

Melrose J (Joyce)

From: Redacted
Sent: 20 February 2023 12:55
To: Econsents Admin
Cc: Redacted
Subject: *** Consultation Response - Representation on ECU00002111 from Clovenfords & District CC
Attachments: Clovenfords CC Scawd Law Objection.docx

Hi,

As a Community Council within 10km of the proposed wind-farm at Scawd Law (ECU00002111) we consider that we should be treated as a consultee on this application.

I append a representation from Clovenfords & District Community Council.

This is sent within the timescale agreed as an extension to allow consideration of the application at our meeting on 13 February.

Please confirm receipt.

kind regards
S Bell
pp C&DCC

The Scawd Law Wind Farm Application (ECU00002111)

Objection from Clovenfords & District Community Council

1.0 Introduction

The unanimous consensus of Clovenfords and District Community Council (C&DCC), decided at our meeting on 13th February 2023, is to object to the Scawd Law Wind Farm application. We consider that the balance of benefits of renewable energy production and asserted other national & local contributions do not outweigh the potential impact on the landscape, visual amenity and local environment and we therefore do not support this application.

2.0 Landscape Impact

It is not easy to distinguish this from visual amenity, but Scottish Borders Council (SBC) have attempted on a number of occasions to compose a common and rational basis for assessing the impact – across the whole region - of individual wind-farm applications, as well as the cumulative impact of multiple wind-farm developments. The definitive statement of what is called the Landscape Capacity was adopted by SBC in 2016 as Supplementary Guidance to the Council's Policy on Renewable Energy. Between 2013 and 2016 there was extensive consultation with all interested parties. So the Supplementary Guidance is a considered document and an important component of adopted SBC Policy.

The Supplementary Guidance distinguishes between landscapes having “No” or “Low” or “Medium” or “High” capacity to accommodate further wind turbine developments, and in regards to the Moorfoot's Plateau it assesses that there may be “Medium” capacity for developments with turbine tip heights of 50 to 80m, or of 80 to 120m; and that there is “Low” capacity for turbines with tip heights over 120m. Specifically the Supplementary Guidance states that “Turbines of 120m+ could be accommodated in smaller numbers where topography aids screening” and that “Turbine developments should not adversely encroach onto the visually prominent escarpment and skyline facing Edinburgh or the setting of the Tweed Valley to the south”.

The Scawd Law proposal for turbines 50% higher than 120 metres is on a site on the edge of the Moorfoot's plateau with poor topographical screening and on a site bounding directly onto the Tweed Valley Special Landscape Area, thus encroaching on the setting of this part of the Tweed Valley. It therefore does not comply with this Supplementary Guidance.

Further, the credibility of SBC's adopted Policy Guidance could itself be undermined if the Scawd Law application is approved.

The application site sits above the Tweed Valley Special Landscape Area (SLA); but potential visibility of turbines & blades extends beyond the Tweed Valley SLA . The centre of our Clovenfords village lies on the boundary of the Tweed Valley SLA and the Tweed, Ettrick & Yarrow Confluence SLA. The illustration of Viewpoint 21 is from our village and the Zone of Theoretical Visibility shows that a similar perspective could be expected – indeed of up to all 8 turbines – along the line of a designated footpath (SBC Core path, locally called the Green Road – an old coach road) which follows a route

south for over a mile from Clovenfords to Caddonfoot. The line of this 'Green Road' roughly follows part of the boundary between the two SLAs.

SBC's Supplementary Guidance on Local Landscape Designations [August 2021] explicitly elaborates on the importance of careful management of the potential impact that changes might have on the quality and integrity of these SLA's and specifically states in "Management recommendations" for Tweed Valley [page 23] and for Ettrick & Yarrow Confluences [page 25] the need to "Consider the effects of development on hilltops such as masts or wind farms which may be visible within the valley". Our Community straddles these two SLA's and we do not think that sufficient consideration has been given to the "effects" and the visual impact over these SLAs. Approval of the Scawd Law application would not be consistent with following the Local Landscape Designations Supplementary Guidance.

3.0 Visual Amenity

The visual impact of a wind-farm depends on many factors including the distance to receptors, the positioning of turbines in a specific landform, the number of turbines, and their size. Because of the swept area of the blades, the visual impact of a turbine goes up as the square of the tip height; so if you double the height, the visual impact increases by a factor four.

The Scawd Law application proposes turbines of twice the height of the nearest wind-farm at Bowbeat – 9km distant; with Scawd Law sitting on the edge of the hills, not on the plateau as at Bowbeat. The Scawd law turbines will be visible from routes only about 3 or 4 km distant in the Tweed Valley Special Landscape Area. So there will be significant visual impact from Scawd Law – much more so than at Bowbeat.

The applicant, Fred Olsen Renewables Ltd (FORL), have included a visualisation of the development from the back road which runs from Glenkinnon/Peel, in our district, to Walkerburn. It is disappointing that many visualisations in this application take every opportunity to give a positive representation of the expected view, and this is the case at Viewpoint 14 (The Batta) on that back road. Whilst the position chosen for this visualisation is closest to the development – there are some trees obscuring part of the view. The development will be much more visible than represented in the visualisation of Viewpoint 14. However, one of FORL sequential route visibility maps - Figure 6.10f - covers this minor road, and must be read in conjunction with the visualisation of Viewpoint 14 to understand the overall visual impact on sections of the back road.

This back road is a tourist route. Not only part of Sustrans Route 1 of the National Cycle Network, but also part of the Destination Tweed "Source to Sea" route being developed and promoted as part of the Borderlands Growth Deal. There is sequential visibility of Scawd Law turbines (which here are about 6 km distant from this route) and there are repeated intermittent views along over 4 km of this route. As you travel westwards on the back road that view is in front of you. The visibility has recently significantly increased following the wind-damage and subsequent felling of trees after Storm Arwen in 2021.

We consider the visual intrusion on this Tourist route to be unacceptable.

Also unacceptable is the sequential impact, illustrated in Figure 6.10g, of visibility along the route of the Southern Upland Way (SUW). Because of the height of this significant cross county cycling and

walking tourist route, and particularly because of the close proximity to the Scawd Law site all along the section from Minchmoor (Viewpoint 17) to The Three Brethren (Viewpoint 19); the tens of kilometres of the SUW illustrated in Figure 6.10g where there will be sequential visibility of all of the turbines represents an unacceptable visual impact.

One of our Community Council members – a regular runner along the Southern Upland Way - is particularly concerned about the visual impact here.

These are not the only unacceptable visual intrusions of the Scawd Law proposal; but these two practical illustrations are cited as supportive evidence of our assertion that in certain cases the EIA establishes that there will be significant visual impact from the proposed development. It is of particular concern that in these examples the visual impact will be increased by enhanced usage by tourists and visitors of recognised routes, some of which have National designations.

4.0 Local Environmental Impact

The designation of SAC for the land directly to the North and East of the Scawd Law site overlaps with the designation of the area as an SSSI (Site of Special Scientific Interest). These are significant designations that reflect and protect the importance of the area for the biological interest of the upland mosaic of grass, heath and bog-land and to protect its “outstanding breeding bird assemblage” [quote from SNH Site Management statement for Moorfoot Hills SSSI, March 2011].

Clearly the designation based on the nature of the ground itself in the adjacent land will experience little impact from the proposed wind-farm during its operation. However the bird assemblage across the whole of the SSSI is said to be very diverse including “at least 40 breeding species” [op cit], some protected under Wildlife and Countryside legislation. Black grouse are one of the protected species and the developer acknowledges that leks can be within 2km of the proposed development (though the RSPB, in a Pre-application consultation response, recorded some leks within 500m of turbine sites). This wild moorland bog-land is also a habitat for curlews, lapwings, goshawks, golden plovers and the occasional golden eagle; all of which are to some extent ‘at-risk’ species. Our concerns include the risk of bird strikes across a range of species as well as the potential impact of ground damage on the ground-nesting bird population, but we note the assessments in paragraphs 8,9 of the EIA.

A very different potential environmental impact is the night-time illumination.

Because of the potential hazard to military and civil aviation it is proposed that all turbines will be fitted with both infra-red illumination and medium intensity steady red/visible lights. This will add to the night-time visual impact not least because one of the turbines will be very near the summit of Windlestraw Law which is the highest point in the Moorfoots. That night-time turbine illumination will be 2723 feet above sea-level and visible over a wide area particularly to the North and to the East of the development. We are concerned about this potential night-time intrusion on the dark skies in our rural area.

5.0 Renewable Energy Production

The eight turbine proposal for Scawd Law has a generating capacity of 48 Megawatts (Mw). The application quotes 60Mw as it adds in the 12Mw of proposed battery storage capacity; but by any

estimation this proposal is just on the bounds of those that need to be referred to the Scottish Government's Energy Consents Unit – who are only required to deal with electricity generation developments over 50 Mw.

In comparison with current and proposed off-shore developments the 48Mw of renewable electricity actually energy generated at Scawd Law will be very small.

Neart na Gaoithe being developed north of Torness has a potential capacity of 450Mw. The recently announced application for the Berwick Bank wind-farm in the outer Firths of Forth & Tay has an indicative capacity of 4100Mw from a total of 307 turbines.

Our view is that the Scottish Government should be “nudging” new developments to be built off-shore rather than on-shore. The potential capacity lost by not developing a small wind-farm like Scawd Law could readily be replaced by adding increased capacity to a large off-shore development. Norway provides a good example of how things could be done in Scotland. Like Scotland, Norway has a well-established off-shore industry. In 2019, Norway applied a 3-year hiatus on licensing of on-shore wind-farm developments. The restriction was lifted in 2022 allowing developers to apply for wind-farm licenses subject to the written approval of the host municipalities. This principle could be applied in the context of Scawd Law.

Our C&DCC is fully aware of the importance of finding sustainable and affordable energy sources – “Energy crisis and climate change articles fill my news feed on a daily basis,” said one CC member. But we consider that, if approved, the Scawd Law development will have a minimal impact in reducing the national levels of carbon emissions from electricity generation.

Another specific concern of our Community Council concern is the pylons that may be erected to take the electricity generated to a grid connection in the vicinity of Galashiels. They could be a big eyesore – but due to the peculiarities and potentially undemocratic requirements of our planning system we know nothing of the route under consideration, even though a grid connection is an essential component of an operational wind-farm.

Over recent decades there has been a significant increase in the heights of turbines proposed for on-shore wind-farms; mirroring the enormous turbines used in off-shore developments. Press reports states that Berwick Bank turbines are proposed to have a minimum blade tip height of 355 metres.

It is understandable that from the perspective of an economic advantage developers will want to use large turbines in on-shore sites, but this can result in an unacceptable and inappropriate scale of on-shore development. So that what is proposed for Scawd Law are turbines that are overlarge for the scale of the landscape and therefore have a significant visual and environmental impact in an area of natural beauty whilst generating a relatively insignificant amount of renewable energy.

6.0 Local Contribution

The applicant states that - if approved - there will be specific benefits coming to the local area:-

- Over the 35 years of the planned operation FORL will make community benefits payments amounting to £5k per installed Mw per annum. FORL suggests this will be at the 48 Mw level

rather than the quoted capacity of 60Mw, but even that could amount to £240,000 coming per year into the local area.

If this is administered in the same way as similar developments then we could anticipate a local organisation being established to manage a bid fund of some sort. Also, if in line with similar developments; the benefits will be spread across the seven or so adjacent community areas – essentially those impacted by the development. Any specific financial benefit for our community could therefore be subject to acceptability of a bid, and could be quite small.

- Appendix 13.3 of the EIA outlines a proposal to develop multi-use trails if the application is approved. But these would be subject to a separate planning application. If the landowner and/or the developer seriously wanted to improve mountain-biking, or other trails, then there would be no need to link this to a wind-farm development. But also – in the detail of the application – it states that costs associated with the maintenance of the proposed trails would come out of the £240,000 per annum community benefit fund.

Whilst the trails proposal is interesting it currently looks like window dressing.

A question not addressed in the statement of benefits – and sadly this is commonly the situation for wind-farm applications – are the benefits and profits which will accrue to the developer and the landowner over the lifetime of the project if the application is approved.

Statements can be made about local jobs – but these are relatively few when the turbines are manufactured abroad. Statements can be made about ‘community benefit’; but the £5000 per Mw suggested was originally proposed by the Scottish Government over 5 years ago and there is no mention of uplift for inflation since then. All this just leaves the impression that the quoted benefits are small bribes to keep local people content.

7.0 Conclusion

We think that the Scawd Law wind farm proposal is the wrong scale of development in the wrong place. It will give little contribution to national carbon emissions reduction intentions, at the expense of significant visual impact on the adjacent area of the Tweed Valley Special Landscape Area; indeed it will potentially dwarf part of the Tweed Valley and because of the shape of the landform there is little opportunity for mitigation. As the application site is directly adjacent to an SLA and as the turbines will be so dominant; we consider that the application would contravene the SBC’s Policy EP5 on Special Landscape Areas.

The identified site is not an appropriate location for the proposed size of wind turbine and taking into account the detail of SBC’s Landscape Capacity and Cumulative Impact guidance the application does not demonstrate that it can be satisfactorily accommodated in the landscape and to approve the application would contravene, we think, SBC’s Policy ED9 on Renewable Energy Development.

Clovenfords and District Community Council
20th February 2023