

**SCAWD LAW S36 WIND FARM APPLICATION**  
**ENERGY CONSENTS UNIT REFERENCE: ECU00002111**  
**Scottish Borders Council Reference: 23/00013/S36**

**REPRESENTATION**

**From**

**Walkerburn and District Community Council**

Submitted 3<sup>rd</sup> May 2025

Chair: Mr C Kerr

Secretary: Mrs P Purves

Scawd Law Lead Member: Mr M Wilcox

## **BACKGROUND**

1. Fred Olsen Renewables Ltd (FORL) has recently issued additional information as a response to negative consultee responses concerning the impact on golden eagles.
2. The application is being maintained for 8 turbines but FORL have confirmed that if required they are prepared to reduce this to 6 turbines, but in that case they would double the battery storage from 12 to 24 MW.
3. We have continued to consult widely within our own Community Council area. We held a Community event in February covering a number of local issues including Scawd Law. Local opposition remains strong and there were only supportive comments for WDCC to maintain opposition to this particular wind farm. There was one supportive comment calling for more offshore wind farms.
4. Having continued to weigh up local views, WDCC has, therefore, taken the decision to continue to oppose this application.

## **OBJECTIONS**

5. This objection should be read in conjunction with, and in addition to, our original objection dated 25<sup>th</sup> April 2023.
6. There has been no change to the application therefore we maintain all our original objections and strengthen those concerning need, environmental impact and visual/landscape impact as detailed below.

### **Need**

7. With 8 turbines the generation capacity remains at 48 MW and therefore the basis of our original objection (points 8-12) remains valid. If this was to be reduced to 6 turbines this would reduce the generation capacity to only 36 MW which would weaken the need case even further.
8. **We therefore strengthen our original objection (point 12) to this wind farm on the grounds that there is no discernible national need for a wind farm of this size in this location.**

### **Environmental Impact**

9. We maintain the original basis of our objection on environmental impact (points 13-18 and 20-22)

10. We previously highlighted the impact on golden eagles (point 19) and update this here.
11. The additional information provided by FORL in February 2025 primarily includes updated ornithological survey work mainly on golden eagles.
12. The information provided includes flight survey data up to January 2024 and golden eagle tag records up to September 2023. This information is out of date and therefore inaccurate. It does not provide an accurate assessment of the current golden eagle activity in the area of the proposed Scawd Law development. It is very surprising to us that FORL and their agents have submitted old data on eagles when the ornithological community is well aware of the rapidly increasing activity of the species in the area.
13. Golden Eagle activity has increased dramatically since FORL issued their original studies as evidenced by information provided by the South of Scotland Golden Eagle Project (SSGEP). A breeding pair has set up a territory in the area and built nests in multiple sites as is typical of the species. A further 3 territories have now been created on the Southern Moorfoots by other Golden Eagles and activity continues to increase. This reflects the excellent suitability of the habitat and the plentiful food supply. The SSGEP rate the area around Scawd Law as the Number 1 territory for Golden Eagles in the whole of the south of Scotland. There are now 4 established territories in the Moorfoot Hills area not 1 as stated by FORL.
14. It is also important to be aware that the 4 pairs of golden eagles that have now established territories within the Moorfoot Hills are in danger of being hemmed in on all sides by other wind farms and the proposed SPEN Cross Border Connection. Greystone Knowe is approximately 5km north of Scawd Law, Leithen Water is 5km west, Wull Muir is 9km north, Torfichen is 10km north and the proposed route of the Cross Border Connection 400kv transmission line and pylons is at best 5km to the east.
15. The Scawd Law development is within the home range of the local breeding pair and is in excellent territory, being on or close to ridges where golden eagles like to hunt. The loss of habitat is estimated by SSGEP to be 11% of their total territory based on analysis of the latest tag records. This would have a very substantial impact on the resident breeding pair.
16. The FORL estimate of collision risk has increased from 1 in 50 years (0.02) in the original study to 1 in 7 years in 2023 (0.15)<sup>1</sup> and this doesn't take account of recent

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<sup>1</sup> The overall quoted figure of 0.05 FORL quote is the mean of 4 historical years (2018, 0; 2019, 0; 2022, 0.04, 2023, 0.15). The measured risk in 2023 was 0.15 or 1 eagle killed every 6.7 years.

increases in golden eagle activity or the impact on fledglings who are much less likely to avoid turbines. SSGEP has analysed up-to date tag records for eagle movements within the wind farm zone and found that these more than doubled between 2023 and 2024. The current risk of collision is therefore likely to be significantly greater: one in 3 years or less. This is the equivalent to more than 8 eagles killed during the lifetime of the wind farm. This risk is only likely to rise further as golden eagle numbers in the area increase especially as the project is unlikely to be operational before 2030.

17. The example of Sparky the golden eagle killed in a collision with a turbine in the south of Scotland in June 2024 offers a salutary lesson here (SSGEP blog post 25 November 2024). The turbine that killed Sparky is part of a wind farm that only became operational in January 2022. When the wind farm was given planning consent in 2017 there were no Golden Eagles present but since then the success of the SSGEP has seen some arrive in the area. In less than 3 years of operation a collision has already occurred.
18. Given the high level of collision risk a cumulative assessment of the impact of wind farms for golden eagles is required in accordance with NatureScot guidance (SNH 2018b). This has not been provided by the developer. This should include all wind farms (operational, under construction, consented or under consideration) throughout the whole of the south of Scotland.
19. The rapidly growing but isolated population of golden eagles in the south of Scotland remains highly fragile. The fact that it is isolated is important to stress. It is entirely separate from the population of golden eagles in the Highlands of Scotland. Prior to re-introduction efforts by SSGEP golden eagles were almost extinct in the south and yet it was not re-populated by ranging eagles from up north. It is now made up primarily of young introduced eagles that have yet to breed successfully. Golden eagles are long lived birds and typically don't breed successfully until 5-8yrs old. If a successful breeding cycle is not established the reintroduction efforts will ultimately fail. The first pair of introduced golden eagles to attempt to breed did so in the Scawd Law area. The SSGEP regard this area as potentially the most important golden eagle territory in the whole of the south of Scotland.
- 20. We therefore strengthen our original objection on the basis of environmental impact in the strongest possible terms with a particular emphasis on golden eagles.**

#### **Visual/Landscape Impact**

21. We maintain the original basis of our objection on visual/landscape impact (points 24-30)

22. It is clear from the Additional Information that the visual and landscape impact will not be materially changed by the revised scheme. FORL say this themselves in Section 6.9 Landscape & Visual Impact Assessment. We refer to paragraphs 6.9.3 and 6.9.8

*“.....this assessment of the Proposal Amended Development identifies that either layout will have a similar relationship, such that changes made to the Proposed Amended Development have minimal changes to the landscape and visual effect”*  
*“....and reducing turbines within the cluster through the potential removal of Turbines 7 and 8, landscape and visual effects have not altered noticeably, and the alterations do not translate into a change in significant effects identified”*

23. Walkerburn & District Community Council (WDCC) recently attended the Greystone Knowe PLI. During this, the applicant made extensive efforts to demonstrate that the Landscape and Visual impacts were localised which is language taken from NPF 4 Policy 11 a).ii. Their argument relied on impacts being confined to within around 5km of the scheme.

24. The LVIA impacts of Scawd Law are clearly not localised. It would be sited on the highest ridges of the Moorfoots which are highly visible across the Scottish Borders and from as far away as Fife. FORL accepts that there is significant visual impact at the Three Brethren Cairns view point which is a major view point 11kms away in a Special Landscape Area and on the Southern Upland Way (SUW). Scawd Law would be highly visible along an extended section of the SUW from Minch Moor and to the east. The visibility extends beyond the Tweed Valley SLA into the Tweed, Ettrick and Yarrow Confluences SLA. Viewpoints 16, 19, 20, 23 are relevant here.

25. We regard these impacts as generalised by which we mean the exact opposite of localised and as such the impacts are contrary to NP4 policy 11.

**26. We therefore maintain our original objection and emphasise that the impact is not localised.**

## **SUMMARY**

27. We maintain all aspects of our original objection and strengthen those concerning need, environmental impact, primarily around golden eagles, and visual/landscape impact.

**28. Walkerburn and District Community Council strongly opposes this application and urges its rejection.**