

Ross McCleary
Energy Consents Unit
The Scottish Government
Sent by email: ross.mccleary@gov.scot

24 April 2025

Dear Ross,

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

**ELECTRICITY ACT 1989 SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE
PROPOSED SCAWD LAW WIND FARM IN THE PLANNING AUTHORITY AREA OF
SCOTTISH BORDERS COUNCIL (ADDITIONAL ENVIRONMENTAL
INFORMATION)**

Thank you for consulting RSPB Scotland on the proposed wind farm application at Scaud Law, the Additional Environmental Information (AEI) and for allowing RSPB Scotland additional time to consider the information.

RSPB Scotland is supportive of renewable energy due to the urgent need to tackle the climate emergency. However, we face a twin crisis in biodiversity loss, with significant declines in the species and habitats across Scotland. We recognise the threat of climate change and support the principle of projects that seek to address this. However, this must be done in a nature positive way. National Planning Framework 4 is a material consideration and Policy 1 states that when considering all development proposals significant weight will be given to the global climate and nature crises. Both climate and nature are given equal weight and therefore proposals must protect and enhance nature.

In our original response we objected to the proposal based upon:

- the location of this proposal within the range of an established territory of Golden Eagle and additional ranging birds that have been reintroduced as part of the SSGEP (Now Restoring Upland Nature).
- the negative impact of this proposed development on the ability of Golden Eagle to re-establish its population regionally due to displacement and risk of collision.

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The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

Specifically, we recommended the deletion of turbines 7 and 8 which are proposed to be in the location where a high level of flight activity was recorded as presented in the EIAR, in order to reduce the risk of operational displacement and /or collision risk.

We understand from the AEI that NatureScot shared our concern in relation to the proposed location of turbines 7 and 8 and that the applicant is proposing a condition attached to any consent to address this concern. However, while we would welcome the deletion of turbines 7 and 8 in line with our reasons for objection to this project at application, we would question whether such a condition is necessary or reasonable. In terms of its necessity, the proposal could be amended and re-consulted upon with the removal of turbines 7 and 8 then at some point in future if the applicant considers there to be a robust case the turbines could be added by a new application. If the applicant considers their case to be robust as it is then the Energy Consents Unit could determine it in based on the lay-out as presented at application including turbines 7 and 8. In terms of whether a condition would be reasonable we would question the legitimacy of using a condition to effectively withhold or grant consent for a significant amount of the development proposed and one that is fundamental to the conservation of an Annex 1 species.

A more recent concern is that we are aware that the status of Golden Eagle at this site has changed since the survey work to inform this application was undertaken (Pers comm Restoring Upland Nature - formerly South of Scotland Golden Eagle Project). We would therefore, recommend that the assessment of impact to Golden Eagle based on all potential lay-outs of this project is renewed based on updated information on the status of Golden Eagle as informed through tracking data that can be provided by RUN (SSGEP) before the application is determined. We would be happy to provide further advice based upon new data.

Yours Sincerely,

Julia Gallagher
Senior Conservation Officer
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