Glenburnie Wind Farm

AEI Technical Appendix 5.1

Post Submission Consultation Responses Summary

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1 Post Submission Consultation Responses Summary

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
East Lothian Council	Planning / Policy	The application is made under the Electricity Act 1989 and not the Planning Act and therefore whilst the Development Plan does not have the primacy it normally would for planning decisions, it is still an important material consideration in this instance and informs the Council's consultation response. As the site is within Scottish Borders Council area the East Lothian Local Development Plan 2018 is not applicable to the site itself. However, it is a material consideration for example where interests are noted for protection. National Planning Framework 4 adopted by Scottish Ministers on 13 February 2023 is also relevant. **National Planning Framework 4** National Planning Framework 4 ("NPF4") is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. Relevant NPF4 Policies are: • 1 - Tackling the climate and nature crises • 2 - Climate mitigation and adaptation • 3 - Biodiversity • 4 - Natural places • 7 - Historic Assets and Places, • 11 - Energy	Noted. Relevant Legislation and Policies are noted and considered in the Planning Statement that supported the original proposed development and **Planning Statement Update,** which supports this AEI.	**Planning Statement Update**

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		• 13 - Sustainable Transport • 14 - Design, Quality and Place • 22 - Flood risk and water management **Local Development Plan** The following policies contained in the Local Development Plan ("LDP") are relevant: • T2 (General Transport Impact) • T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy) • WD3 (All Wind Turbines) • T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy) • CH1 (Listed Buildings) • CH4 (Scheduled Monuments and Archaeological Sites) • CH6 (Gardens and Designed Landscapes) • CH7 (Greywalls, Gullane) • NH1 (Internationally Designated Sites) • NH3 (Protection of Local Sites and Areas) • NH4 (European Protected Species) • NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected • Species) • NH11 (Flood Risk)		

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		• NH13 (Noise) • DP1 (Landscape Character) • DP2 (Design)		
	Climate and Carbon	At its meeting on Tuesday 3 September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the completed development should be imposed on all relevant applications. Therefore, the Council would recommend a condition requiring life cycle assessment be imposed on any grant of consent to make sure that greenhouse gas emissions are fully taken into account and mitigated at every stage, consistent with the requirements of Policy 1 and 2 of NPF4 and Policy SEH2 of the adopted East Lothian Local Development Plan 2018.	A carbon balance of the revised proposed development is presented in **AEI Technical Appendix 14.2**. The assessment has been produced to calculate the carbon emissions generated in the construction, operation and decommissioning of Glenburnie Wind Farm. The assessment has been undertaken using the Scottish Government's Carbon Calculator Tool, which has been developed to support the process of determining the carbon pay-back period of wind farm developments in Scotland. The assessment presented in **AEI Technical Appendix 14.2** indicates that the carbon payback time of the wind element of the revised proposed development is between 0.2 and 1.3 years, with an expected payback period of 0.9 years (approximately 11 months). This is the period of time for which a wind farm needs to be in operation	**AEI Technical Appendix 14.2**

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			before it has, by displacing generation from fossil-fuelled power stations, avoided as much carbon dioxide as was released in its lifecycle.	
	Ornithology	NatureScot considered there were a number of shortcomings with the ornithological assessment and NatureScot are of the opinion that the impacts on waders, merlin, red kite and potentially golden eagle have been underplayed. However, NatureScot did not consider the issues to be of sufficient concern to necessitate additional assessment. The Biodiversity Enhancement Restoration Plan (BERP – Appendix 8.6) has an important role to play in compensating for impacts on birds but is lacking detail on how this is to be achieved. It is not possible at this stage to determine if overall positive effects will be delivered, and we feel that significant effort will be needed here to mitigate the effects of this project on ornithological receptors.	Noted – summarised responses to NatureScot's concerns have been included under the relevant sections in this table, and within the relevant technical chapters.	**AEI Chapter 9: Ornithology**
	Ecology	On ecology, NatureScot were satisfied that the survey and assessment work has been undertaken satisfactorily. The mitigation proposed in Chapter 8 and summarised in Chapter 15 – 'schedule of mitigation' for the various ecological receptors should be adopted in full to ensure impacts remain not significant during both construction and operation. The Council's Biodiversity Officer advises that she supports Nature Scot's request for further information through an amendment to the submitted Biodiversity Enhancement Restoration Plan. This should include further clarification on mobile species there such as Mountain Hare and Otter, as well as the impact on the Lammerlaw SSSI with respect to the juniper population there.	Noted – summarised responses to NatureScot's concerns have been included under the relevant sections in this table, and within the relevant technical chapters.	**AEI Chapter 8: Terrestrial Ecology**

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		Schedule 9 part 3 to the Electricity Act requires that Scottish Ministers should have regard to the desirability of preserving flora and fauna in considering proposals such as this, and the applicant should do what they reasonably can to mitigate any effect on this. As noted by NatureScot there are adverse impacts on flora and fauna which should be mitigated by an improved Biodiversity Enhancement and Restoration plan. Notwithstanding this, the effects on biodiversity interests in East Lothian are acceptable. Subject to the imposition of conditions to secure an improved Biodiversity Enhancement and Restoration Plan, the proposal conforms with NPF4 Policy 3.		
		Landscape Officer Conclusions To summarise from a landscape perspective the proposed Longcroft wind farm development introduces more wind turbines and hubs into views from and of the East Lothian landscape and new turbines onto the Lammermuir skyline in views from the north. These are generally clustered, and read, with the existing wind farm of Fallago Rig in views from East Lothian. In general this retains the cluster and space pattern across the Lammermuir Hills. The proposed turbines are of a larger height and mass than the existing turbines at Fallago Rig however their location further south helps to reduce the scale contrast between the Longcroft Wind Farm proposal and the Fallago Rig Wind Farm is some views.	East Lothian Council's commentary of the original proposed development detailed in EIA Report October 2023, is noted. **AEI Chapter 6: Landscape and Visual Impact Assessment** reconsiders the potential for significant effects upon landscape and visual receptors associated with the construction, operation and decommissioning of the revised proposed development, as described in **AEI Chapter 3: Revised Proposed Development Description**. The assessment is based on a revised proposed development that supersedes	**AEI Chapter 6: Landscape and Visual Impact Assessment**; and **AEI Chapter 3: Revised Proposed Development Description**

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			the original proposed development detailed in EIA Report October 2023.	
		At present there are three groups of wind farms with Crystal Rig and Aikengall to the east end of the Lammermuirs and Dunlaw, Keith Hill and Pogbie to the west end. The central area has Fallago Rig wind farm visible as mainly tips with a number of hubs kept low to the horizon. The recent proposal at Dunside if built would extend the spread of wind turbines eastwards within the central section of the Lammermuirs. The Longcroft application would extend this central section of turbines further west by a similar distance to Dunside to the east. The design in most views from the north keeps the majority of visibility of the hubs closer to the Fallago Rig turbines with the visibility reducing to tips further west towards Lammer Law. The turbines are of a greater scale than the turbines at Fallago Rig, similar to those proposed at Dunside. In general however, as with Dunside, in views from the agricultural plain to the north of East Lothian the turbines are mainly kept lower on the horizon with only blades and hubs visible. This generally gives a sense of containment of the proposed Longcroft wind farm by the hills. The turbines appear set back and contained within the hills. This ties in with the designs of Fallago Rig and Crystal Rig wind farms. The proposals read with Fallago Rig wind farm in most views from the agricultural plain and lowland ridges from the north retaining the pattern of cluster and space along the Lammermuir skyline in most views. In a number of views there is conflict of scale between the proposed turbines and the turbines of Fallago Rig and overlapping of turbines of	An assessment of cumulative effects is included within **AEI Chapter 6: Landscape and Visual Impact Assessment**, including cumulative developments that have submitted applications since the submission of the EIA Report October 2023.	

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		the schemes. Turbine 11 of the Longcroft proposal causes most of this conflict. This scheme introduces minor visibility of wind turbines tips into small areas of the southern area of the agricultural plain. It has no greater visibility than Fallago Rig wind farm within the Lammer Law, Hopes to Yester SLA or Whiteadder SLA, thereby retaining the visual relief from development offered by these areas. It is not visible from within the majority of the Designed Landscape of Yester. Hub visibility, other than from the plateau of the Lammermuirs, is limited to areas southeast of Haddington and the raised land around Pencraig and Traprain Law, as well as the raised land of the Elphinstone ridge area southwest of Tranent and the agricultural plain between Gullane and Whitekirk, both of which are over 20km from the site. The LVIA has identified that the wind farm will create a significant adverse effect in some day time views from East Lothian, most notably from Lammer Law, but with limited change to the views from the agricultural plain to the north. The proposals do not generally introduce views of turbines into the landscape where there are currently none. The granting of Crystal Rig IV with visible night time aviation lighting has set a precedent for turbine lighting within the Lammermuirs. The proposals will increase the number of aviation lights visible within the night time skyline. For most views from the plain this is limited to one or two lights (generally turbine 11 and 13). From most viewpoints these are in a new area to the lights of Crystal Rig IV. This introduces night views of turbines into the landscape where there are currently none visible at night. The	East Lothian Council's comments are noted. An assessment of LLAs and other landscape designations is included within **AEI Chapter 6: Landscape and Visual Impact Assessment**, as well as an assessment of cumulative effects which includes cumulative developments that have submitted applications since the submission of the EIA Report October 2023. An assessment of night time effects, and commentary on mitigation, is included within **AEI Chapter 6: Landscape and Visual Impact Assessment**. This is supplemented by night-time ZTVs and photomontages. Mitigation measures relevant to this chapter, including night-time mitigation, are embedded within the design of the revised proposed development. Further detail of the	

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		proposals include mitigation to limit the lighting as far as possible. Where there is hub visibility from the agricultural plain this is mainly beyond 15km which will also help to reduce the intensity of any visible lighting. The location and design of the turbines, although increasing the number of turbines visible from East Lothian, retains the current character of the skyline where the skyline of the hills is retained as the dominant element and the turbines are set back and contained by the hills. However the visuals have shown that the omission of turbine 11 would create a more a balanced scheme. It would remove conflict between the competing scales of the turbines at Fallago Rig and the proposed turbines in a number of views. It would also remove visible aviation lighting from large areas of the agricultural plain where it is only the hub of turbine 11 of the proposed lit turbines that is visible.	design evolution can be found within **AEI Chapter 2: Design Evolution & Alternatives**. Mitigation measures relevant to LVIA, including night-time mitigation, are embedded within the design of the revised proposed development. Further detail of the design evolution can be found within **AEI Chapter 2 Design Evolution & Alternatives**.	
		Policy Conclusion – Landscape NPF Policy 9 supports renewable energy and notes that significant landscape and visual effects are expected for some forms of renewable generation, and that where these are localised or appropriate design mitigation has been applied, they will generally be considered acceptable. As detailed by the Landscape Officer, the effects of this proposal are extensive and not localised. Appropriate design mitigation has not been fully applied. Further mitigation, in the form of removal of Turbine 11, would be appropriate as this turbine has landscape and visual effects which are not acceptable. Therefore, (while recognising that it is to be expected that renewable energy proposals will have significant landscape and visual effects as noted in Policy 9), the proposal does not meet the terms of Policy 14 on design, nor the terms of	Matters concerning policy are presented in **the Planning Statement Update submitted with this AEI.** Mitigation measures relevant to LVIA, are embedded within the design of the revised proposed development. Further detail of the design evolution can be found within **AEI Chapter 2 Design Evolution & Alternatives**.	**Planning Statement Update;** and **AEI Chapter 2: Design Evolution and Alternatives**

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		LDP design policies. Removal of Turbine 11, including its lighting, would address this. Schedule 9 part 3 to the Electricity Act requires that Scottish Ministers should have regard to the desirability of preserving natural beauty of the countryside in considering proposals such as this, and that the applicant should do what they reasonably can to mitigate any effect on this. As detailed above the proposal adversely impacts on the natural beauty of the countryside. The applicant has taken steps to mitigate this. Further mitigation should be considered including removal of Turbine 11. Aviation lighting from an increasing number of wind turbine developments has a potentially significant impact over a wide area. Therefore the ECU may want to consider whether or not there is another solution to aviation safety that has less of an impact than the use of visible spectrum aviation lighting.		
	Archaeology and Cultural Heritage	NPF4 Policy 7 intends to protect and enhance the historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. This policy protects historic environment assets. NPF4 Policy 11E requires that project design and mitigation will demonstrate how certain impacts are addressed, including at vii) impacts on historic environment. LDP Policy WD3 LDP Policy WD3 states that "Applications for freestanding wind turbine development will be supported provided the impact […] is acceptable in terms of d) natural and cultural heritage assets including their setting where relevant. Historic Environment Scotland have objected to this proposal because of its impacts on four scheduled monuments within Scottish Borders	Noted.	**AEI Chapter 7: Cultural Heritage and Archaeology**

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		Council area. They note in their response that 'we consider that there is no mitigation which is likely to reduce the impacts to a level that is acceptable on the four scheduled monuments' The Council's Heritage Officer advises that in terms of the Historic Environment that as this proposal is in Scottish Borders his comments are limited to indirect impacts. While there will be impacts upon the Historic Environment from the East Lothian side they will be seen in relation to the existing windfarms. From the primary Historic Environment receptors in the main they will be seen in relation to existing windfarms. The Heritage Officer considers that in this instance that although there are adverse impacts in terms of the Historic environment the impacts are an acceptable change. The long distance views of the landscape in which the turbines sit suggests that while several hubs will break the skyline the proposal will be contained by landscape features. While the proposed turbines will be clearly larger they will still be seen as 'within the hills' from the majority of the Historic Environment receptors in East Lothian. Although several hubs will be seen the bottom of the blade sweeps and the poles will not be. This suggests that the changes to the Historic Environment will be just acceptable in this instance. **The Heritage Officer advises that any changes to the layout or specifications of the turbines will mean that the proposals will need to be reassessed as the current proposals are on the cusp of being unacceptable in terms of the Historic Environment of East Lothian.** The proposed development is consistent with Policy 7 of NPF4, and Policies CH1 Listed Buildings, CH4 Scheduled Monuments and		

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		Archaeological Sites, CH6 Gardens and Designed Landscapes and CH7 Greywalls, Gullane of the Policy CH5 of the Local Development Plan 2018. Schedule 9 part 3 to the Electricity Act requires that Scottish Ministers should have regard to the desirability of protecting sites, buildings and objects of architectural, historic or archaeological interest in considering proposals such as this, and that the applicant should do what he reasonably can to mitigate any effect on this. As detailed above the proposal adversely impacts the historic interest of the East Lothian however the effect is acceptable.		
	Noise and Vibration	The applicant has undertaken a noise survey taking the residential properties ('noise sensitive receptors') as part of the EIA Report. Our Senior Environmental Health Officer has perused the noise assessment and is satisfied that, due to separation distances between the proposed turbines and any residential property within East Lothian, there will be no impact upon amenity due to noise. As such, he has no comment to make. As far as interests in East Lothian are concerned, the proposal is therefore consistent with Policy 9 of NPF4 and Policy NH12 and 13 of the adopted Local Development Plan 2018.	Noted.	N/A
	Hydrology, Hydrogeology, Geology and Soils.	**Flood Risk** The application is in Scottish Borders area and our Senior Engineer – Flood Protection comments that given the location of the windfarm, this development will have no impact on any rivers or catchments within East Lothian. Therefore, he has no objection or condition requirements on the grounds of flood risk.	Noted.	N/A

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		As far as interests in East Lothian are concerned, the proposal is therefore consistent with Policy 22 of NPF4 and Policy NH11 of the adopted Local Development Plan 2018.		
	Transport	The Council's Road Services have appraised the assessment of the traffic impacts of the proposed development. They advise that the submission documents do not indicate that there will be any impacts on the East Lothian public road network associated with either the construction or operation of the proposed wind farm. They are therefore generally content with the submission from the point of view of transport and access relating to East Lothian Council's road network. They have given consideration to construction traffic routing from outside the assessed Study Area as it is possible that some non-Abnormal Indivisible Load construction traffic may approach the proposed A68 delivery route from the A1(T) in East Lothian. However, the likely volumes are not significant enough to be of concern to the local Roads Authority. As far as interests in East Lothian are concerned, the proposal is therefore consistent with NPF4 Policy 11 and Policy T2 of the adopted Local Development Plan 2018.	Noted.	N/A
	Conclusions	This proposal is in Scottish Borders Council area so the site specific policy with regard to the location of this proposal is a matter for their comment. Being a national development the proposal is considered essential development. The proposal will have considerable benefits in terms of decarbonisation of the electricity supply and therefore on greenhouse gas emissions. These benefits should be maximised, which should be secured by condition.	East Lothian Council's comments are noted.	N/A

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		As far as interests within East Lothian are concerned, the proposal has no impacts in terms of flooding or noise. Although there are impacts on the historic environment, this is considered acceptable. The proposal will have impacts on biodiversity and in particular the insufficiency of the Biodiversity Enhancement and Restoration Plan is noted. However, improvement to this could be secured by condition. With this mitigation, it is considered that the proposal would meet the terms of NPF4 Policies 1 and 3. However, the proposal has significant adverse impacts on landscape and visual amenity which are not localised. Due to the placement of Turbine 11, including aviation lighting, they have not been appropriately mitigated. This is contrary to NPF4 Policy 11 and Policy 14, Policy WD3, DP1 and DP2 of the LDP, and the requirements of Schedule 9 of the Electricity Act. Removal of Turbine 11 would address this. Other than Turbine 11, based on the planning assessment given above and subject to mitigation and conditions applied the proposed development, the proposal is acceptable considering NPF Policies 1, 2, 3, 4, 7, 11, 13, 14, 22, of NPF4 and Policies T2, T4 WD3, T4, CH1, CH4, CH6, CH7, NH1, NH3, NH4, NH5, NH11, NH13, DP1 and DP2 of the Local Development Plan 2018. No firm information has been provided on the cable route from the application site to where it will link to the Grid. There could be impacts from this route, and while the route is not expected to be within East Lothian this is not certain. There are concerns about the impact on this cable on the landscape and historic environment. It is for Scottish Ministers to determine if the EIA is adequate given information about the cable and its impacts is not included in the report.		

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		If consent is granted for this proposal the Council suggests that the ECU may want to consider whether or not there is another solution to aviation safety that has less of an impact than the use of visible spectrum aviation lighting. **Recommendation** 1. That the Scottish Government Energy Consents Unit is informed that East Lothian Council objects to the granting of consent under Section 36 of the Electricity Act 1989 for the reasons set out in this report; and 2. That the East Lothian Chief Planning Officer be authorised to undertake any discussions with the Scottish Government Energy Consents Unit to resolve these objections and to agree conditions to be attached to the consent.		
Scottish Borders Council – Roads Planning Service	Traffic and Transport	**Assessment** In principle I have no objections to the construction of a wind farm at this location. A large part of the access routes to the site are via the Trunk Road network, therefore Transport Scotland will comment on this aspect of the development. My concerns relate to the local road network. At present there are a number of unknowns when it comes to the transport and access aspects of the development, such as abnormal load route, HGV routes, stone for the tracks being won on site, concrete batching on site or delivered to the site, etc. Therefore there are a number of issues which need to be addressed prior to works commencing on site, should this development be granted planning consent. I appreciate however that several of these factors will only be looked at in detail should approval be issued, such as abnormal load routes and material sourcing.	Noted – The applicant is content to accept the proposed planning condition, covering the requirement for a Traffic Management Plan.	**AEI Chapter 11: Transport and Traffic**.

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		A Traffic Management Plan (TMP) will be required which must indicate in more detail the delivery route and vehicle numbers anticipated for HGV deliveries. Any ancillary/accommodation works required to the public road network identified via this plan must thereafter be carried out to an agreed specification, programme and timescale. This should also allow for any reinstatements after the development is complete, where necessary. At present there is no definitive route for the abnormal loads as this will be dependent on the turbine manufacturer, although it is indicated that they are likely to travel from the north, past the site to a holding area, then travel to the site on a separate occasion via specialised transport. Once the chosen route has been identified, swept path analysis for areas of concern will be required to demonstrate the route is acceptable and highlight any alterations to the road network which are required. Prior to any delivery of components, a trial run will be required for each element of the transportation method (eg long load, wide load and slow load) to ensure the chosen route is fit for purpose, with the key interested parties present. This trial information is critical in relation to the journey from the holding area to the site due to the slow movement of the proposed transportation. Access to the development site is likely to be via the A68 Trunk Road, the A697 and then the D124/5 minor public road. It will be the remit of Transport Scotland to set out the detail and construction requirements of any works required to the A68 to accommodate the associated traffic. Any works to the A697 and the D124/5 will be the remit of SBC to consider and approve. An access point along the minor public road D124/5 will provide access to the development site. The precise detail of any works		

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		to the A697 and the D124/5 will need to be agreed with Scottish Borders Council. It is noted in the submission that it is the intention to widen the D Class road from the A 697 to the site. This is likely to require land outwith the existing road boundary and the appropriate land-owners permission will be required. The exact extent and details of such works will be agreed via the TMP and further discussions. A pre-development condition survey of all construction routes must be carried out. Thereafter, regular inspections to be carried out both during construction and upon completion and any remedial work required as a result of construction traffic identified. Thereafter any remedial works must be carried out within an agreed timescale, dependent on the severity of the damage to the public road. Providing the conditions listed below, or similarly worded, are attached to any consent, I will not object to this proposed development.		
		Recommended Conditions No development shall commence until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Planning Authority. The TMP to include (but not be limited to): • a. The detailed delivery route and anticipated vehicle numbers for all cars, HGV deliveries and abnormal loads associated with the development and measures to ensure that the specified routes are adhered to, including monitoring procedures. • b. Details of all ancillary/accommodation works required to the public road network to facilitate all deliveries, including all signage and lining arrangements, a programme and timescales	Noted. As above, the applicant is content to accept the proposed planning conditions.	**AEI Chapter 11: Transport and Traffic**.

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		for implementation and reinstatement proposals after the development is complete and a programme and timescales for completion. • c. Road condition survey of all proposed access routes, carried out prior to the development commencing in the presence of SBC staff, and details of any upgrading works and a regime for routine maintenance during construction of the development. Any remedial works required as a result of damage/deterioration by construction traffic (to be highlighted in a post-construction road condition survey) to be rectified at the expense of the developer after the development has been completed in accordance with an agreed timescale. Any emergency repairs identified during the construction period to be rectified within one week, unless otherwise agreed. • d. Details of tree and/or hedge removal along the route for the abnormal loads and a scheme for replacement planting and a timescale for its implementation and completion. • e. Swept path analysis drawings for agreed areas of concern along the route for the abnormal loads and details of remedial measures • f. Areas of the abnormal load route where the removal of street furniture, including lighting and overhead cables, is required and all temporary measures required for the duration of the abnormal load movements. • g. All structures within the public road access route to be surveyed and confirmed as suitable for the proposed delivery		

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		loadings. Details of any remedial works required to be submitted for approval by SBC prior to works commencing. • h. Name and contact details of a nominated person to whom any road safety issues can be referred. • i. A trial run to be undertaken on the finalised abnormal load route, for all types of abnormal loads for the varying components, with representatives from the Council present. The approved TMP thereafter to be implemented in full, unless otherwise agreed in advance in writing by the Planning Authority and all work within the public road boundary to be undertaken by a contractor first approved by the Council. Reason: To ensure all construction traffic access the site in a safe manner and that any upgrading works or repairs to public roads are carried out timeously to the Council's specifications, in the interests of road safety.		
SEPA	General	Thank you for re-consulting us on this proposal. We have no objection to this application but please refer to the recommendations and advice provided below.	Noted, with thanks.	N/A
	Hydrology, Hydrogeology and Geology.	In addition to our previous comments, we have reviewed the potential risk to groundwater, including private water supplies (PWS), from the proposed wind farm. According to the information on the ECU portal, PWS information was evaluated by the applicant by obtaining data from Scottish Borders Council and East Lothian Council for PWS within 2 km of the site boundary. A total of 25 PWS were identified within the Scottish Borders area. Of these 25, 12 PWS sources were scoped in for further consultation with residents. These consultations were undertaken in July 2023 and	An updated assessment of potential effects for the revised proposed development on PWS is detailed in section 10.8 of **AEI Chapter 10: Hydrology, Hydrogeology and Geology** with additional mitigation and monitoring outlined.	**AEI Chapter 10: Hydrology, Hydrogeology and Geology**

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		based on these responses; site visits were undertaken in August 2023 to confirm the information provided. Upon completion of these works, eight PWS were ultimately included in the EIA with an appropriate map produced which conforms to the requirements of section 2.4 in LUPS-GU31*. A private water supply risk assessment was also produced to assess the individual risk to each of the eight identified PWS. Of the eight supplies, only one is located within the relevant buffer zones (Cleekhimin House). This is a well, possibly supplied by "surface water runoff, near surface groundwater and potentially underlying groundwater". The well is located 20m from an existing public road that will be used by construction traffic. This road is likely to be widened in sections to accommodate this traffic, however it is not currently expected that any widening will occur within the vicinity of this supply. The applicant states that if the widening does occur within 100m of the supply, works "would be undertaken following best practice mitigation measures, for as short a time as practicable" and "water quality monitoring would be undertaken at the source for the duration". Dewatering during excavation should comply with General Binding Rules 2 and 15 (see: https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf). GBR15 states that groundwater must not be abstracted from any excavations within 250m of a wetland. Abstraction of groundwater in quantities greater that 10m3 /day may require a CAR registration or licence, depending on the scope and duration of the works. As works within the buffer zone of Cleekhimin House PWS cannot be categorically ruled out at this stage, we recommend that Option 3 -		

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		Planning Condition B of LUPS-GU31 is applied, to ensure that appropriate monitoring is undertaken during any works. Any monitoring should include a 12-month baseline period prior to any works. Therefore, we advise the applicant to start baseline monitoring as soon as possible. This should ensure there are no significant delays, should it be necessary during the proposed works to widen the track near the PWS.		
		Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012.	Noted.	N/A
NatureScot	Ecology	We provide advice in relation to the main ecological interests associated with the proposal, including effects on the River Tweed SAC, ecology, ornithology and restoration proposals. There are natural heritage interests of international importance on the site, but our advice is that these will not be adversely affected by the proposal. NatureScot advises that more clarity is sought in terms of the biodiversity and restoration plan to ensure that net positive benefits for biodiversity are realised for the project.	Noted.	N/A
		Appraisal of the Natural Heritage Impacts of the Proposal **River Tweed SAC**		**AEI Technical Appendix 8.7: Shadow Habitats**

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		The proposal could affect the River Tweed Special Area of Conservation (SAC) protected for Atlantic salmon, otter, three species of lamprey, otter and as a water course typically supporting water crowfoot (Ranunculus) species. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Scottish Government is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements (https://www.nature.scot/doc/legislativerequirements-european-sites) Our advice is that this proposal is likely to have a significant effect on the interests of the River Tweed SAC and therefore an appropriate assessment in view of the site's conservation objectives for its qualifying interests, is necessary. To help you do this we advise that based on the information provided, that the proposal will not adversely affect the integrity of the site. We also advise that details of the CEMP, which are to be agreed with the appointed contractor, are in accordance with SEPA guidance (available on the SEPA website). It must include site specific measures to ensure there is minimal disturbance of the qualifying features and protect against adverse indirect impacts on important ecological requirements such as water quality, water flow and/or river channel substrate. Our detailed assessment including our assessment in relation to the Habitats Regulations is presented in Appendix 1 to this letter.	A shadow HRA screening is provided in **AEI Technical Appendix 8.7**. One statutory site, the River Tweed was progressed to Appropriate Assessment, provided in **AEI Technical Appendix 8.8.**	**Regulations Appraisal Screening**; and **AEI Technical Appendix 8.8: Shadow Habitats Regulations Appraisal: Report to Inform Appropriate Assessment**.

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
	Landscape and Visual	**Landscape** We recognise that significant landscape and visual impacts are likely to arise as a result of this application and there may be scope to reduce these impacts through appropriate design mitigation. However, our approach to advising on wind farm applications is to focus upon impacts on Scotland's landscapes that potentially raise issues of national interest (i.e. as identified in our guidance). In this case, we do not consider that the landscape and visual effects of the proposal will raise natural heritage issues of national interest, and therefore we are not providing specific advice.	Noted.	N/A
	Ornithology	There are a number of shortcomings with the ornithological assessment and we are of the opinion that the impacts on waders, merlin, red kite and potentially golden eagle have been underplayed. However, NatureScot does not consider the issues to be of sufficient concern to necessitate additional assessment. The Biodiversity Enhancement Restoration Plan (BERP – Appendix 8.6) has an important role to play in compensating for impacts on birds but is lacking detail on how this is to be achieved. It is not possible at this stage to determine if overall positive effects will be delivered, and we feel that significant effort will be needed here to mitigate the effects of this project on ornithological receptors. Detailed comments on the ornithological assessment are provided in Appendix 2 to this letter.	Noted. The updated OBERP (**AEI Technical Appendix 8.6**) includes a range of measures that will benefit the local bird populations, though, as set out in **AEI Chapter 9**: **Ornithology**, the focus of the ornithological mitigation will be off-site	**AEI Technical Appendix 8.6: Outline Biodiversity Enhancement and Restoration Plan;** and **AEI Chapter 9: Ornithology.**
	Ecology, Ornithology.	NatureScot is satisfied that the survey and assessment work has been undertaken satisfactorily. The mitigation proposed in Chapter 8 and summarised in Chapter 15 – 'schedule of mitigation' for the various	Noted.	N/A

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		ecological receptors should be adopted in full to ensure impacts remain not significant during both construction and operation.		
		Biodiversity enhancement The EIA identifies the requirement under Policy 3 of the National Planning Framework 4 to deliver biodiversity enhancement measures as part of the development. The Longcroft Outline Biodiversity Enhancement Restoration Plan (Appendix 8.6) describes the measures proposed. NatureScot agrees with the aspirations of the plan, but as we have stated above that there is insufficient detail included for how positive effects will be delivered for birds. Similarly with regards peatland restoration, there is insufficient detail presented to enable us to advise on the suitability of the restoration measures. We appreciate that the proposed 70.92ha of compensation/enhancement identified may need to be off site but this should be identified and adequate assessment undertaken at the application stage to ensure there is reasonable chance of delivering under NPF4. Restoration measures should reflect best practice and be guided by the advice in our Peatland Action Technical Compendium available on our website information on peatland restoration techniques. We recommend that confirmation of landowner agreement should also be provided to ensure that the measures proposed in the plan are deliverable. We would also advise caution with regards planting of juniper given the risk of spreading juniper dieback (Phytopthera austrocedri) and potential connectivity with Lammer Law Site of Special Scientific Interest. If this is	The updated OBERP (**AEI Technical Appendix 8.6**) includes a range of measures that will benefit the local bird populations, though, as set out in **AEI Chapter 9: Ornithology**, the focus of the ornithological mitigation will be off-site. Where limited peat deposits may be excavated as a result of the revised proposed development, all of it can be reused on-site as detailed in the Outline PMP in Technical Appendix 10.3 of the EIA Report October 2023.	**AEI Technical Appendix 8.6: Outline Biodiversity Enhancement and Restoration Plan;** and **AEI Chapter 9: Ornithology**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		to be pursued, then we would advise consultation with NatureScot to discuss this further. We recommend that the final HMP should follow our guidance on What to consider and include in Habitat Management Plans.		
		APPENDIX 1 **Appraisal of effects on the River Tweed SAC** The proposal includes construction of watercourse crossing infrastructure over tributaries of the River Tweed which are part of the River Tweed SAC. The qualifying interests of the River Tweed SAC (Atlantic Salmon, three species of lamprey, otter and water crowfoot) are sensitive to direct and indirect effects including disturbance to the river habitat, 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'. We agree with the Shadow HRA (Appendix 8.7) that this proposal is likely to have a significant effect on the qualifying interests of the River Tweed SAC. Consequently, Scottish Government, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. We advise that, if the proposal is undertaken strictly in accordance with the application, then a conclusion of no adverse effect on site integrity can be concluded. In reaching this view we have taken account of measures set out in the submitted Outline Construction and Environment Management Plan	A shadow HRA screening is provided in **AEI Technical Appendix 8.7**. One statutory site, the River Tweed was progressed to Appropriate Assessment, provided in **AEI Technical Appendix 8.8.**	**AEI Technical Appendix 8.7: Shadow Habitats Regulations Appraisal Screening**; and **AEI Technical Appendix 8.8: Shadow Habitats Regulations Apraisal: Report to Inform Appropriate Assessment**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		(CEMP) and mitigation presented in chapter 8 of the EIA to avoid impacts on the species and habitats for which the River Tweed SAC is designated. We note that the details of implementation of the mitigation principles are to be agreed with the appointed contractor and agreed in the finalised CEMP plan and pollution prevention plans. These plans should be in accordance with SEPA guidance (available on the SEPA website). It must include site specific measures to ensure there is minimal disturbance of the qualifying features and protect against adverse indirect impacts on important ecological requirements such as water quality, water flow and/or river channel substrate. Please note that we do not wish to be consulted on the detailed CEMP; we are content that the planning authority ascertain that this is adequate, with advice from SEPA if necessary. **Habitats Regulations Appraisal** Our consideration of the three tests as defined in the Habitats Regulations is as follows: 1. Is the plan or project directly connected with or necessary to site management for nature conservation management purposes (and part of a fully assessed and agreed management programme)? In our view, this proposed development is not necessary for conservation management purposes. Hence, further consideration is required. 2. Is the plan or project likely to have a significant effect on the site? Our advice is that this proposal is likely to have a significant effect on the qualifying interests of the River Tweed SAC. There is hydrological connectivity between the development site and the River Tweed SAC and	Noted	

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		seven watercourse crossings will be necessary to facilitate site access. 6 of these watercourse crossings are small tributaries of Soonhope and Whalplaw Burns and culverting these will not have an impact on the notified interests of the site. Construction of a single span bridge across Whalplaw Burn, which is a tributary of the River Tweed, could affect the site interests. General construction activities may also impact the site due to proximity. Consequently, Scottish Government, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. These are contained within the Conservation Advice Package. 3. Can it be ascertained that the plan or project will not adversely affect the integrity of the site? We advise that, if the proposal is undertaken strictly in accordance with the application, then the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the following: • Supporting habitat for the qualifying species: the standard mitigation measures ensure that there will be minimal indirect disturbance of the species' supporting habitat. • Water quality: the qualifying features require good water quality and the mitigation measures ensure that construction will not lead to a deterioration in water quality that would affect the qualifying features. • River flow: the mitigation measures will not lead to changes in water depth or water flow that would otherwise risk adversely		

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		affecting the qualifying features. Channel form and substrate: The single span bridge across the Whalplaw Burn will be open bottom. Site mitigation measures should ensure the channel's morphological diversity and substrate composition will not be adversely affected. The natural functioning and morphology of the river channel are key elements supporting the species' habitat. Our appraisal for each of the qualifying interests is set out below.		
		Atlantic Salmon • Juvenile salmon were recorded at multiple locations in the Soonhope and Whalplaw burns. • Atlantic salmon 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, particularly during the construction phase of this type of development. • There is a risk that construction-related pollution from the development could affect the SAC Atlantic salmon qualifying interest by affecting the fish themselves and also through deterioration of their supporting habitat, potentially undermining one or more of the site's conservation objectives. • Implementation and monitoring of the Construction Environment Management Plan (CEMP) will reduce the risk of pollution and siltation impacts and will ensure the long-term integrity of fish access and habitat are not compromised.	Noted.	N/A

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		• The conservation objectives will not be undermined for salmon.		
		Brook lamprey, river lamprey and sea lamprey • Lamprey were not recorded during survey but were assessed as likely to be present on site. • Lamprey require similar spawning gravels to salmonids and good water quality, but they also require silty areas in which to grow as juveniles. • Given hydrological connectivity, construction-related pollution from the development could potentially affect the lamprey qualifying interests of the SAC, by affecting the fish themselves and also through deterioration of their supporting habitat. These impacts could undermine one or more of the site's conservation objectives. • Implementation and monitoring of the CEMP will reduce the risk of pollution and siltation impacts. • The conservation objectives will not be undermined for lamprey.	Noted	N/A
		Otter • One couch and three spraints were recorded along the main watercourses. Otter are widespread in the River Tweed catchment, and so it can be expected that they forage and commute along watercourses. • Minor development related effects on otter could occur but are considered unlikely to be significant with the implementation of standard mitigation measures outlined in the EIA Report, including a 50m from all other watercourses, and pre-	Noted	N/A

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		construction checks to be carried out by an Ecological Clerk of Works (ECoW). • Implementation and monitoring of the CEMP will reduce the risk of impacts on otter. • Some disturbance to otter might occur during routine operation and turbine maintenance, but otter are able to tolerate a certain level of disturbance and have wide ranges. The short term nature of any effects are likely not to be significant. • We conclude that conservation objectives will not be undermined for otter.		
		Rivers with water-crowfoot dominated floating vegetation • This habitat was not recorded within the site boundary. Floating beds of water-crowfoot are of particular importance on the lower parts of the river. • In theory, siltation and/or pollution arising from construction-related work could affect this habitat type but, given the probable distances between the development site and the main areas of this habitat type, significant effects are unlikely. • Implementation and monitoring of the CEMP will reduce the risk of indirect pollution and siltation impacts. • The conservation objectives will not be undermined for this qualifying interest.	Noted.	N/A
	Ornithology	**APPENDIX 2 – ORNITHOLOGY ASSESSMENT**	Noted.	**AEI Chapter 9: Ornithology,**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		• The impacts on birds in the collision risk assessment are unusually presented as percentage increase in background mortality, without elaboration on the data behind that. The collision risk modelling has been run using 5 different areas, but with no map to illustrate how it was done so it has not been possible to check the assessment properly. The survey work was hampered by a lack of access to the survey areas outwith the site. Section 9.4.36 of the ES states 'this might have underestimated breeding birds and so figures should be considered a minimum, and consideration would be given that 'slightly higher numbers could be affected'. As far as we can tell this wasn't taken account of in the assessment. It is also unclear why different displacement distances used (9.6.14) for different seasons. In spite of the above shortcomings, we do not think that the overall impacts on birds are likely to be significant enough to warrant revisiting the assessment. • The ES uses Ruddock & Whitfield (2007) for disturbance distances – this has now been superceded by Goodship & Furness (2022) and associated guidance available on our website https://www.nature.scot/doc/naturescot-research-report-1283-disturbancedistances-review-updated-literature-review-disturbance which should be used going forward (e.g. in deciding buffers in a breeding bird protection plan). • We agree with the conclusion of no impacts on Fala Flow and Greenlaw Moor SPAs associated with pink-footed geese. More generally NatureScot is not concerned about impacts on geese	Goodship & Furness disturbance distances have been adopted in the assessment for the revised proposed development. Noted – there would be a further reduction in risk to 0.4 per year as a result of the revised proposed development. An updated assessment is presented in **AEI Technical Appendices 9.1 and 9.2**.	**AEI Technical Appendix 9.1: Collision Risk Modelling Calculations,** **AEI Technical Appendix 9.2: Shadow Habitats Regulations Assessment** and **AEI Technical Appendix 8.6: Outline Biodiversity Enhancement and Restoration**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		from this development given the robust status of pink-footed geese and resident greylags. • Waders – this is clearly a good site for species like curlew, golden plover, lapwing etc. and we believe the assessment plays down potential effects on these species. As a result, in order to compensate for these effects the Biodiversity Enhancement Restoration Plan (BERP) should more explicitly address the negative impacts of the development on them. • Merlin – turbines are to be sited very close to the successful nest sites used during the survey years. While these birds do move around in response to the habitat, and the exact sites are not critical, it is clear from the historic raptor study group data that this is a generally favoured area. The ES cites Heavisides et al (2017) which describes the decline of merlin in the Lammermuirs mainly as a result of land management change (increased frequency of heather burning, predator control, more wind farm hill tracks). 9.6.27 talks about the need for mitigation during construction, and 9.6.39 about 'some small-scale displacement' but without consideration of the wider pressures on this population. NatureScot would expect the BERP to include positive management for merlin. • Golden eagle – some flight activity was noted in the second year of survey, resulting in a collision risk of 0.05 birds/yr. Data from	The assessment presented in Section 9.8 of **AEI Chapter 9: Ornithology** identifies that the revised proposed development reduces impact on breeding waders substantially, particularly curlew. Proposed management measures will include benefit for merlin. This includes re-wetting of peatland and restoration of dry heath. Further details can be found in **AEI Technical Appendix 8.6: Outline Biodiversity Enhancement and Restoration** Noted – the assessment presented in Section 9.7 of **AEI Chapter 9: Ornithology** concludes that the impact on golden eagle has been reduced as a result of the revised proposed development.	

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		the South Scotland Golden Eagle Project in confidential annex 9.8 shows that this site has been frequently used by a number of immature birds, although many have now moved on. As no attempt at nesting has been made in the vicinity we think the level of assessment for golden eagle is adequate. • Red kite – while no nests were found, there was a reasonable amount of flight activity recorded (9.6.57). The ES identifies that the species has recently colonised the area but has not considered that impact to a recolonising species at the edge of range is going to be greater than to a bigger population. As a result, we consider that the ES is too dismissive of the impact on red kite but given that no nests were recorded in the vicinity, we do not require additional assessment to be undertaken. • Cumulative effects – in section 9.9.1, the ES correctly identifies our guidance on how to approach this, and NHZ 20 Border Hills as the relevant NHZ but then goes on to only look at wind farms within 35km of the site boundary, when it should include all in NHZ 20. The assessment then only considers collision risk to pink-footed geese and displacement of curlew. It would have been much more informative if the other impacts had also been considered, even if just to give more confidence in the conclusions of low impact made. However, given our awareness of wider ornithological information, we do not consider cumulative effects a major concern. • Biodiversity Enhancement Restoration Plan – this document isn't sufficiently developed to be sure about positive effects and not enough thought has been given to the requirements of the	Noted – further consideration of status on edge of expanding range is presented for red kite in Section 9.7 of **AEI Chapter 9: Ornithology**. Noted. The updated OBERP (**AEI Technical Appendix 8.6**) includes a range of measures that will benefit the local bird populations, though, as set out in **AEI Chapter 9: Ornithology**, the focus of the ornithological mitigation will be off-site.	

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		main bird species affected (as discussed above). There is no information as to the future land management on the site which is important as it has a bearing on future habitats, and resources that may/may not attract birds. Cessation of moor burning might be helpful but will need to be considered cohesively alongside the grazing management etc. to avoid it reverting to rank heather and thus being less attractive to some species. The location of peatland restoration has still to be confirmed. We are not sure what the plan hopes to achieve with nest boxes, the sites of which are also to be confirmed.		
Historic Environment Scotland	Archaeology and Cultural Heritage	The proposed development raises significant concerns for our interest, such that we object to the proposal for its significant adverse impacts on the integrity of the setting of the following scheduled monuments. • Addinston, fort 500m NNE of (Scheduled Monument SM362) • Longcroft, fort 500m NE of (Scheduled Monument SM372) • Glenburnie, fort 600m S of (Scheduled Monument SM4473) • Longcroft Hill, homestead 480m ESE of (Scheduled Monument SM4480) This is contrary to policy 7h in NPF4. Following review of the EIA report and visualisations provided by the applicant, and our own site visit on 1 February 2024, we consider that there is no mitigation which is likely to reduce the impacts to a level that is acceptable.	The applicant proposes the removal of seven of the original turbines, reducing it from a 19-turbine scheme to a 12-turbine scheme. The applicant believes that the reduced scheme would rebalance the impacts against the benefits the development would bring towards achieving net zero targets. Proposed wind turbine deletions comprise T1-T4 and T17-19. The design evolution of the revised proposed development is presented in **AEI Chapter 2 : Design Evolution & Alternatives** and an assessment of the revised proposed development for each of the cultural heritage assets identified	**AEI Chapter 2: Design Evolution & Alternatives;** and **AEI Chapter 7: Cultural Heritage and Archaeology**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		Furthermore, we consider that the conclusions reached within the cultural heritage chapter of the EIA report have underestimated the severity of impacts upon several heritage assets and their setting. Whilst a number of heritage assets have settings that are impacted by the proposed development, it is likely to have the greatest impact on the monuments identified above. They comprise three hillforts and one settlement dating to the prehistoric period. The proposed development would affect understanding, appreciation and experience of the scheduled monuments listed above, to an extent that raises issues of national interest. These impacts do not align with national policy as set out in the Historic Environment Policy for Scotland (HEPS) and the National Planning Framework (NPF4).	is set out **AEI Chapter 7 : Cultural Heritage and Archaeology**.	
Ironside Farrar	Peat	**Summary Outcome of Checking Report** The following comprises the summary outcome of the checking report: **The PLHRA requires minor revisions:** although much of the PLHRA is sound, one or two key elements are considered to be insufficiently robust to support the PLHRA conclusions and minor revisions are required; areas for attention will be advised in the review findings and may be progressed by the developer through either an appendix to the original submission or by clarification letter. **Recommendations** The following recommendations are made: Recommendations requiring response from Developer: • Please provide further information on the rationale and approach adopted for the peat depth survey and the	A response was sent to Ironside Farrer to address the recommendations. A 100 m grid was undertaken across the developable area, which showed peat was not present across most of the site. In line with relevant guidance, where no peat was observed during phase 1 surveys, additional high-resolution probing was not deemed necessary. High resolution (phase 2) peat depth surveys were targeted in areas within or adjacent to where probe depths exceeded 0.5 m during phase 1 surveys, and where ecological data indicated potential peatland habitat. **AEI Figure**	**AEI Chapter 10: Hydrology, Hydrogeology and Geology**; **AEI Figure 10.1**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		justification/ clarification for the reduced probing relative to some of the infrastructure locations to allow acceptance. • A further justification should be provided as to why the consequence and overall risk has not been calculated. Recommendations made for information only – no response required: • A set of photographs conveying the typical features of the site would also benefit the PLHRA and the reader to give better understanding on the geomorphological/ peatland characteristics of the site. • The geomorphological map could be made better by inclusion of other relevant information such as the drainage, other significant receptors and any erosional features. • The report would have benefitted from further discussion on likelihood findings for the rest of the infrastructure including a summary table like Table 5-6. Further generic mitigation could include comments on blasting	**10.1** shows a peat depth interpolation overlain by the revised proposed development. An assessment of the likelihood of peat instability has been calculated across the entire development. All areas of infrastructure are sited within areas of negligible or low likelihood of a peat slide occurring. Where the areas of negligible or low likelihood of a peat landslide occurring have been identified, a detailed impact assessment was not considered necessary given that the model shows that it is unlikely that a peat slide will occur	
Transport Scotland	Traffic and Transport	**Assessment of Environmental Impacts** Chapter 11 of the EIAR presents the assessment of Transport and Traffic. This states that the Guidelines for the Environmental Assessment of Road Traffic (1993) have been used to inform the assessment. We note that new guidance has been published by the Institute of Environmental Management and Assessment (IEMA). These Guidelines, entitled Environmental Assessment of Traffic and Movement (July 2023), are intended to update and replace the previous 1993 IEMA guidelines and provide enhanced and up to date advice on the	Noted.	**AEI Chapter 11: Transport and Traffic**.

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		assessment of traffic and movement. Given that the proposed methodology for this assessment was agreed in April 2023, Transport Scotland is satisfied that the original guidelines have been followed. It is noted that the study area for the assessment is centred around the likely points of origin for materials, and is identified as follows: • A68(T) between the A720(T) and Birkhill; • A697 between Carfraemill and Whiteburn; and • D-Class Road, D124 between the A697 and site. Transport Scotland is satisfied with this study area. We note that base Annual Average Daily Traffic (AADT) flows were obtained from both the Department for Transport (DfT) and Transport Scotland (TS) traffic databases. It is also noted that 2023 data has been used from the TS database, while 2019 data has been used from the DfT site. A National Road Traffic Forecast (NRTF) low growth factor has been applied to the DfT survey data to bring the traffic data to the base year of 2023. Chapter 11 indicates that construction of the development could commence during 2030 and is likely to take up to 16 months to complete. Future baseline traffic flows have been established by factoring the 2023 base traffic levels to the peak construction year of 2027, using NRTF low growth and the results are presented in Table 11.7. This methodology is considered acceptable. Traffic predicted to be generated during the construction period is presented in Table 11 of Appendix 11.1 - Transport Assessment. This	Noted. Noted.	

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		demonstrates that there will be a peak of 172 daily trips during month 8 of the 16-month schedule, which equates to 72 Car & LGVs and 100 HGVs. The percentage impact of these generated trips is presented in Table 11.9 of the EIAR, where it is demonstrated that the development will give rise to a 9% increase in HGVs on the A68(T), with a corresponding 1.1% increase in Total traffic. These results are clearly well below the IEMA thresholds for further assessment and as such, Transport Scotland is satisfied that no further assessment of potential environmental effects is required for the trunk road network. **Abnormal Loads Assessment** We note that Abnormal Indivisible Loads (AILs) associated with delivery of the wind turbine components will be delivered to site from the proposed Port of Entry (PoE) at Rosyth. The proposed route comprises Keith Road, B981, M90, M9, M8, A720(T), A68(T), A697 and D124 to the site entrance. We note that an Abnormal Indivisible Load Route Survey (AILRS) has been provided as Technical Appendix 11.1. This considers the impact of the worst-case components from a Siemens Gamesa SG170 turbine with a proposed tip height in excess of 200m. Swept path assessments have been carried out which demonstrate that significant trunk road street furniture will require to be removed and replaced, and some load bearing surfacing laid to facilitate the passage of components. We also note that some trees and vegetation require to be cleared whilst some third-party land is required to accommodate overrun / over-sail. We also note that the AILRS states that where constraints are significant, blades would be transferred onto a blade lifting trailer to reduce the	Noted. Noted.	

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		amount of third-party land required and to reduce the extents of associated physical improvements. Transport Scotland would state that any proposed changes to the trunk road network must be discussed and approved (via a technical approval process) by the appropriate Area Managers prior to the movement of any abnormal load. The relevant Area Managers are as follows: M90, M9, M8, A720: Graeme Paget - graeme.paget@transport.gov.scot A68: Alex Joannides - alex.joannides@transport.gov.scot In addition, it should be noted that if Blade Lifter technology is to be utilised on the trunk road, significant work will be required in order to satisfy Transport Scotland that the proposals can work technically, and do not represent any risk to the safe and efficient operation of the trunk road network. Transport Scotland will require a detailed methodology to be provided, with a technical approval process followed thereafter (with no guarantee of approval). This is to include a risk assessment, method statements and additional information as requested by Transport Scotland. **Conclusions** Based on the review undertaken, we can confirm that we are satisfied with the submitted EIAR and we have no objection to the development in terms of environmental impacts on the trunk road network. We would, however, request that the following conditions be attached to any consent that may be granted: Condition 1: Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be	The applicant is content to accept the proposed planning conditions.	

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		submitted to and approved by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority. Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development. Condition 2: Prior to the movement of any abnormal load, any accommodation measures required on the trunk road network, including the removal of street furniture, junction widening and traffic management must be approved and implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland. Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development. Condition 3: Prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland. Reason: To ensure that the transportation of any components/materials will not have any detrimental effect on the road and structures along the route. In addition to the above Conditions, the applicant should be informed of the following advisory notes setting out requirements relating to works within the trunk road boundary:		

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		I. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate. II. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation. III. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation. IV. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. V. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement. VI. To obtain permission to work within the trunk road boundary the developer should contact the Area Manager through the general contact number 0141 272 7100. VII. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.		

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
BT	Telecomms	We have studied the proposed windfarm development with respect to EMC and related problems to BT point-to-point microwave radio links. The conclusion is that the Project indicated should not cause interference to BT's current and presently planned radio network.	Noted with thanks.	N/A
Crown Estate Scotland	General	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.	Noted with thanks.	N/A
Defence Infrastructure Organisation (MOD)	Aviation and Radar	I am writing to advise you that the MOD objects to the proposal. The principal safeguarding concerns of the MOD with respect to this wind farm development relate to the development being detectable by one or more MOD radars as specified, and for the potential for the turbine to introduce/form a physical obstruction to air traffic movements. Summary The MOD objects to this proposal for the following reasons: a. the development being detectable by one or more MOD radars as specified; and b. The potential to create 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 in the developer's document titled "Environmental Impact Assessment Report – Chapter 3: Proposed Development Description". 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	Serco were formally requested by the applicant to provide a report, outlining the impact that the revised proposed development would have on UK Air Defence radar, TPS-77, located at RRH Brizlee Wood so that the MOD can decide if the mitigation solution is acceptable. The report has been provided to the MOD (20.01.25). The MOD has since confirmed the proposed non auto initiation zone (NAIZ) mitigation is acceptable and a mutually acceptable suspensive planning condition is currently being agreed. With respect to concerns around physical obstruction, it is understood that a planning condition will be requested to ensure that aviation safety lighting is fitted to the wind turbines.	**AEI Chapter 14: Aviation, Radar & Other Issues**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.		
Defence Infrastructure Organisation (MOD)	Aviation and Radar	The MOD has undertaken an assessment of the mitigation proposal [issued by Serco] and accepted on the condition that the revised proposed development is issued to the ECU.	AEI to be submitted to ECU detailing the revised proposed development for MOD to remove objection and issue planning conditions.	**AEI Chapter 14: Aviation, Radar & Other Issues**
Fisheries Management Scotland	Ecology	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 river catchment relating to the River Tweed Commisioners and the Tweed Foundation. It is important that the proposals are conducted in full consultation with the Board and Trust, and I should be grateful if they could be involved in the project proposals. I have also copied this response to the relevant personnel. 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.	Noted - Consultation was undertaken with the River Tweed Commission.	**AEI Chapter 8 – Terrestrial Ecology**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
Joint Radio Company	Telecomms	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. 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, developers are advised to seek re-coordination prior to considering any design changes.	Noted with thanks.	**AEI Chapter 14: Aviation, Radar & Other Issues**
NATS Safeguarding	Aviation	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 SG35025.	NATS safeguarding has identified that a Large Blanking Zone mitigation would be suitable to mitigate the impacts on the Great Dun Fell radar. A statement of common understanding (SOCU) is currently being negotiated with NATS so that the objection can be lifted.	**AEI Chapter 14: Aviation, Radar & Other Issues**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		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.		
Office for Nuclear Regulation	General	With regard to planning application ECU00004774, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.	Noted.	N/A

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
River Tweed Commission	Ecology	**Assessment of Risk** The following factors should be considered in evaluating the risk of a development to fisheries: • Presence and abundance of salmon, sea trout and sea lamprey, river lamprey, brook lamprey, trout (ancestral forms and sea trout) and European eel • Development within/ adjacent to the Tweed SAC • Density of water bodies (standing and running waters) • Presence of large areas of deep peat • Forest removal • Known acidification problems • Large number of proposed stream crossings In evaluating the Environmental Statement careful consideration should be given to the following activities which can have an impact on fisheries: • Turbine foundations • Excavation of borrow pits • Road construction/upgrading • Cable laying • Water abstraction and discharge • Obstruction to fish migration • Removal or degradation of physical habitat • Reduction in food supply (e.g. invertebrates).	Refer to Technical Appendix 8.5 of the EIA Report October 2023 for aquatic surveys undertaken. Densities of water bodies, areas of peat and water crossing schedules are considered under **AEI Chapter 10: Hydrology, Hydrogeology and Geology**. No felling of woodland (including conifer plantation) is predicted for the revised proposed development. All infrastructure detailed within **AEI Chapter 3: Revised Proposed Development Description** has been included in the assessment.	**AEI Chapter 8: Terrestrial Ecology** **AEI Chapter 10: Hydrology, Hydrogeology and Geology;** and EIA Technical Appendix 8.5: Fishery and Electrofishing of the EIA Report, October 2023

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
	Hydrology, Hydrogeology, and Geology	**Water bodies and stream crossings** It is recommended that construction avoids water bodies wherever possible. If construction is to be carried out near watercourses, a buffer zone of at least 50m should be established. The potential for sediment transport and deposition should be carefully considered and the installation of appropriate siltation controls should be employed. Where river crossings are proposed SEPA's Engineering in the Water Environment Good Practice Guide should be consulted. The use of 'clear span bridge crossings' is encouraged wherever possible. **Peat stability** Peat slides can have a direct impact on fisheries and peat disturbance can have indirect effects on water quality and quantity and abundance of invertebrates. A detailed survey of peat deposits present within the site should be undertaken to ascertain the risk of peat slide during construction. All construction should avoid areas of deep peat and where this is not possible appropriate mitigation measures should be put in place. Natural peat drainage channels should be preserved throughout the development; excavated material should not be stock piled in areas of unstable peat; concentrated water flows onto peat slopes should also be avoided. **Abstraction and discharge of water** SEPA, through The Water Environment (Controlled Activities) (Scotland) Regulations 2011 – more commonly known as the Controlled Activity Regulations (CAR) – and their further amendments of 2013 and 2017, regulates abstraction from and discharge of polluting matter to all wetlands, surface waters and ground waters. Where water abstraction is	Embedded 50 m watercourse and waterbody buffers have been avoided by the revised proposed development, embedded mitigation is outlined in Chapter 10 of the EIA Report October 2023, with an outline of all proposed mitigation included in the draft CEMP. **AEI Figure 10.3** and Technical Appendix 10.3 of the EIA Report October 2023, details the proposed watercourse crossings for the revised proposed development. A detailed peat depth survey, carried out for the original proposed development, the results of which are shown in AEI Figure 10.1, the design of the revised proposed development has ensured that areas of peat greater than 1 m have been avoided. Technical Appendix 10.2 of the EIA Report October 2023 details the Peat Landslide Hazard Risk Assessment (PLHRA) for the site, the likelihood of a peat landslide occurring was deemed to be negligible to low across the site.	**AEI Figure 10.3** and Technical Appendix 10.3: Watercourse Crossing Schedule of the EIA Report, October 2023

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		proposed, the developer should ensure that they comply with The Salmon (Fish Passes and Screens) (Scotland) Regulation 1994 which states that screens, at the point of water abstraction, should serve to prevent the entry and injury of salmon. Other fish species should also be considered in the same manner. Surface water run-off must be discharged in such a way to minimise the risk of pollution of the water environment. **Pollution** Controlled Activity Regulations require any activity that is liable to cause water pollution to be authorised by SEPA. This includes point source pollution (e.g. sewage and trade effluent) and diffuse pollution (fuel, concrete spills, sediment discharge) all of which can be detrimental to the survival of fish. SEPA has produced guidelines for the prevention of pollution. **Acidification** Particular attention should be paid to acidification issues if they are known to be a problem in the area. Anthropogenic acidification of freshwaters is largely caused by the input of sulphur and nitrogen compounds, derived from the combustion of fossil fuels, exceeding the buffering capacity of the soils and underlying rocks through which the streams flow. Peat deposits and marine derived sulphates can also contribute to acidity. Salmonid fish are particularly sensitive to acid water, particularly due to the increased mobility of labile aluminium in acid conditions which is toxic to aquatic organisms. **Forestry**	Best practice construction measures have been implemented to minimise disturbance and pollution during construction, this is outlined in Chapter 10 of the EIA Report October 2023. Additional mitigation measures outlined in Chapter 10 of the EIA Report October 2023, will be included within a CEMP prior to commencement of construction activities. This will include a water quality monitoring plan that will be prepared and agreed upon with Scottish Borders Council, in consultation with SEPA, before the commencement of construction. It is	

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		The developer should assess the potential impacts of tree felling on the aquatic environment including nutrient release, increased acidification risk, loss of habitat, impacts on hydrology, increased fine sediment transport and deposition, all of which can have a detrimental impact on fish populations and should therefore be addressed in the ES. In addition, the mulching of fallen trees in situ should be avoided. The Forest and Water Guidelines should be consulted for further information.	anticipated that this will include a programme of pre-construction monitoring over a period to be specified in the plan. No felling of woodland (including conifer plantation) is predicted for the revised proposed development.	
	Ecology	**Monitoring Programmes** Monitoring throughout the development phase should be carried out to identify impacts and allow remediation at the earliest opportunity for sites where there are thought to be risks to fish populations. The experimental design of the monitoring programme should focus on the risks presented by the development and be clearly justified. Methods of analysis, reporting mechanisms and links to site management should also be clearly identified. In order to assess the potential impact of developments, the developer should provide information on all species and abundance of fish within the development area. **The onus is on the developer to provide adequate information on which to base an assessment of risk. Where there is a potential risk to salmonid populations baseline survey data should be collected for a minimum of 12 months (ideally monitoring should be provided for more than 1 year) prior to construction to establish pre-construction characteristics.** A 12-month monitoring period would require a larger number of monitoring sites to deal with intra-site and intra-annual variation. A	Prior to construction commencing, a fish monitoring plan including surveys pre-construction, during construction and post construction would be agreed with SBC in consultation with the local fisheries board. This would include electrofishing, water quality monitoring and macroinvertebrate surveys. Refer to Technical Appendix 8.5 of the EIA Report October 2023 for aquatic surveys undertaken. Fish population surveys (electrofishing) are proposed within the fish monitoring plan and would include pre-	**AEI Chapter 8: Terrestrial Ecology;** and EIA Technical Appendix 8.5: Fishery and Elextrofishing of the EIA Report, October 2023

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		Before and After Control Impact (BACI) design allows robust assessment of effects. It is important that there are adequate control sites to allow intra-site and intra-annual variation to be taken into account. Monitoring programmes might include: • Water quality monitoring targeted to risks (e.g. turbidity, Acid Neutralising Capacity, pH, nutrients, Dissolved Organic Carbon) • Aquatic macro-invertebrates • Fish – all species and abundance of fish. Particular attention should be paid to species of high economic and/or conservation value - Atlantic salmon, sea lamprey, river lamprey and brook lamprey are listed under the European Habitat Directive. Atlantic salmon, trout (ancestral forms and sea trout), European eel, river lamprey, sea lamprey and Arctic char are UK Biodiversity Action Plan (UKBAP) species-listed as priorities for conservation. European eel is also protected by EU regulation (EC No 1100/2007). • A pre-construction walk-up habitat survey might also be considered here, specifically to identify key features of fish habitat (i.e. spawning beds, holding pools etc.). The developer should clearly identify the methods of data collection, analysis and reporting to be employed. These methods must be statistically robust to detect change and any monitoring must feed back into site management to trigger remedial action/restoration. Following construction, there should be 3-5 years post development monitoring, with scope to extend this period if impacts are detected. The combined effect of all existing and proposed construction developments in the area	construction, during construction and post construction monitoring.	

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		should be addressed in the ES in addition to angling, as a recreation interest, and the impact that the proposed development may have on it. If the developer considers that there will be no significant impact from the development and as such no monitoring will be required, this should be clearly presented in the ES with supporting data and information thereby enabling the Commission to assess the decision on monitoring requirements. If this information is not provided, the Commission recommends that the developer carry out a full monitoring survey of fish and water chemistry in addition to appropriate mitigation plans.		
		Maintenance and Decommissioning The standards outlined above would be equally important for any routine site maintenance and ultimately the decommissioning of the development. This would include the maintenance of drainage schemes and any siltation controls where appropriate. **Mitigation/ risk management** Adherence to best available techniques would be expected throughout the development. Site specific mitigation measures and/or enhancement programmes to protect and/or compensate freshwater habitats should always be included in the Environmental Statement. Examples of mitigation measures include: • Avoidance of water bodies • Avoidance of peat • Hydrological buffer zones • Timing of works	River Tweed Commission's comments are noted. The applicant considers that the mitigation / risk management measures set out align with those set out within the EIA Report and AEI Report. Such mitigation mitigation measures would be incorporated into the management plans prepared to guide the construction, operational and decommissioning periods of the revised proposed development.	

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		• Drainage schemes (which allow no direct discharges to water courses) • Pollution prevention • Adherence to current legislation and guidelines (e.g. river crossing for migratory fish) Other aspects of mitigation might include habitat restoration more generally, installation/repair of riparian fencing or riparian tree planting. Large scale terrestrial wind farms have been built in important river catchments with little or no observable impact on either water quality, quantity or fish populations. However, there remains the possibility of significant impacts on water availability and quality, even on very well managed developments. Changes in water quality such as pH can be altered by development and there have been examples of catastrophic failure of wind farm developments (DerryBrien – Republic of Ireland). There is therefore potential for considerable long and shortterm damage to the freshwater environment and it is these risks and subject areas that the Commission would seek to mitigate. If designed and located properly and if proper care and attention is taken during construction the wind farm development need not be incompatible with a high-quality freshwater environment. The River Tweed Commission recommends that any fish or invertebrate biological survey should be carried out by the catchment-based Tweed Foundation.		
RSPB Scotland	Ornithology	After considering the EIAR and associated appendices, RSPB Scotland has concerns regarding the impact of this proposal and do not think sufficient information has been provided in the EIAR to inform the	**AEI Technical Appendix 8.6** includes a range of measures that will benefit the local bird populations, though, as set	**AEI Chapter 9: Ornithology;** and

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		appropriate level of mitigation measures. We recommend the following are submitted as additional information to inform the decision-making process for this proposed wind farm: • Revised cumulative impact assessment of operational displacement for Golden Eagle and breeding Curlew. • Cumulative collision risk assessments for Red Kite and Curlew. • A revised Breeding Bird Protection Plan (BBPP) and Biodiversity Enhancement Restoration Plan (BERP) with sufficient detail on species specific measures and how the proposal will deliver biodiversity enhancement requirements. • Proposals for post-construction monitoring for Red Kite, Merlin, Golden Eagle and breeding Curlew as a condition, should consent be granted. We provide further detail of our concerns and recommendations in the accompanying Annex and Confidential Annex. We would be happy to discuss any of the recommendations proposed in this response, please do not hesitate to contact me.	out in **AEI Chapter 9: Ornithology**, the focus of the ornithological mitigation will be off-site.	**AEI Technical Appendix 8.6: Outline Biodiversity Enhancement and Restoration Plan**
		ANNEX 1 - RSPB Comments on the Proposed Longcroft Wind Farm **Curlew** Status We disagree with the assessment in the EIAR of the conservation status of Curlew; a redlisted and globally Near-Threatened species of the highest conservation concern, listed as a Priority Species on the UK BAP list and a conservation priority in Scotland. Curlew have declined by around 59% in Scotland since the 1990s and have been recognised by NatureScot as	Further information on the cumulative impact on curlew is provided in Section 9.10 of **AEI Chapter 9: Ornithology**. However, the results are limited by the availability of data from other developments across the NHZ and do not change the conclusions of the assessment. We agree with NS's position that cumulative ornithological	**AEI Chapter 9: Ornithology**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		being at risk of impact from wind farms. Therefore, we recommend that Curlew should be classed as "High" priority in Table 9.10 of the EIAR, rather than "Medium". **Overall, we are concerned that the impact on Curlew from the proposed development has been underestimated in the EIAR.** Disturbance and displacement The proposed development has the potential to displace around 34 breeding pairs of Curlew from within 500m of the turbines. We agree with the statement in the EIAR section 9.6.22 and 9.6.34 that: "the numbers within the potential disturbance zone would be considered to be of **regional importance**". However, the total displacement of 34 pairs during construction and 30 during operation is considered in the EIAR to be "not significant", and therefore no mitigation is proposed for this species. The EIAR states that the NHZ population of Curlew is around 1,400 pairs based on Wilson et al (2015). However, this estimate does not account for recent and ongoing population declines. A more recent NatureScot estimate suggests that the current NHZ20 Curlew population is more likely to be around 1,220 pairs. Using the NatureScot figure, we calculate that the potential percentage displacement of breeding Curlew pairs from this site as 2.8% of the NHZ20 population. Cumulative Operational Displacement EIAR section 9.9.8 states that there are 27 pairs of Curlew at risk of displacement from operational and consented schemes, as well as "a further 23 pairs" from wind farm proposals currently in planning. However, we recently responded to the EIA Scoping consultation for the	impacts are not a major concern. This conclusion is reinforced further by the positive measures that the revised proposed development will deliver for curlew. The revised proposed development will deliver a net benefit for curlew through a combination of on-site habitat enhancement and off-site measures (see Section 9.8 of **AEI Chapter 9: Ornithology**).	

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		proposed Torfichen wind farm located in Midlothian Council area (ECU Ref: ECU00004661), which is located within 20km of this project, and which predicts 60 pairs of Curlew at risk of operational displacement, but which has not been included in the EIAR assessment for this project (9.9.8). Section 9.9.8 states that the proposed Longcroft Wind Farm will contribute "another 30 pairs" of breeding Curlew at risk of operational displacement. Assuming that no other developments have been missed from the cumulative impact assessment, our calculation suggests that this would result in a minimum of 140 Curlew pairs at risk of operational displacement, not the 80 pairs stated in the EIAR. We are concerned that this level of impact on a high priority species would undermine the ability to halt Curlew declines in Southern Scotland and would prevent its recovery to favourable conservation status. The EIAR makes reference to the findings of the adjacent Fallago Rig wind farm to suggest that displacement of breeding Curlew will not be significant, and that birds will continue to use the site after construction. However, we note that the Fallago Rig report has not been peer-reviewed, and these conclusions should therefore be treated with some caution. NatureScot guidance states that "Cumulative impact assessments should not be restricted to other wind farm developments but should include all plans or projects in the area". However, the cumulative impact assessment in the EIAR does not include afforestation or other developments which reduce the area of suitable Curlew habitat, and may cause increased disturbance, displacement, and mortality. These sources of cumulative pressures are all relevant and contribute to the decline of this species. Therefore, we are concerned that the cumulative		

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		impact of this development on Curlew is likely to be higher than reported in the EIAR. **We recommend the following actions:** • **The assessment of cumulative operational displacement impact in the EIAR is updated to include data from all windfarms in the planning system when the EIA was written in addition to forestry and other projects with the potential to impact breeding Curlew, in line with NatureScot guidance.** • **Consideration is given to the removal or relocation of turbines that pose the most significant risk of operational displacement, which from our assessment of the data provided, would include turbines 1 and 5.** • **The Applicant submits a revised Habitat Management Plan to compensate for displacement of breeding Curlew, to be submitted prior to determination.** <u>Cumulative Collision Risk</u> Predicted collision risk for Curlew is shown in Table 9.14 to be 1.56 breeding birds per annum, which is assessed as "not significant". Over the 30-year lifespan of the windfarm, this would amount to a loss of circa. 47 breeding birds. We understand NatureScot estimates the NHZ population to be around 1,220 pairs. Despite the predicted impact and the proximity of this development to other wind farms, cumulative collision risk for Curlew was not assessed. The EIAR also does not account for the relative importance of the loss of breeding adults to the population, as the average productivity of most Curlew populations isn't high enough to sustain these losses, and therefore any additional adult		

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		mortality through collision is likely to have a significant impact on the breeding status of this threatened high priority species. **Therefore, we recommend that the Applicant undertakes a cumulative collision risk assessment for breeding Curlew.**		
		Red Kite The high level of flight activity over the site in Figure 9.9 of the EIAR shows the importance of this site for Red Kite, a species that is known to be particularly susceptible to collision with turbine blades. We are concerned that the predicted collision risk for Red Kite for the proposed development may affect the long-term viability of Red Kite populations in the area. In addition, we note that there are gaps in the VP survey effort during winter 2021-22, with some VPs not covered every month. We are concerned that this omission could underestimate the number of Red Kite using the site during winter 2021-22. The predicted collision risk for Red Kite is reported in the EIAR to be 6.33 birds per annum, which amounts to a loss of c.190 birds over the 30-year lifespan of the proposed development. Section 9.6.57 of the EIAR states: *"The resulting collision risk was predicted at 0.14 per year using the 2021-22 data but a much higher 6.33 per year using the 2022-23 data (heavily skewed by the November 2022 data). […] If the November 2022 data are excluded, then the collision risk for 2022-23 drops to 1.0)."* It is not clear what justification has been made for the exclusion of the flight data from November 2022 used to assess likely impact to this species. Our calculations from data provided in Technical Appendix 9.4 suggests that Red Kite activity was marginally higher in September 2022 than in November 2022, with up to four birds seen on multiple occasions	The predicted impact of the revised proposed development on red kite is considerably lower than for the original proposed development, reinforcing the conclusion that this will be a negligible impact. Furthermore, a precautionary carcass removal programme will be implemented, removing their key food resource from the site (and hence reducing collision risk further) - see Section 9.8 of the **AEI Chapter 9: Ornithology**. RES are content to agree to the proposed protocol for collision reporting.	**AEI Chapter 9: Ornithology**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		throughout the year. Taking all of this into account, we are concerned that the Applicant has not provided enough information to disregard the Red Kite survey data from November 2022, and therefore the collision risk figure of 6.33 birds per year should be used. The flightlines in Figure 9.9 suggest that the site is currently important for foraging Red Kites and indicates that pairs are likely to be breeding to the south or east of the site, either currently or in the near future. Given that this is a re-establishing population, the level of predicted mortality could, in our view, undermine the ability of the species to establish more widely across Southern Scotland. Furthermore, we are concerned that due to access restrictions for bird surveys, any Red Kite nests or roosts within 2km of the site are likely to have been missed, and therefore the predicted impacts on this species may have been underestimated in the EIAR. NatureScot guidelines state that any suitable habitat within 2km of the site should be checked for nesting and roosting Red Kite. **We recommend that the Applicant undertakes an assessment of the cumulative collision risk for Red Kite to quantify the threat of additional mortality on the local population.** In the absence of baseline NHZ20 data for this re-establishing species, we suggest that NatureScot is consulted as to the most appropriate alternative baseline that can be used for this species. **Notwithstanding the above comment, we recommend that a protocol for reporting collisions be required as a condition of any consent. In addition, we recommend that carcasses (or gralloch) are removed from vicinity of the turbine array to prevent attracting raptor species to the site which is likely to increase collision risk.**		

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		Merlin Merlin is a Schedule 1, red-listed, Scottish BAP species recognised as being susceptible to disturbance from windfarms. Section 9.6.39 of the EIAR states that during windfarm operation "Some small-scale displacement is possible, but this would be […] not significant." This is based on an NHZ population of 22 birds, but as Merlin are declining in the Lammermuirs, mostly due to changes in land management including the effects of wind farms and related infrastructure, this is likely to be an over-estimation of the population. Several proposed turbines (turbine 6, 10, 13 and 14) are located less than 400m from successful Merlin nests in 2021 and 2022, as well as both of the mapped historic nest locations. Although Merlin will move their exact nest location between years, they have been known to re-use previous nest sites, and the fact that this site has been occupied by Merlin for several years suggests that this is an important breeding area. **We recommend that any turbines located within 500m of known Merlin nests are relocated in line with NatureScot guidance on disturbance distances, and that post-construction monitoring of breeding Merlin is made a condition of any consent.**	We note that RPSB request that turbines within 500m of a Merlin nest be moved. However, it is known that Merlin as a species move nest sites regularly (and indeed have done so at this site between 2022 and 2023). We would therefore propose an alternative approach, i.e. delivering a net benefit through local habitat enhancement. As discussed in Section 9.8 of the **AEI Chapter 9: Ornithology**, merlin will benefit from the measures to be delivered in the **AEI Technical Appendix 8.6**. RES agree that post-construction monitoring should include this species.	
		Delivering mitigation and biodiversity enhancement NPF4 The Fourth National Planning Framework (NPF4) was adopted by Scottish Ministers in February 2023, and is now part of the statutory development plan. NPF4 sets out the Scottish Government's planning policy position and is a significant material consideration in the decision-making process for energy consents applications.	RSPBs comments are noted with regards to the OBERP and confirm that RES is content to accept a suitably worded planning condition to ensure that habitat management and enhancement is delivered as part of the revised proposed development.	**AEI Technical Appendix 8.6: Outline Biodiversity Enhancement and**

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		NPF4 Policy 1 (Tackling the climate and nature crises) states that significant weight is to be given to the global climate and nature crises when considering all development proposals. Policy 3 (Biodiversity) sets out that development proposals will contribute to the enhancement of biodiversity, and that developments will only be supported "where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention". Policy 3 includes a list of criteria which applicants must demonstrate they have met, including "significant biodiversity enhancements are provided, **in addition** to any proposed mitigation". Outline Biodiversity Enhancement and Restoration Plan (oBERP) We are concerned that, in its current form, the oBERP lacks detail of appropriate measures to deliver enhancement and ultimately meet the policy requirements of NPF4 Policy 3 as stated above. The oBERP also states that a finalised plan would be completed post consent. Given the requirement in NPF4 to deliver biodiversity enhancement, we recommend that the Applicant ensures the feasibility of any proposed enhancement activities (in terms of land availability and suitability for measures to support target species), prior to determination, with the inclusion of key information as outlined in NatureScot guidance on HMPs. Management and intervention measures to deliver mitigation for impacts, compensation for losses, and positive effects for biodiversity need to be clearly set out to ensure that the mitigation hierarchy is followed, and that enhancement measures are in addition to mitigation	A revised OBERP is provided in **AEI Technical Appendix 8.6.**	**Restoration Plan**

Consultee	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the AEI
		and compensation. Ultimately, it is essential that these measures are clearly defined and set out in separate documentation if needed. **Overall, we recommend the Applicant revises and resubmits the outline BERP prior to determination, to allow the consideration of measures/interventions, and ultimately whether sufficient delivery of biodiversity enhancement is proposed. We recommend that any final BERP is secured by a suitably worded planning condition, and that a Habitat Management Group is established to monitor and report on actions/outcomes.** <u>Proposed enhancement measures for identified species</u> Objective 5.3 in the oBERP suggests that planting areas of broadleaved trees around existing woodland on site will provide suitable habitat for breeding bird species. However, as breeding waders have been shown to actively avoid areas of otherwise suitable habitat within 500m of woodland, the planting of native broadleaves will have an overall detrimental effect on these species, which were recorded in regionally important numbers on site (EIAR section 9.6.3), through both direct and indirect habitat loss. We recommend that the planting of native broadleaves is targeted to avoid existing open ground habitat used by breeding waders, and that habitat enhancement measures for breeding waders are included within in the oBERP. The oBERP includes the proposed measure under Objective 6.3: "installation of owl boxes" because "barn owl has been recorded within the site". However, Confidential Annex 9.8 states that "no evidence of active breeding was found" during the surveys in 2022 and 2023, and the historical nesting site alluded to above is outwith the footprint of the windfarm. If suitable nesting areas already exist nearby, but are not	We note RSPBs comments regarding the planting of native broadleaf trees around existing shelterbelts and confirm that this planting would be targeted to avoid existing open ground habitat used by waders. Comments are noted. Provision of barn owl nesting boxes has been deleted from the revised oBERP.	

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		currently being used, then the addition of Barn Owl boxes is unlikely to have a significant effect on this species. **We recommend that any biodiversity enhancement measures focus on providing benefits for those species currently present on site.** Outline Breeding Bird Protection Plan (oBBPP) We welcome inclusion of the oBBPP in Technical Appendix 9.6. However, we are concerned that the oBBPP lacks sufficient detail at this pre-consent stage, as it doesn't provide detailed measures for specific species that were identified in the EIAR as being potentially affected by this development. The oBBPP states that for raptors, a disturbance-free buffer will be put in place based on distances given in Ruddock and Whitfield 2007: "If a nest were confirmed […] for the duration of the breeding attempt", with repeat nest checks "at approximately fortnightly intervals through the breeding season". However, Ruddock and Whitfield has now been superseded, and the methods stated above are not in line with the recommended raptor survey methods, which suggest a maximum of four visits to breeding raptor territories to minimise disturbance. The BBPP also states that any buffer put in place around raptor nests: "would be reviewed through specific survey work observing the breeding birds' behaviour". However, NatureScot guidelines stipulate that the maximum buffer should be used unless it can be demonstrated that a lower buffer is sufficient and does not state that this can be reduced based on the birds' behaviour. **Therefore, we recommend that the oBBPP is updated for clarity, to ensure that the recommended**	We note the updated requirement to limit nest checks to 4 visits to minimise disturbance, and the request to update the oBBBP to ensure that recommended disturbance buffers and accepted survey methods are followed at all times. To clarify, the proposed fortnightly nest checks were for ground-nesting birds in areas where any new groundworks were scheduled in the next fortnight, so that damage to any active nests would be avoided. Surveys for Schedule 1 species would be undertaken primarily by observing from a distance, to avoid any possibility of disturbance. This would be clarified in the revised oBBPP post consent.	

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		disturbance buffers are used, and that accepted survey methods are followed at all times. **We recommend the oBBPP is revised and resubmitted to provide sufficient detail on species specific measures that will be implemented during construction independent of any proposed biodiversity enhancement measures. We recommend that the updated oBBPP includes measures for Golden Eagle, Curlew, Red Kite, and Merlin, including pre- and post-construction monitoring for these species. Should consent be granted, we recommend the BBPP is secured by a suitably worded condition.**		
Scotways	Socio-economics, Tourism, Recreation and Access	ScotWays records The enclosed map shows that right of way BE11 as recorded in the National Catalogue of Rights of Way (CROW) crosses or is close to the application site as shown on Figure 1.2 Site Boundary. The enclosed map shows the Heritage Paths project promotes routes, Muir Road from Lauder to Dunbar (Herring Road) [HP408] and Addinston Hill Ridge Route [HP409] for their historic interest. These old routes cross or are close to the application site as shown on Figure 1.2 Site Boundary. Other Access to Land You should be aware that other forms of public access to land may affect the proposed application site. More detail about these other types of access is set out in the enclosed Catalogue of Rights of Way Guidance Notes. Wind Farms and public access	Noted – further communication between the applicant and ScotWays as per the below has resulted in this objection's removal.	

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		It is our understanding that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way, so we use the following starting principle in considering what could be reasonable: "a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line." ScotWays considers the above Note sets out a reasonable principle for a recommended minimum separation distance. We are likely to object to any proposal where the above principle is not followed, including where a micro-siting allowance could lead to turbine encroachment upon a route because it has been insufficiently buffered. We note in Chapter 13 Socio-economics, Tourism and Recreation 13.3 as a response our scoping comments that 'a minimum separation distance of turbine height to blade tip plus 10% has been adopted as part of the design process. See Chapter 2 for details.' In Chapter 2, Table 2.1 Summary of Mitigation by Design, it is stated that 'The proposed development has been designed to reduce the potential for effects by avoiding positioning wind turbines within the 242m (tip height + 10%) of a public path' This table notes the core path and permissive paths however does not note the right of way BE11. We would request that any micrositing does not encroach on this minimum distance with regard to the right of way recorded on the application site. Looking at the existing routes across and in the vicinity of the site in Chapter 6 LVIA it is stated that 'core paths and other rights of way' are shown on Figure 6.1 Site Location & Context. The map legend for this is confusing with two headings: 'East Lothian Public Rights of' and Scottish		

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		Borders Public Rights of' which then go on to detail various core paths in each of the local authority area plus, for SBC, 'Right of Way'. It should be noted though that what is shown for 'rights of way' is not comprehensive, nor accurate, enough: the lines of the rights of way are not shown in full and it appears that routes in the vicinity of the proposed development are not shown. Recorded right of way BE14 appears to have an additional spur with part of the route being lost 'under' the line of an SBC promoted path. For clarity, the applicant should be aware that rights of way and core paths are legally separate entities which may co-exist. It is important to note that recreational routes may have dual designation, so a route can be both a core path and a right of way, however routes may be of a single designation or neither. By contrast to Figure 6.1, Figure 13.2 Existing Paths appears to show the affected right of way more accurately however only that which is directly affected by the application site. Chapter 2 Design Evolution and Alternatives details the reasoning behind the proposed site layout and in para 2.5.3 notes 'key issues and constraints gleamed from the assessments within the technical chapters has allowed for the careful placement of the proposed development within the site.' Technical Appendix 3.4 provides further information on outdoor access management across the site in the Outline Access Management Plan. It may have been helpful if some of the information contained with this appendix was found in the main body of the text as it lays out important information regarding the applicant's approach to and understanding of public access across the site. In para 4.1.2 it is stated that 'It has been assumed that instead of four individual routes across the site this is one route which has been		

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		recorded to varying degrees of accuracy. Reviewing aerial imagery and various Ordnance Survey maps, it appears that Core Path 16 aligns best with existing tracks, paths and desire lines overland. Therefore the alignment of Core Path 16 has been adopted during the design of the proposed development.' We understand that the line of the core path does differ from the recorded line of BE11 however we would acknowledge that the line of the right of way, on the ground, may have migrated to that of Core Path 16 so having one route across the site would give clarity on public access. Thus one 'path' on the ground but multiple 'routes' using it. The principle of one 'path' across the site is then established and the information regarding separation distances has been provided in the relation to the existing line of Core Path 16. It must still be recognised that right of way BE11 crosses the site. However reading further in the OAMP- 4.1.18 - 'Should it be of interest to the relevant authorities, it is proposed that Core Path 16 is re-aligned between these two points [E354060, N653820 and E356550, N658580] to follow the alignment of the new access tracks.' If understood correctly this proposal would take the core path from the original line onto the new wind farm access tracks and so into very close proximity to a number of turbines. There appears to be no parallel consideration of moving the right of way to the new line. The applicant should be aware that diverting a core path does not automatically divert a right of way as different legislation applies to each. If the proposal is to move both the core path and the right of way onto the access track it would appear that there would be turbine encroachment on these routes however we		

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		cannot find any related information. We ask that the applicant provide information in this regard. ScotWays would expect that the applicant consult the Access Team at the relevant access authority with regard to the access management plan prior to implementation and work with them to ensure that public access is maintained across the site at all stages of the proposed development, if consented. The applicant will, no doubt, be aware that, under section 3 of the Land Reform (Scotland) Act 2003, there is a duty upon landowners to use and manage land responsibly in a way which respects public access rights, and under section 14 of the same Act, access authorities have a duty to uphold access rights. Cumulative Impact As ScotWays is aware of a number of wind turbine proposals in this general area, we are particularly concerned that the cumulative impact of these developments is taken into account. Objection This proposal could have been an opportunity to improve accessibility in this area however it appears that the impact on recreational access has not been fully considered. Additionally, although initially stating that turbines will not encroach on the existing routes this is less clear on further reading. **ScotWays objects to this application.** I hope the information provided is useful to you. Please do not hesitate to contact us if you have any further queries.		

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Scotways (Further Response)	Socio-economics, Tourism, Recreation and Access	Thank you for your email which follows on from the discussion I had with James Cameron from RES regarding our reasons for objecting to this proposal. I can confirm that, given the assurances from RES below, this would indeed change our previous response. With regards to the specific wording of planning conditions I have consulted with colleagues who have rather more experience in these matters than I have myself. We would seek the imposition of planning conditions along the following lines to address our concerns about Core Path 16, should the ECU be minded to grant the S.36 application: • That in accordance with the terms of Chapter 11 – Traffic and Transport of the submitted Environmental Statement, notably section 11.7.24, the applicant shall, before any construction work commences on site, conduct an Outdoor Access Study of the site and its immediate environs and, on the basis of that study, prepare and submit for the approval of the planning authority, a detailed Outdoor Access Management Plan (OAMP), setting out how outdoor public access and associated routes into and within the site will be managed and protected during the construction, operational and decommissioning phases of the development. No work shall commence on site until the said OAMP has been approved by the planning authority and, thereafter, the approved OAMP shall be implemented in full; • That notwithstanding the terms of the Outline Access Management Plan (OOAMP) forming Volume 3 - Technical	Noted - The applicant is content to accept the proposed planning conditions.	

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		Appendix 3.4 of the submitted Environmental Statement, particularly section 4.1.18, Core Path 16 shall not be re-aligned to follow the alignment of right of way BE11 or the new access track, and all turbines shall be set back a minimum distance equivalent to the height of the highest turbine from Core Path 16, to provide a safeguarding zone on either side of the Core Path. The reason for the conditions would be "To manage and protect public access into, through and within the site." Wording to this effect should address our concerns satisfactorily and enable us to withdraw our objection to the application.		
Scottish Water	Hydrology	Audit of Proposal Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following: Drinking Water Protected Areas A review of our records indicates that the proposed activity falls partly within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Dye Water supplies Rawburn Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish	Noted. The north of the site is partially located within the Dye Water Drinking Water Protected Area (DWPA). The original proposed development and the revised proposed development are both located outwith the DWPA catchment. An assessment of potential effects for the revised proposed development is	**AEI Chapter 10: Hydrology, Hydrogeology & Geology**

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		Water we should be notified immediately using the Customer Helpline number 0800 0778 778. As the activity is on the outer reaches of the catchment and is a sufficient distance from our abstraction point it is likely to be of low risk, however no water should be directed out of the catchment during the activity and water quality protection mitigations must be put in place. Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm We welcome receipt of this notification about the proposed activity within a drinking water catchment where a Scottish Water abstraction is located. The fact that this area is located within a drinking water catchment should be noted in all documentation. Also, anyone working on site should be made aware of this during site inductions. <u>Surface Water</u> 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	detailed in Section 10.8 of **AEI Chapter 10: Hydrology, Hydrogeology and Geology**.	

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		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.		
Safeguarding Edinburgh Airport	Aviation	In respect of the above, I can confirm the applicant has carried out the necessary Safeguarding Assessments, and we (Edinburgh Airport Ltd) have no objection/comment to this development.	Noted with thanks.	N/A
Lauderdale Community Council	General	It is a 'no objection' from Lauderdale Community Council. Please let us know if you need anything more from us.	Noted with thanks.	N/A
Oxton & Channelkirk Community Council	General	Oxton & Channelkirk Community Council have reviewed and discussed the application and conducted a community survey to inform our response. On the basis of this we object to the application. Community Survey The community council conducted a survey of the community. This was available both online and in paper and open for responses for 3 weeks. Respondents were limited to residents of the community over the age of 16. The survey had responses from 5% of the community. 18% of responses supported the application and 82% objected. Whilst there was a	Noted.	

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		relatively modest response, the high proportion of objections gives a very high level of confidence this is reflective of the views of the community as a whole.		
	LVIA and Traffic	Comments and Representations The following comments and representations are made: The Landscape effect and Visual Impact on the community is considered to be significant and adverse. We therefore object to the application on the grounds of: a. The cumulative effect on the landscape and visual impact when considering the adjacent Ditcher Law application. b. The size of the windfarm (19 turbines) and proposed height (220m), making this substantially larger in size and impact than any other windfarms in the local area. c. The highly prominent visibility of the turbines from all areas of the community on the primary aspect. This is particularly adverse for more elevated areas, which already have a visual impact from existing windfarms. d. The location of the windfarm being further south than the majority of the community and other existing and proposed windfarms. This leads to the impression of the community being surrounded by windfarms. e. We disagree with the assessment (Chapter 1, schedule 6) which suggests the impact from the viewpoints in the community is medium-low. This is particularly notable when the impact from the same viewpoints in the Ditcher Law application (a smaller windfarm) have been assessed as significant.	Oxton & Channelkirk Community Council's comment are noted. Assessments of visual receptors (including the nearby settlements); cumulative effects and night time effects, are included within **AEI Chapter 6: Landscape and Visual Impact Assessment**, including cumulative developments that have submitted applications since the submission of the EIA Report October 2023. Mitigation measures relevant to **AEI Chapter 6: Landscape and Visual Impact Assessment** are embedded within the design of the revised proposed development. Further detail of the design evolution can be found within **AEI Chapter 2: Design Evolution & Alternatives**.	**AEI Chapter 6: Landscape and Visual Impact Assessment**; **AEI Chapter 11: Transport and Traffic**; and **AEI Chapter 2: Design Evolution and Alternatives**

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		Whilst we object to the application we also have the following representations, in the event that permission is granted: a. The Windfarm lighting and mitigation report outlines that variable intensity aviation lighting is proposed. However no consideration is given of systems which only illuminate where there are aircraft detected in the vicinity. We request that, should permission be granted a planning condition is included requiring these to be converted to an aircraft proximity based system within a reasonable timeframe of such technology obtaining permission from the CAA. b. Given the volumes of construction traffic which will pass the community the community council expects that both OCCC and the community will be consulted on the traffic management plan, and our comments taken into consideration. c. Details of the grid connection should be consulted and agreed with the community.	The applicant will consult with both the Community Council and community on the development of the Traffic Management Plan.	