 Cultural Heritage and not Chapter 5 Landscape of the scoping report.

I trust that the above is of interest. Please do not hesitate to contact me if SGLH can be of any further assistance.

Yours sincerely,

Matthew Benians, CMLI
Acting Vice Chair
Scotland's Garden and Landscape Heritage

SGLH Conservation Committee
info@sglh.org

A110

Tuesday, 04 July 2023

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

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

Dear Customer,

Liddesdale Wind Farm-Wauchope Fores, and Newcastleton Forest-A7 and A68, Scottish Borders, TD9 8TW
Planning Ref: ECU00004833
Our Ref: DSCAS-0089825-SF3
Proposal: A wind farm with a generating capacity of 50+MW comprising up to 80 turbines (250m tip height) with a 400MW grid connection, together with associated infrastructure

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 there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

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,

Ruth Kerr.
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."

A113

Westerhouses
Hawick
TD9 8TG
17.9.2023

Ref ECU00004833
Liddesdale Wind Farm Scoping : Southdean CC Consultation Response

Southdean Community Council Consultation response to the Liddesdale Wind Farm Scoping Request

There are a number of issues that Southdean CC has identified that would need to be addressed before the full application is filed.

Should there be little change in the structure of the Application, and the issues not tackled then Southdean CC would have no choice but to Object to the application.

Major issues exist on the structure of the application, Cumulative impact, Landscape and visual, residential amenity

Southdean CC is looking forward to further engagement with at the applicant following on from the points raised in this assessment.

Structure Of the Application

The first issue that the application has to address is as to whether it is treated as one application spread over a wide area, or in fact as multiple applications. Southdean at the time of the previous scoping request firmly suggested that the application needed to be considered as multiples, and after the Scoping request with larger turbines for the reasons described below Southdean maintains it's previous position. Whilst the applicant endeavours to suggest that one application should be retained, it is quite clear from the initial scoping request that this is inadequate, and fails to provide a proper methodology for a representative assessment of the impact on local Amenity.

Southdean Community Council's initial assessment of the Scoping Request indicates a significant bias to the Liddesdale Valley in the way that the application has been written, and assessments have been made. This is clearly to the detriment of the communities to the north of the application sites, and should the applications address these more appropriately, as has been the case with others, then the entire application would become extremely large, unwieldy and difficult to appraise.

The Newcastleton Forest site clearly needs to be addressed separately for a whole variety of reasons given its separation from the other two sites. The Wauchope East and West Sites also have clear Cumulative impacts from sites in very close proximity , namely Pines Burn and Millmoor Rig. Both require a far greater degree of assessment than has additionally appeared in the Scoping Request.

This is evident in Landscape and visual , Cultural , and Geological where there are also differing impacts.

The Southdean Community Plan forms a key role in any assessment that the Community makes. The locations of the wind farms and the setting of Southdean indicates the high likelihood of significant adverse impacts,

Southdean recommends separate applications to be lodged

Newcastleton Forest can be lodged as Liddesdale, and many of the identified Scoping considerations are focused.

The other two locations, Wauchope East and Wauchope West, clearly require far more consideration and detail than currently is on offer in the Scoping request. These can either be combined as a single Application, Wauchope, or separately as Wauchope East and Wauchope West, which would be Southdean's preference. The reason for our preference of the latter is that the Millmoor Rig application adjoins Wauchope East and is actually closer than the Wauchope West Turbines. Similarly Wauchope West is located extremely closely to Pines Burn

Settlements

A major fundamental problem is **the failure to identify Chesters** as a settlement in the scoping document and this error then cascades across into the night time viewing locations. It is almost as though Liddesdale was taken literally in terms of importance. This does require a major revisit and also provides a perfect illustration of why these applications need to be addressed separately.

EDF has identified Newcastleton as the closest settlement to the site at 5kms . Para 5.3.6 page 35

- Newcastleton lies approx 5kms west of Newcastleton forest
- Bonchester Bridge . Approximately 7kms north of wauchope forest
- Hawick approximately 10 kms north west of wauchope forest

There is no sign of Chesters which is only 4kms north of Wauchope forest from the nearest turbine .

Viewpoints

Southdean CC requests considerably more viewpoints.

There simply aren't enough viewpoints north of the Watershed .. the list is from page 44 of the Scoping report. In our view there should be 25 for wauchope east alone mirroring the Millmoor Application. Is the failure to recognise Chesters part of the issue ?

Night time lighting sees the same issue .. para 5.6.24

Proposed night time viewpoints have been selected as being representative of locations where there are likely to be people at night .

However all are in Liddesdale. For example there are none from Chesters. That also needs to be addressed given the obvious receptors.

Studies that will need to be taken into account.

National Park Feasibility Study

Campaign for a Borders Railway

Southdean Community Plan . Of particular relevance is the importance of Landscape and Setting to the Local Community (the highest of any issue)

Chapter 5
Landscape and Visual

Errors and differing distances appear in the Application and these should be revisited in the actual application
Para 2.1. 11 and Para 5.3.4 provide an example.
In para 2.1.11 referring to the SLA's The Cheviot Hills is 0.9kms away and the `Teviot valleys 3.5kms to the North. In para 5.3.4 referring to the SLA's The Cheviot Hills is now located 3kms to the North east and Teviot Valleys 7.2kms to the north ,
This also raises the issue of the Special Landscape Areas which is an important consideration for Southdean CC . Both Cheviot Hills and Teviot Valleys SLA's should have more viewpoints from within assessing the visibility of the wind turbines, individually and cumulatively.

LVIA study Area
Table 5-3
Construction impact

There is a need to consider all three wind farm locations in detail, and is likely to require significant input , especially when cumulative considerations come into effect.

Southdean has noted the 2km distance for Residential Amenity studies— requests 3km

The Millmoor Application, on request from the local communities, increased the the assessment distance from 2kms to 3kms. As a result Southdean feels given the proximity of Wauchope East to Millmoor a smaller residential assessment distance is inappropriate.

Viewpoints under consider .. from the Highlee Application

1. A6088 Chesters crossroads
3. Southdean Law
4 western approach to Chesters
5. Bonchester Hill
6. B6367 .. picnic spot .. already chosen
7 Pennine way black halls
8 . Borders abbey way black law
9. Minor road ..townfoot hill
10. Pike fell
11. Chesters Brae .. night view ..
12.. ruberslaw
13 ..five stanes
15.. wolflee hill
16 eildons
17.. a 6088 approach to bonchester
19. Footapath at Knox Knowe
20 a 6088 west of Carter bar ..night vision2
22. Pennine way .cairn hill
23 ..northern approach to Chesters
24 .. drinkstone hill
25 ,,Minto hills
26.. a7 approach to hawick

Viewpoints to consider ..viewpoints from the Millmoor application
1 a6088 chesters
2. A 6088 Southdean
3 fort north west of Southdean
4 A6088 Western Approach to Chesters
5 Bonchester Hill
6 B6357 vantage point
7. Footpath at Knox Knowe
8 a 6088 north west of Carter bar
10 Pike fell
11 Footpath and Minor Local Road, Chesters Brae
12 Rubers Law
13 A6088 approach to Bonchester Bridge
14 Wolflee Hill
15 Pennine Way , Black halls
16 Five Stanes
17 A7 Approach to Hawick
18 Borders Way, Black Law
19 Wheel Causeway
20. A68 north of hairpin past Carter Bar
21 Rowan Road Jedburgh

And the lists supplied included a couple of locations where the developments were less visible.

Given the Proximity of the Wauchope East wind farm to the Millmoor application and the significant cumulative impact Southdean requests a number of common viewpoints so a correct visual cumulative assessment can be made.

EDf's suggested List for Liddesdale Wind Farm
1. Larriston fell.
2 B6399 ne of Whitrope cottages
3 b6357 south of hyndlee
4 A6088 east of Carter bar
5 A6088 Southdean. Same as viewpoint 2
6. Kielder observatory night
7 B 6357 saughtree night
8 B6357. Newcastleton village
9 Carby Hill
10 A6088 nw of Bonchester Bridge ??
11 hermitage castle
12 Blakehope Knick
13 Cauldcleuch head
14 Kielder Water
15 St Leonards park
16 Ruberslaw
17 Black Law
18 A7 north of hawick
19 Brownheart law
20 Drinkstone hill
21 Malcolm monument white hill

22 Paidon hill
23 Road junction at lane head
24 Eildon hills
25 Hadrian's wall path

When Southdean looks at the comparative viewpoints for Wauchope East relative to Millmoor one can very easily see how a greater number of viewpoints is required for the Liddesdale application to asses the impact for the Southdean Community Area

Southdean Community Plan
Chesters Settlement omission has been a contributory factor in the way the development has been assessed. The other applications in assessing Chesters correctly have included a number of extra viewpoints and the Residential amenity assessed to 3kms

Extra viewpoints requested buy Southdean
A 6088 at Chesters Crossroads
A6088. West of Chesters
Chesters Brae .. NV
Wheel Causeway viewpoint
Carlins tooth
Knox Knowe
Southdean Lodge Bothy
Northern approach to Chesters
Bonchester Hill
A6088 West of Bonchester needs to be moved
A6088 East of Bonchester

Cumulative impact will be an extremely important issue for Southdean
This manifests itself in a number of ways
The viewpoints need a very close examination and need a significant increase from a number of locations, including residential amenity.

Millmoor Rig for Wauchope East is an extremely important cumulative assessment. Southdean has objected forcefully to the Millmoor application deeming it in too close a proximity to the Community and severely impacting the local amenity. Wauchope East is further away from most properties, in an adjacent location, with taller proposed turbines .

As such it makes sense to assess the impact from a number of the potentially contentious locations. Southdean CC would also like to point out that the Highlee Application from RES that preceeded Millmoor in the same location, did include wireline imagery for Wauchope East and West and the smaller projected 132m high turbines.

Southdean requests similar assessments at the very minimum for these larger turbines. The Millmoor Application should not be assessed until imagery for these further turbines has been provided,

Similarly Pines Burn viewpoints for cumulative impact for Wauchope West need to be revisited .The viewpoints under consideration for Wauchope East will also cover the impact form Wauchope West

Cycle Routes

Southdean Notes the Selection of various cycling routes
The route should also include the Borders Loop cycling route which will have significant visibility of the the Wauchope turbines

Local Paths

Southdean CC notes the reference to local paths and rights of way . Wheel Causeway in particular which stretches across several community councils appears to have been underplayed. The path has been affected by forest growth in certain places, but there are plans to bring it back into the condition that it should be.

The turbines planned for Wauchope East as laid out in Scoping would certainly influence the landscape and setting of the route and some of the turbines are clearly too close. There is also the omission of the scheduled element of the Wheel Causeway for the list of scheduled monument within the site. This is something else that needs to be addressed.

Flood risk

The communities do not anticipate flooding to a major extent within the site. However, there has been significant local flooding in recent years downstream from the sites , notably from Wauchope East. There has been significant flooding in Hawick , Newcastleton , Bonchester and also Jedburgh. What is a particular characteristic of the site is the rapid run off of surface water. These need to be taken into account,

Ecology

Southdean has noted the suggested studies and is concerned that the information required for competed studies across all three sites will make this application incredibly large. Southdean has a clear interest in Wauchope East, Wauchope West, being the area north of the watershed.

Geology and Hydrology

Southdean has noted the differing Geological characteristics of the site. This again lends itself to separate applications for the different wind farm sites. This is accentuated by the fact that the sites are on different sites of the watershed , and feed different water basins.

Ornithology

Southdean has noted the comments as to which birds appeared in the ongoing studies. In particular the Golden Eagle is an important inclusion in the studies, and this has potential relevance for other developments in the area.
Southdean wishes to see the bird study information taken into account with neighbouring developments that adjoin, as there are clearly overlapping study areas.

Traffic

The horrendous traffic problems that have arisen with the Pines Burn wind farm construction has made local communities highly aware of potential disruption to the fabric of rural communities in particular. Despite the communities raising significant concerns at the time of the Pines Burn application the approved scheme endured significant construction issues with adverse economic impacts. As a result Southdean would like to see detailed traffic statements at an early stage in the assessment process.

Cumulative Construction Impacts.

Southdean CC has a particular concern over the proposed construction programmes for Milmoor and then for Wauchope East,
Because of current proposed Grid connection dates the Millmoor construction programme, if approved , would take place from 2027-2029, whilst the projected timeline for the Liddesdale wind farm is 2030-2033. With the Southdean Community Plan highlighting the landscape and Setting as an impotent issue clearly a potential 6 year sequential construction programme would significantly impact the amenity of the local community.

Forestry
Southdean notes the different plantation locations and the different forest plans.,
Again separate applications would make the consideration of the proposals less unwieldy.

Socio economic, Tourism and Recreation
Assessment of Local area in proximity to each wind farm location is very important to Southdean.
Southdean CC would like to see the economic benefits and impacts against local community data zones, rather than across wider areas such as the Scottish Borders as a whole. The Construction of the Pines Burn Wind Farm brought significant negative impacts to the fabric of local communities and a more detailed local study might do more to illustrate the weakness of the fabric of local communities, and ensure any potential impacts are properly identified.

The location of Newcastleton Wind Farm does not feature in the Southdean Community Plan, but both Wauchope East and West clearly do.

There is a potential for disruption to the local community from the construction programme bringing a negative benefit to assess. This becomes even more relevant when the timing of the construction programme for Millmoor is considered which could extend the impact to six years.

Tourism is a key area for local residents and recent applications have failed to identify some of the local tourist providers and local attractions.
Southdean would encourage the collection and identification of accommodation providers from multiple sources.

Community benefits
Southdean is encouraged to see the offer of indexation of Community benefit from the time of any agreement being signed.

Southdean has nothing to add to **Aviation and MOD Chapter** other than more **Night Time Visual impact locations** are required.

Major Accidents and Disasters.
Given the major impact of recent windstorms in the area , notably Storm Arwen, these need to be taken account of in the application.

Conclusion
Southdean CC has assessed the initial Scoping Request and request a number factors are taken into consideration. The structure of the application in particular is a major concern and Southdean Community Council requests that the sites are assessed separately.

There needs to be a considerable reappraisal of the locations to the North of the site as those have been underweighted in their inclusion. The Viewpoints in particular need major additional locations for individual and Cumulative appraisal

There are a number of concurrent applications in the area, and it would be beneficial if the applications addressed issues in a similar methodology.

The Pines Burn Construction programme has been extremely disappointing with a significant negative impact on local communities. The appraisal of Community impacts needs a far more considered approach in any ensuing applications in the area.

Southdean Community Council is looking forward to engaging with the applicant on the points raised in our Scoping response,

Philip Kerr
Chairman
Southdean Community Council

A121

Upper Liddesdale & Hermitage Community Council

Nicola Ferguson
Nicola.Ferguson@gov.scot

Energy Consents Unit

Hermitage Hall
Hermitage
Hawick
Scottish Borders
TD9 0LX
Date: 15 September 2023

Dear Nicola

Request for Scoping Opinion on Liddesdale Wind Farm ECU00004833

Thankyou for the opportunity to respond to the Scoping Application submitted with reference to the proposed Liddesdale wind farm Development, ECU00004833.

This was considered at our Community Council meeting on the 14th of September 2023

We object to the Scoping Application, as it stands, for a number of reasons, as discussed below.

Interpretation of 'Development' and 'Environment' for Consenting Purposes

The law (Electricity Works (Environmental Impact Assessment) (Scotland) Regulations (2017), hereafter called the Act) applies to, "*An application under section 36 of the Electricity Act 1989 for consent to construct, extend or operate a generating station*" (1.2.a) and states that such an application, "*must be accompanied by an Environmental Impact Assessment report (EIA report)*" (5.1). The report must include, "*a description of the development comprising information on the site, design, size and other relevant features of the development*…" (5.2.a) and "*a description of the likely significant effects of the development on the environment*" (5.2.b). In particular, the EIA report must include, "*a description of the physical characteristics of the **whole** development…"* (Schedule 4.1.b) (our emphasis)

The pertinent questions here are, what constitutes the 'development' for consenting purposes? Also, what constitutes the 'environment'?

The Development

In the Scoping Report (2.4.1), the Applicant states that they have secured a grid connection to the Harker substation at Carlisle. This will necessarily consist of a transmission line (overhead or underground) of length approximately 50 km. This will self-evidently be a major construction project for which an EIA report is necessary. But the Scope of the EIA report as set out in Chapters 4 to 16 does not include any indication that there will be a description or assessment of the transmission line.

For reasons upon which we will not speculate here, it has become custom and practise for wind farm Applications not to include an EIA report on the transmission line that will connect the wind farm to the grid. Instead, the Development is routinely split into two separate Applications, firstly for the wind farm itself under the Electricity Act (1989) Section 36 and, if that is successful, a separate Application under the Electricity Act (1989) Section 37 is made for the transmission line to connect the wind farm to the grid. The EIA for each part of the Development is therefore considered separately and at different times. However, we argue that it is unlawful to interpret the Act this way and that caselaw supports this view.

We argue that there is “functional interdependence” between the wind farm and this transmission line connecting it to the grid. The line connecting the Liddesdale wind farm to the grid at Harker would be constructed for the use of this wind farm only, and would not be constructed unless the wind farm was to be, or had been, built. Both would be very substantial construction projects in their own right, but neither would have any commercial relevance and would be in effect a stranded asset without the other, as they cannot function independently. Caselaw agrees with this point. See, for example, Burridge v Breckland DC (2013) Civ 228, R (Larkfleet Ltd) v S Kesteven DC (2014) EWHC 3760 and Wingfield v Canterbury CC. EWHC 1975 (2019) amongst others.

There are problems with the consenting authority assessing the environmental impact of the whole development when only part of the development has been described. In Burridge at [78], for example, the Judgment stated “...*There are, as it seems to me, formidable objections in requiring a planning authority to have regard to some possible further development in contemplation, but not yet specified*…”.

The Applicant must therefore include in the EIA report a description and an assessment of the environmental impact of the transmission line connecting the proposed Liddesdale Wind Farm to the grid.

To do otherwise is tantamount to “salami slicing”, where having given consent for the wind farm, there is inevitable pressure on the Scottish Government as consenting authority to give consent to the transmission line - despite any concerns there may be over the environmental impact of its construction - or otherwise leave the wind farm as a stranded asset.

It should be noted that at a presentation on the 26th July to Southdean Community Council, EDF stated that the connection to the grid would now not be at Harker, but at a substation which Scottish Power Networks were going to install at Teviot (about 6 km South of Hawick) to serve as a connection point for wind farms to be built in the area. The transmission infrastructure to connect Liddesdale wind farm to the grid at Teviot would therefore be greatly reduced in size and scope in comparison with a connection to Harker near Carlisle. However, when Scottish Power Energy Network were subsequently asked for details on this proposed substation, they replied that while in general they were looking at ways to increase the capacity for transmission of power across the network boundary from Scotland into England, there were currently no details of any specific works which they were able to make public at present.

The fact remains, then, that there is currently no infrastructure by which this Development can be connected to the grid and there are currently no detailed plans to create such an infrastructure. It would be imprudent to assume that should this Development be consented, such infrastructure to allow connection to the grid would be subsequently provided, or that if such infrastructure were proposed, a consent would automatically follow after an assessment of the EIA.

The proposed wind farm and the infrastructure by which it is to be connected to the grid must be regarded as a single project for the purposes of the Act. Since there are currently no details of the infrastructure by which this proposed wind farm would be connected to the grid, there is no possibility of assessing the EIA for such infrastructure, as required by the Act.

For this reason we object to the Scoping Application, as it stands. We ask that you require that this issue is covered in the Scoping Opinion, when it is published. Please advise us that you will do so.

We make the reasonable suggestion that there be a delay in submitting any Application for this Development until there is a detailed plan of how the wind farm is to be connected to the grid and that there is an EIA for that part of the Development.

The Environment

As noted above, the Act requires the Applicant to give, "*a description of the likely significant effects of the development on the environment*".

However, there is nothing which limits the assessment of the environmental impact to the locality of the Development, or indeed to the country of Scotland. At no point is the word "local" or similar used as a qualifier to any requirement to assess the impact to the environment.

It should be noted too that in the Scottish Government's strategy document, "The Environment Strategy for Scotland: vision and outcomes" (published 25 February 2020) the Scottish Government made it clear that its aim is to reduce environmental damage in the world as a whole by setting regulations about what is done in Scotland. It states that, *"We will ensure that international environmental principles continue to sit at the heart of our approach to environmental law and policy. And we will ensure that we have robust governance arrangements to implement and enforce those laws."*

There has been much comment recently about the environmental damage caused by the mining of rare earths, particularly in China and in the Congo where the majority of rare earths are mined. The poor working conditions of the rare earth miners are well documented and publicised. Given that there will be an estimated 100 tonnes of rare earths in the turbines of this development, principally in the turbine magnets, it is to be expected that there will be a significant environmental impact somewhere in the world due to the mining and processing of those rare earths. However, there is no statement anywhere in the Scoping Report that the wider environmental impact of the Development outside of the proposed site, or of the component parts of the turbines and the supply chain thereto, will be assessed.

The Environment Impact Assessment would be incomplete and will not fully satisfy the requirements of the Act unless a full EIA includes the wider environmental impact of all aspects and component parts of the construction of the wind farm.

For this reason we object to the Scoping Application, as it stands. We ask that you require that this issue is covered in the Scoping Opinion when it is published. Please advise that you will do so.

Socio-Economics

National Planning Framework 4 (NPF4) was published by the Scottish Government on 13th February 2023. It states that, "*proposals will only be supported where they maximise net economic impact including local community socioeconomic benefits such as employment, associated business and supply chain opportunities*" (Policy 11(c)). Prior to NPF4, community benefit was not a planning consideration. But it is now arguable that community benefit has been brought into the orbit of what is to be considered in a planning application.

The Applicant has stated (14.1.1) that it will give community benefit *"of the value equivalent to £5,000 per installed megawatt per annum, index linked for the operational lifetime of the project"* It is assumed here that the figure of £5000/MW will be the figure applicable at the start of commercial operation, when the wind farm is connected to the grid.

We note that the Developer has been given a connection date to the grid of 30th May 2033, (Transmission Entry Capacity Register 07 07 2023) which is ten years hence.

It is to be expected that there will be significant inflation before the date when the wind farm becomes commercially operational which will effectively reduce the amount of community benefit promised.

For this reason, we object to the Scoping Application, as it stands.

We make the reasonable proposal that in the absence of any specific agreement with affected Community Councils and any other recipients, the £5000/MW community benefit should be index linked to the date when the Application is submitted, rather than the date of commencement of operations.

The record of wind farm developers in making contributions to the local economy is 'dismal', as highlighted by the House of Commons Scottish Affairs Committee, (Renewable Energy in Scotland Report, September 2021, sections 3 and 4.) and as admitted by the renewables industry itself, which says that local contributions to the local economy and local employment could be much higher. (Scottish Government Onshore Wind Policy Statement 5.2.2). We have two consented wind farms, one in our area and one in an adjacent Community Council area, where commitments of community benefit have simply been ignored. In the Scoping Report, the Developer has not proposed that the promise of this community benefit will be legally binding.

For this reason, we object to the Scoping Application, as it stands.

We make the reasonable proposal that the Developer be required to enter into a legally binding agreement regarding community benefit, with affected Community Councils and any other recipients.

The Applicant states that it will give community benefit, "*... for the operational lifetime of the project*." It should be noted that it is usual for a wind farm to be "re-powered" at the end of its operational life. The turbines are then replaced with new (and usually larger) models, for which a new Application would be necessary. It is arguable that this re-powering would constitute a new "project", requiring a new planning Application, and so would not be bound by any commitment to continue paying community benefit. However, it would be imprudent to assume that the affected communities would be able to negotiate a community benefit of equivalent value many decades into the future and provision should be made now so that affected communities would not be thus disadvantaged when the wind farm is re-powered.

For this reason, we object to the Scoping Application, as it stands.

We make the reasonable proposal that "the project" should include any re-powering of the turbines and enlargement of the installed capacity of the site at the end of the operational lifetime of the current proposal. The community benefit would then continue to be paid at the stated rate of £5000 (equivalent) per installed megawatt, unless the recipients choose to re-negotiate at any time.

We also note that there has been a significant financial impact on businesses due the road closures associated with the traffic movements during the construction of a local wind farm (Pines Burn, 7 turbines). We note too that an adjacent wind farm (Teviot, currently in planning) has been given the same date for connection to the grid as Liddesdale wind farm. It is to be expected that should both wind farms be consented, the construction operations for both wind farms will be contemporaneous and there will be considerable local disruption as two wind farms with an aggregate of over 140 turbines are being built. It must be expected that there will be a very prolonged period (3 or 4 years realistically) of severe traffic disruption on major and minor roads with consequential impact on the businesses of the area.

In the Scoping Report, the Developer has made no mention of any mechanism by which compensation for financial losses due to road closures during construction would be assessed.

For this reason, we object to the Scoping Application, as it stands.

We make the reasonable proposal that the Developer be required to put a fund aside for compensation of financial loss during the construction phase, to be independently administered. This fund should set up *a priori* and not be in the form of a claim or claims upon the Developer *a posteriori*. The fund should be sufficient to satisfy the reasonable expected burden of any claims upon it, but should be a minimum of, say, one million pounds.

Tourism

The main industries in the Upper Liddesdale & Hermitage area are hill farming, forestry and tourism.

Employment in forestry in this area is virtually zero, which is fairly typical of any area where there is monoculture blanket forestry managed on a forty year cycle of clear-fell cropping. There is intense activity every forty years as the trees are felled and replanted, mainly done by itinerant workers who travel around the country and rarely by the use of local labour. The forests and land are mostly owned by large enterprises for whom forestry is a commercial venture and who are not part of the local community. Hill farming is an economically marginal activity and depends on government subsidies to make it viable. The land of hill farms is more valuable where it is to be planted in forestry than as a hill farm, so there is a gradual process whereby hill farms are being turned into blanket monoculture forests. The employment prospects in the area are steadily diminishing in consequence, to the detriment of the local economy.

Tourism is increasing as a diversification for farmers who are looking for ways to supplement their income, whether as B&Bs, or holiday lets, or providing sites for camping or caravans. In the Upper Liddesdale & Hermitage area, these include Hermitage Farm, Gorrenberry Farm, Larriston Farm, Singdean, Saughtree Station and Roadside Cottages Saughtree. Neighbouring areas are also investing heavily to boost their tourist industry. Tourism in the Borders is heavily promoted by bodies such as South of Scotland Destination Alliance, South of Scotland Enterprise, VisitScotland and Scottish Borders Council.

In a VisitScotland survey (Scotland Visitor Survey 2015 and 2016) the most important reason tourists gave for visiting Scotland was “scenery and landscape”. The nascent tourism industry is thus very sensitive to anything which may damage the impression and expectation of remote, gently rolling hills which is the iconic timeless nature of this part of the Scottish Borders. This Development promises to transform 17 square kilometres of these hills to the North and to the South of this area into a giant energy park with this community in the middle, so that we will be surrounded by wind turbines. It is reasonable to expect that this will have an impact on the local landscape, which should be properly assessed.

It is usual in wind farm Applications to cite the Report “Wind Farms and Tourism Trends in Scotland” (2017), by Biggar Economics and in particular the conclusion which states at Para 14.6.42: *“The analysis found no correlation between tourism employment and the number of turbines at the national or local authority level.”* However, it should be noted that this Report has not been peer reviewed. The Report was initially published in 2016 but the methodology used in the Report was heavily criticised by various people, in particular by Douglas Wynn, “Critical Appraisal of Biggar Economics Limited’s Research Report”, John Muir Trust, (2016). The Report was ‘updated’ to include responses to some of these criticisms in 2017. David Gordon published another 46 page detailed criticism of the Report “Wind farms and tourism in Scotland: A review with a focus on mountaineering and landscape”, Mountaineering Scotland, November (2017) in which he noted that there were still substantial flaws in the methodology. When Biggar Economics updated their report in 2021, (“Wind Farms & Tourism Trends in Scotland: Evidence from 44 Wind Farms”) lead author Graeme Blackett admitted (verbal evidence, Fawside wind farm PLI July 1st 2022) that there was essentially no change in the methodology from their 2017 report.

A major criticism of the Biggar Economics Report is that it claims that there is no bias in the data set of wind farms. But the data set is biased as all the wind farms selected had all been consented and thus had been through the planning process. It must be assumed therefore that wind farms which would have been placed in particularly sensitive landscapes, where tourism would certainly have been negatively impacted, were not consented. (In fact, only 40% of wind farm Applications are consented). This means the data set is skewed towards wind farms which will not affect tourism significantly. It is not correct then to assume that the conclusion, "*Wind farms have no significant effects on tourism in Scotland*" will apply to any wind farm placed in any landscape, as the Bigger Economics Report seeks to do.

Meanwhile, other studies that have been peer reviewed, such as that by G. Riddington et al, "Assessing the Economic Impact of Wind Farms on Tourism in Scotland: GIS, Surveys and Policy Outcomes" International Journal of Tourism Research, Vol. 12, pp 236-252, (2010), which showed that there is a significant negative impact on tourism by wind farms.

We shall be disappointed, then, if in any Application for this proposed Development there is any reliance on the Biggar Economics Report (2017). We expect a Landscape Visual Impact Assessment to be conducted according to "Guidelines for Landscape and Visual Impact Assessment (GLVIA)", Landscape Institute and IEMA, 3rd Edition (2013), to assess the impact on the tourism industry in this area due to the altered nature of the landscape.

Residential Visual Amenity Assessment (RVAA)

In the Scoping Report at 5.6.20 it is stated that *"A RVAA would be undertaken to assess effects on residential visual amenity likely to be experienced at residential properties within 2km of the Site.*"

The "Residential Visual Amenity Assessment: Technical Guidance Note", Landscape Institute (2019) suggests (at Para 4.7) that properties within a 1.5 - 2km radius of a wind turbine would be appropriate for a RVAA. If this were to be adopted, then there would be (at least) five properties in the UL&H CC area within this radius of a turbine. Boghall (353107, 591564), Whitrope Cottages (352657, 600804), Windshielknowe (352777, 600469), Signal Box Cottage (352557, 600164) and Kirndean (352487, 591359).

However, the Technical Guidance Note also states (Para 4.4) "*There are no standard criteria for defining the RVAA study area nor for the scope of the RVAA, which should be determined on a case-by-case basis taking both the type and scale of proposed development, as well as the landscape and visual context, into account.*" And (Para 4.14) that considerations must include: "*Distance of property from the proposed development having regard to its size / scale and location relative to the property ...*"

With this in mind it is worth questioning what size of wind turbine the Landscape Institute had in mind when suggesting that properties within 1.5 - 2 km would be appropriate for a RVAA? No figure is given, but there are six wind farms described as case studies in Appendix 1 and the average blade tip height of the turbines across those wind farms was 123 metres. Recalling that the blade tip height of the turbines for this proposed Development is over twice this (250 metres) then on a *pro rata* basis it is appropriate that properties within a radius of 4 km from a wind turbine should be considered for a RVAA and not 2 km as stated in the Report.

For this reason, we object to the Scoping Application, as it stands.

If a radius of 4 km is used, this would mean at least another 15 properties in the UL&H CC area would need to be assessed. It would also bring the settlements of Newcastleton and Steele Road within the RVAA study area.

However, the Technical Guidance Notes (Para 4.4) warns that there have been cases where a larger radius (3 - 5 km) has meant that, *"... many RVAAs, including those of windfarms with large turbines (150m and taller), have included disproportionately extensive study areas incorporating too many properties."* Our reasonable proposal of 4 km radius may be objected to on this basis. We would argue that the solution to having "too many" properties within the RVA study area is for the Developer to move the proposed positions of the turbines back from the affected properties, rather than for the planning authority to arbitrarily reduce what for this Development would be a reasonable radius for the RVA threshold.

Viewpoints

There are four proposed viewpoints within the UL&H CC area in the Report. We argue that though there are only three turbines in the UL&H CC area, this area is in the middle of the proposed Development and is effectively surrounded by it, so that there needs to be more viewpoints to appreciate the effect the Development will have on the local landscape. More viewpoints are suggested in Table 1.

Table 1. Additional viewpoints.

Viewpoint	Comment	Grid coordinates
Steele Road	Settlement	352283, 593046
Pinglehole	B6357, (including traffic from Kielder)	355817, 596285
Arnton Fell	Popular walking destination	352520, 595099
Riccarton Junction	Visitor attraction	354000, 597674

National Park

That a National Park may be created in the area of this development was noted in the Scoping Report (5.4.6.).

The Scottish Government, as part its "Scottish Government and Scottish Green Party - Shared Policy Programme", 1st September (2021) stated its policy to create at least one new National Park in Scotland "*by the end of the current session*", that is by 2026.

There is currently a timetable in place to achieve that policy goal, which includes a Scottish Government announcement by the end of 2023, or early 2024, of the area(s) which will be designated as National Park(s).

An expression of interest in submitting a proposal for a Scottish Borders National Park has been lodged by the Campaign for a Scottish Borders National Park (CSBNP). The Campaign has developed a detailed proposal for a new National Park (see https://www.scottishbordersnationalpark.com) for which there is a wide level of support in the area. There is a strong likelihood, therefore, that there will be a newly designated National Park in the Scottish Borders before any decision is made on any Application that may be submitted for this Development.

The proposed boundary for the Scottish Borders National Park includes within it the site of this proposed Development.

NPF4 states at Policy 11 b): *"Development proposals for wind farms in National Parks and National Scenic Areas will not be supported."*

Roads

At a presentation on the 26th July to Southdean Community Council, EDF stated that all works traffic, including abnormal loads, would enter the Northern site of the Development off the A6088 near Southdean. All traffic would then exit the site onto the B6357 opposite Burnmouth Farm and thereafter travel South on the road, through Newcastleton.

We note that the exit point from Forestry Land Scotland ground to the B6357 is via Palmer's Cutting (354852, 596484) which is a designated SSSI. Any widening, modifying or other alteration of this cutting will need to be done in consultation with NatureScot, the responsible authority.

As was noted in the Report, the B6357 is a narrow single carriageway road which narrows to a single track at bridges. Large HGVs and in particular abnormal loads cause a significant impediment to local traffic and is tolerable due to the relatively low numbers of HGV movements.

No mention was made in the Report that the B6357 is an approved route for timber lorries. The main source of timber is from Kielder Forest, which is then brought to the B6357 at Saughtree and then taken South. There are approximately 20 lorries a day, taking about 400 tonnes of timber out the Kielder forest and other forests in the area. Damage to the road surface of the B6357 is significant and there are annual repairs to the road, including a rolling program of resurfacing the road, paid for by Confor.

Traffic associated with the construction of this Development will then be in addition to this timber lorry traffic. The number of traffic movements and the period over which the traffic movements will take place is not mentioned in the Report. However, a realistic assessment of the likely traffic movements for the proposed nearby Teviot wind farm (see "Teviot Wind Farm Application Response" by Teviot & Borthwick Community Council, Energy Consents Unit reference ECU00003249) was a total of about 37,000 Heavy Goods Vehicle movements. Given that the proposed number of turbines for Teviot wind farm is 62, compared to 80 turbines for Liddesdale wind farm, it is reasonable to expect the number of HGV traffic movements to be about 48,000. Suppose a construction period of 36 months (as proposed for Teviot) and even if this number of HGV traffic movements was smoothed evenly over the entire construction period, that would still result in over 55 movements per day (Sundays excluded).

The expectation then is that the number of HGV movements on the B6357 would double due to the construction program of this Development, compared to the estimates in Table 12-2 of the Report. It is to be expected then that there will be significant wear and tear of the B6357 due to HGV traffic movements, which would be a serious impediment to local traffic and other traffic users. There is no mention of any mechanism to assess compensation for, or mitigation of the damage to the road.

We object to the Scoping Application for this reason, as it stands.

The principle of a significant road user mitigating the damage done to the roads due to its activities has been established by Confor with respect to timber lorries on the B6357. It is reasonable that the Developer should undertake an ongoing program of repair to the roads to maintain the road surface during the construction period.

Archaeology

The proposed site area is forested with mature plantations of Sitka Spruce. The planting of these trees dates from a time when the rules regarding planting over archaeological sites was less stringent than it is now. While there are records of archaeological sites, of which the Developer will undoubtedly take note, it is never-the-less true that there is a large amount of archaeology in the Borders which has yet to be discovered.

Roger Curtis of Historic Environment Scotland recently highlighted the fact that the body of archaeological knowledge of the Border is far from complete. In his recent document "Community History in the Scottish Borders", with reference to the excavation work being done on the '12 Towers of Rule' project, he wrote, *"Where archaeology is directly impacted there should be excavation and recording. Interpretation and access should also be delivered on existing known sites, as well as tree control and other maintenance tasks. While much border history has been written, the investigation of the places where it happened has been minimal. Little formal archaeology has been conducted in the county, and what has been done is angled to the Roman era."*

There is then a very high probability that there is a significant amount of unrecorded archaeology on the proposed site.

We refer to the Planning Advice Note 2/2011 Planning and Archaeology, July 2011; (Para 14, Planning Applications) *"...When determining a planning application, the desirability of preserving a monument (whether scheduled or not) and its setting is a material consideration.…The objective should be to assure the protection and enhancement of monuments by preservation in situ in an appropriate setting (perhaps with a degree of interpretation) or,* ***when preservation in situ is not possible, by recording and/or excavation followed by analysis and publication of the results.****"* (our emphasis)

We make the reasonable proposal that the Developer should undertake (and pay for) a broad archaeological survey of the proposed site, including a LIDAR survey, so that the archaeology of this site is not lost and can be incorporated into an emerging picture of the past history of the Borders, as illuminated and informed by future archaeology.

Yours sincerely, REDACTED

Dr Geoffrey Kolbe Ph.D., D.I.C. B.Sc., A.R.C.S. (Chairman)

ANNEX B

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.

July 2020 updated September 2023

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) 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 MD-SEDD 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. MD-SEDD 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 MD-SEDD, 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, MD-SEDD 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, MD-SEDD 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.

MD-SEDD 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.

MD-SEDD provision of advice to ECU

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

MD-SEDD Standing Advice for each stage of the EIA process

Scoping

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

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

MD-SEDD 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

MD-SEDD 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.

MD-SEDD 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

MD-SEDD 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 MD-SEDD is consulted on these programmes.

Wording suggested by MD-SEDD 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 Directorate – Science Evidence Data and Digital (MD–SEDD) and any such other advisors or organisations.

2. The WQFMP must take account of the Scottish Government's MD-SEDD 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 MD-SEDD.

3. Thereafter, the WQFMP shall be implemented within the timescales set out to the satisfaction of the Planning Authority in consultation with MD- SEDD 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, Marine Scotland Science (now MD-SEDD) 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 (revised September 2023)

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) – 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:

MD-SEDD 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 **MD-SEDD** advice, please set out reasons.
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. **This should be carried out where a Special Area of Conservation (SAC) is present and where salmon are a qualifying feature, and in exceptional cases when required in the scoping advice for other reasons. In other cases, developers can assume that fish populations are present**;			
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 **MD-SEDD** 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 **MD-SEDD** and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure. **At least 12 months of baseline pre-construction data should be included. The monitoring programme can be secured using suitable wording in a condition.**			
7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations. **This can be secured using suitable wording in a condition.**			

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 **MD-SEDD** advice, please set out reasons.
1. Any designated area **(e.g. SAC),** for which fish is a qualifying feature, within and/or downstream of the proposed development area;			
2. The presence of a large density of watercourses;			
3. The presence of large areas of deep peat deposits;			
4. Known acidification problems and/or other existing pressures on fish populations in the area; and			
5. Proposed felling operations.			