

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 25th April 2023

Chair: Mr P Waller email redacted

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BACKGROUND

1. The applicant has engaged in extensive consultation with Scottish Borders Council about this site and has previously developed the large-scale wind farm at Crystal Rig in the Lammermuir Hills. The first plan this Community Council saw was for 12 turbines on Holylee Estate with access from a dangerous bend on the A72. We were aware of family links between the developer and the landowners, and we were also aware that attempts were underway to make the estate more profitable. However, since the proposed site was close to an SSSI, so designated because of the presence of rare breeding birds, and appeared to run contrary both to Scottish Borders Council guidance on wind farm development and to NPF3, we concluded that it was likely to be rejected.

2. We were surprised that an application was then announced to the Energy Consents Unit under Section 36 rules. The current proposal is for 8 turbines at 180 metres height to blade tip with an indicative generating capacity of 48 MW plus 12 MW of on-site battery storage. This brings the proposal just within the Section 36 rules but, in comparison with current and proposed on-shore and off-shore developments this is a very small wind farm and it is difficult to understand the rationale for what will be an expensive stand-alone development which can hardly be regarded as critical in terms of generating capacity.

3. The agents for the developer have been helpful in answering queries and the application paperwork is extensive, though repetitive, and sometimes reads as if it has been lifted from other applications with statements made for which supporting evidence is flimsy. We do not have any expertise in planning and we do not have the funding to employ experts. However, we have a duty to our community to try to ascertain local views and to check the veracity of statements made by the developer. We are grateful to the ECU for allowing time for us to do this and to consult more widely with Community groups in other localities in the Borders, particularly around the Crystal Rig development.

4. We have also consulted widely within our own Community Council area which consists of the village of Walkerburn (pop estimate in 2019 circa 700), the hamlet of Glenbenna (pop circa 40) and a wide rural area (pop circa 150). In particular, we have taken note of comments from fishing rights owners and tourist businesses as well as from a number of property owners in our area who would have visibility of this wind farm. The vast majority of our residents will not have direct visibility: most people will experience inconvenience during the construction phase but will not be directly impacted in their daily lives.

5. Support for the proposal, other than from the landowner's family and employees, has tended to be predicated on the grounds that all renewable projects should be supported automatically or in the belief that lots of good jobs will be created locally or simply because there will be no direct impact on an individual but lots of money will flow from the developer to the community. (The applicant has already made two small grants to local groups of which we are aware and, not surprisingly, has gained some support from those involved.) A number of local residents were persuaded to sign pre-written letters of support by one individual and did so without fully understanding any of the issues. We have found

no evidence of strong support from the wider community but a great deal of opposition, mainly on environmental grounds, although there has been a general attitude that it is useless to fight big developers such as Fred Olsen Renewables.

6. Opposition to the proposal has been strongest amongst the hill walking and bird watching communities and sections of the biking community, road cyclists and mountain bikers. Perhaps inevitably, there is opposition from those with property which will be directly in line of sight of the turbines, especially in Innerleithen and Cardrona. Counter intuitively there has been strong opposition from those who have themselves been involved in using renewable technologies, mainly air and ground source heat pumps and solar panels, but also from people who have lived or worked in remote areas where wind energy has been the only source for electricity. The opposition has generally been on the grounds of adverse environmental impact, or a belief that this is simply the wrong size of wind farm in the wrong place, or that the developer is using this project as a mechanism to destroy Scottish Borders Council's current guidelines for wind farm developers in the hope of opening the door to further expansion along the ridgelines of the Tweed Valley. There is a strong feeling amongst many opposing the proposal that the project in isolation makes no economic sense to anyone except the landowner unless it forms the basis for later expansion. There is a fear that if this project goes ahead it could trigger more projects in the Moorfoots creating a new 'wind farm landscape' stretching from Bow Beat in the west to the existing wind farms in the east. Cumulative impact is a very real fear amongst locals.

7. Having weighed up local views, WDCC has, therefore, taken the decision to oppose this application.

OBJECTIONS

Need

8. The application cites every possible reason for using wind power to generate electricity. We agree that wind generation is a national requirement. However, no rationale is put forward to justify this specific and very small development. Energy statistics for Scotland suggest that the current installed capacity of onshore wind farms plus capacity under construction or awaiting construction, plus planning applications in progress will already more than meet government targets for onshore wind generation. The Scottish Government's December 2022 Onshore Wind Policy Statement states that as of June 2022 Scotland has 8.7 GW of installed onshore wind capacity with 11.3 GW of projects at various stages "*in the pipeline*". The Statement also quotes the target of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030. Add to that, the offshore capacity, which is set rapidly to reach a total of 11.85 GW, it becomes extremely difficult to find a rationale for a wind farm producing a mere theoretical 48 MW. Whether the application is approved, or is not approved, Scawd Law will make little difference to the achievement of the Scottish Government's onshore wind generation ambitions.

9. Indeed, there is an argument to be made that Scotland is rapidly moving to a state where not only is more electricity produced than can be used but also more will be

produced than can be exported without rapid and serious investment in expensive transmission infrastructure.

10. There are also inherent inefficiencies in the operation of wind turbines. The Renewable Energy Foundation estimated in February 2022 that 13% of wind energy generated between 2015 and 2021 was discarded. If approved, the Scawd Law development would make a tiny contribution to the generation target for renewable energy in Scotland and would have little impact in reducing the national levels of carbon emissions from electricity generation. There is only a need for this development if the costs were to be outweighed by this tiny benefit and we believe that the development itself would create more carbon emissions and environmental damage than would warrant acceptance of a proposal which would produce such a negligible amount of electricity.

11. The proposed power connection given in the application is to Galashiels but since this is a separate application we have no visibility of the exact route. This is worrisome because any connection route is likely to have a significant visual impact on this narrow valley. We are aware that Scottish Power Energy Networks are planning major upgrades to the local infrastructure in the near future, but that there are likely to be major capacity issues, especially with links to the south and within England for many years to come with wind farms having to shed load at ever greater levels. This strengthens the argument that there is no requirement for this wind farm from a national perspective. It would exacerbate an already difficult problem with transmission whilst delivering no additional net renewable energy benefits.

12. We therefore object 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

13. According to the widely accepted 2021 report by the Natural History Museum and RSPB, the 4 nations of the UK are in the bottom 25% of nations and territories for biodiversity intactness. Scotland is believed to hit only 56% of intactness and there is a general consensus that this is getting worse in spite of our efforts to 'restore' nature. (Report on the State of Nature in Scotland 2019 from NatureScot states that between 1994 and 2016 49% of species in Scotland decreased and only 25% have increased.)

14. It is not possible to build anything without causing destruction. We can only try to minimise effects and to provide support for nature to re-charge. NPF4 crucially recognises the link between the climate crisis and the destruction of biodiversity. Of course, some development is essential, but we consider that in this case the environmental and biodiversity destruction caused by the construction of this wind farm, especially given the need for track building and maintenance over the lifetime of the wind farm, is too great when set against any need for the small amount of power generated.

15. Farming has taken place in this area since the iron age and the landscape has changed over the centuries as land use has changed. The Romans brought new road-building and more extensive clearance of land for farming, dry stone dykes became a feature

of the landscape (at least these provided good habitats), new industrial processes led to the development of the wool industry and the de-population of the countryside with the establishment of small industrial hubs such as Walkerburn (founded in 1854). Forests had almost disappeared by the mid-20th Century, when government backing of land purchases led to mass planting of softwoods such as Sitka by the Forestry Commission. The effect of many of these changes has been devastating for biodiversity and it is only in recent years that attempts have been made to change direction, with Forest and Land Scotland engaging in more diverse planting and with organic farming methods being used extensively in the valley, though not, as it happens, on Holylee Estate. Working with, and not ignoring, the natural world is beginning to have a positive effect but we must be careful not to destroy what has already been achieved and one of the key concerns with this proposed development is that it will do exactly that.

16. The application site is at the southern extremity of the Moorfoot Plateau. To the North and East, the site is on the boundary of the Moorfoot Hills Special Area of Conservation (SAC), and at the South, the site bounds directly onto the Tweed Valley Special Landscape Area (SLA); the turbines are less than 4 kilometres from the River Tweed. This is a fragile landscape: nature will recover but will have been changed by the destruction caused by track/road building in particular but also by the concrete bases which will be permanent if this development is allowed to proceed. The balance of the benefits of this renewables project stands to be outweighed by the impact on the local environment.

17. The Moorfoot Hills are one of the most diverse areas in the Scottish Borders, partly because large shooting estates such as Holylee have managed the land to encourage game birds, partly because the terrain is difficult with steep ravines and slopes which deter human traffic. The site proposed for this wind farm is adjacent to an SSSI and the associated infrastructure, particularly the need to build approximately 6.8 km of new tracks across steeply rising slopes (highly visible and requiring constant maintenance over the lifespan of the wind farm) and the requirement to provide battery storage, will be highly damaging to a fragile environment.

18. Black grouse, golden plover, lapwing and curlew are present – ground-nesting birds will be particularly badly affected during the construction phase. A variety of bat species have been seen regularly in the area, ospreys overfly, especially en-route to Caddon Water, and other birds of prey are regularly observed.

19. The South of Scotland Golden Eagle Project has seen a breeding pair established in the area of Windlestraw and Scawd Law. However, a report commissioned by NatureScot in 2014 highlights the problems posed for eagles through “...impending losses of ridge habitats to wind farms...” We further understand that turbines built in straight rows on ridges, as is the case in this plan, are particularly likely to prove deadly for raptors. Turbines 6, 7 and 8 of this proposal are to be located directly adjacent to the SSSI which means that eagles and other raptors avoiding noise and turbulence will be pushed further into the Moorfoots and away from the ridgelines that are so important to sustain their soaring and, therefore, feeding. We understand from those involved in the eagle project that turbines in the proposed location would prove deadly to any fledglings thus destroying a long and

carefully thought-out reintroduction programme. The Ecology Officer at Scottish Borders Council has also pointed out that although adult Golden Eagles might learn to avoid turbines, fledglings do not and are therefore highly likely to be killed. We understand that the predicted mortality for fledglings is 1.97 per year. Given that Golden Eagles typically have two fledglings per annum, this suggests that there will be a complete failure of the breeding programme in this area if the wind farm is consented. This would appear to conflict with the Nature Crisis part of NPF4 Policy 1 which aims to create nature positive places and drive nature restoration.

20. The upland character of the proposed wind farm area supports an abundance of insects, micro-organisms and other prey creatures facing destruction of habitat from the proposed works and this will, of course, affect all animal populations. The marshy grassland identified within the site is included in SBC's Local Biodiversity Action Plan as a priority habitat. It is difficult to see what mitigation or compensation can be provided for the approximately 0.99 hectares (ha) that would be lost to the development.

21. Turbine 6 is planned to be located on class 1 peat and the tracks associated with the entire site are partly routed through peat (approximately 5.5 ha of peat). The application suggests that peatland restoration could be used to offset the damage, but we consider that this approach is flawed in terms of climate change: it should not be allowable to destroy peatland then 'restore' it somewhere else.

22. The application for this development appears to pay only limited attention to impacts which the scheme is likely to have on ground water and watercourses around the area. The wind farm area is part of the watershed in the Tweed Valley and, ultimately, that ground water finds its way to the Tweed. Fish stocks, particularly of salmon, have declined significantly over recent years and considerable attention is being paid to protecting river health.

23. We consider that the impact on the natural world would be too great to be ignored and suggest that this alone should lead to a rejection of the application.

Visual Impact

24. Given that landscape constantly changes it is easy to suggest that turbines in this location would soon become acceptable (and to an extent that is possibly true). However, these man-made structures will be very visible over a wide area and will add to the cumulative impact of established and proposed wind farms to a far greater extent than the small number might suggest, simply because they will be the highest objects for miles around. The ZTV shown on Fig 3a and 3b in Volume 3B of the application papers makes it clear that the turbines will be seen from many parts of Midlothian, East Lothian, Edinburgh and the Firth of Forth. The ZTV also shows that there will be widespread visibility right across the Moorfoots Plateau, including the higher ground on the eastern edges of the Gala Water valley (the A7 and Borders Railway route). It might be argued that they are sufficiently far from these areas for this not to be an issue, but the height of the turbines on the highest ridgeline between the Cheviots and the Southern Highlands negates any such assertion. Of course, on the days when the wind is not blowing in a hot or cold spell, or

when high winds render turbines inoperable, the contribution of this proposed wind farm would be even less than the miniscule proportion of national wind-generated energy which is claimed. In these circumstances the already negligible effect on Scottish Government targets would be even further diminished.

25. We are told that the special qualities of the Tweed Valley and Tweedsmuir Uplands (Minch Moor) SLA, immediately to the south of the proposed wind farm have been considered throughout the design evolution but we still seem to have a proposal to construct turbines on the highest hills in the area dominating the Tweed Valley and the line of the Southern Upland Way over Minch Moor.

26. The developer accepts that there will be significant visual impact on the Tweed Valley since the turbines will sit on a highly visible ridgeline at the highest point in the Moorfoots stating at 6.11.141 "... the Proposed Development would form a prominent feature above the valley and be perceived alongside small-scale landscape features". Immediately to the north of Walkerburn village is Cairn Hill at 498 metres high. To the west of the village, towards Innerleithen, Kirnie Law is 470 metres high. To the east, Pyat Hill is 285 metres. Immediately to the south, across the Tweed, is Shiel Craig at 285 metres. Beyond that is the Minch Moor ridgeline, with the Southern Upland Way, at 512 metres. Plora Craig, lies towards Innerleithen and is 428 metres. The highest local hill is Windlestraw Law at 659 metres and it is within the proposed Scawd Law development with a turbine located close to the summit. The turbine tips will show at between 690 metres and 830 metres so we agree that they will be a prominent feature in this narrow part of the Tweed Valley. Structures projecting up to over 170 metres above the highest points of the landscape will certainly be, as the developer says, "Prominent".

27. From the surrounding hills no amount of forestry will hide the turbines because there is no landform to disguise and from many points on the D80/81 (the back road to the East of Walkerburn on the south side of the river Tweed) the turbines will tower over the valley. This road is a major tourist asset in our area as both a part of National Cycle Route 1 of the National Cycle Network and a part of the Destination Tweed "Source to Sea" route being developed and promoted as part of the Borderlands Growth Deal. There would be sequential visibility of the turbines for long stretches and there would be repeated intermittent views along the route. The same is true of the Southern Upland Way, a second major tourist attraction, which would give clear sequential views along most of the route from the Minch Moor to the Three Brethren.

28. From Innerleithen, National Cycle Route 1 follows the B709, the access route to the proposed wind farm site entrance and North from there. In places, once again, the turbines will tower over the route but there will also be the disadvantage that the road will have been widened and extensively re-built to allow construction work, making it both less attractive and probably much more dangerous for touring cyclists.

29. Unsurprisingly, the visualisations in the application are designed to give a positive representation of the expected view but what is disappointing is the lengths to which this is sometimes taken with viewpoints selected just where there is a small stand of obscuring

trees or where the banking is very steep, when moving a few metres in either direction would give full visibility of the turbines. Of course, the visual impact is greatest when the viewer is away from the valley floor but these visualisations give a misleading impression of what would be the reality.

30. We accept that landscape changes constantly and that people quickly adjust to changes but the dominance of these turbines is in a very different league from, for example, the small turbines at Bow Beat wind farm or Carcant wind farm, which are carefully placed into the landscape so as not to dominate or to create sequential views. There is also greater visual clutter planned in the landscape because of the visibility of tracks, storage and grid connection lines than at either of our local existing wind farms.

31. We therefore object to this application on the grounds that the visual impact is more adverse, and not just of local concern, than the benefit to be gained from indicative production of only 48 MW of electricity.

32. We are also becoming more and more concerned by the number of wind farm applications in process at present which will affect the Tweed Valley and the Moorfoots and lead to ever-greater displacement and habitat loss. Of course, each application must be examined on its merits but we note that on the eastern side of the Moorfoots, there are currently three proposals (Greystone Knowe, Wull Muir and Torfichen) and on the western side, one new proposal and one proposed upgrade (Leithen Water and the existing Bow Beat). Given the number of existing and proposed wind farms in this area, there will soon be a 'ring of steel' around the Moorfoot Hills, which are not only important environmentally but one of the few remaining 'wilderness areas' in southern Scotland. This development is not only on the extreme southern edge of the Moorfoots but also on the highest part.

On the grounds of cumulative impact alone this application should be refused.

Aircraft Lighting

33. This is a rural area with low levels of night light. The requirement for infra-red illumination and steady red lights on the turbines, given their visibility over a wide area, will affect our dark skies. This is an issue for many of our residents.

34. Although not directly relevant, there is widespread support in this area for MOD use of the low flying zone in the valley which, apart from the defence benefits to the nation, also entertains visitors and residents alike.

Traffic and Transport.

35. The developer seems to feel that a traffic management plan is incidental and can easily be developed after planning permission is granted. Similarly, there are comments on the work required but these seem to be based mainly on map exercises and we believe that the developer is understating the work required to make the access road suitable for construction. The B709 is mainly a single-track road within the Scottish Borders Council Area. It is heavily used for recreation and as a main route to the A7 from Walkerburn/Innerleithen/Cardrona. It is a continuation of National Cycle Route 1 and very

popular with touring cyclists. We have read the submission by Heriot Community Council and agree with and support all their comments on this road so have not repeated them here.

36. The very expensive road engineering proposed to bring in the turbines would not only change the nature of the road and be environmentally damaging but would make it a faster road and therefore more dangerous for recreational users. The road would have to be maintained at the new level in order to allow delivery on-site of replacement blades for the turbines. This would be a major downgrade of the amenity value of this road.

37. The area proposed for the entry construction compound is on a very narrow section of the B709 and we note that the boundary crosses the road onto the side of Leithen Water, presumably to allow for vehicles turning into the compound. This gives rise to some concerns about potential pollution of Leithen Water. The tracks up to the highest points on Windlestraw, Scawd Law and Middle Hill will cause severe environmental damage and no amount of 'restoration' will ever return this area to its present state. (In any case the wind farm life is given as 35 years so those tracks will have to be rebuilt many times, probably gaining height and causing more erosion each time.) This is not mitigated by the wind farm fulfilling an essential national need. **We, therefore, oppose this application.**

Socio-Economic, Tourism and Recreation

38. In examining the history of existing wind farms, we have been unable to identify any real, local socio-economic benefits to the area once the construction phase is over, other than a small amount of potential community benefit for local projects.

39. The applicant states a capital cost of the order of £80m and that 638 temporary construction jobs, as well as further employment related to operation and maintenance, will be an economic benefit. A significant proportion of the investments must be overseas since there are no large wind turbine manufacturers in Scotland or the wider UK. The reality is that the construction jobs will mainly be with large companies who can handle the huge construction tasks involved and our experience to date is that maintenance jobs are often undertaken by visiting workers from foreign and domestic companies outside the area who specialise in turbine maintenance.

40. The construction phase will lead to short-term benefits to national companies and to some smaller businesses but for anyone living or working on an access route there will be extra traffic and pollution. Owners of properties which will have a high level of visibility of the turbines are concerned about a fall in property prices.

41. The applicant does not show the overall economic impact of the proposed scheme, omitting any detail of costs or net benefits. It would have been useful to have some visibility of the profits anticipated and more detail on the costings. It is obvious that there would be economic gains for the 'host' estate at Holylee and for the landowners of the estate providing access, but it is unlikely that these gains would provide much direct benefit locally. The developer is a Norwegian company, so their profits go overseas. We are particularly concerned at the cavalier attitude to the costs involved in maintaining a newly

upgraded access route from the site entrance to the A7, which would fall mainly to Scottish Borders Council for the lifespan of the development, and of the lack of detailed plans and costings to mitigate environmental damage. We fear that it is most likely that this would not be controlled adequately if the wind farm application were to be successful.

42. The applicant suggests that over the 35 years of the planned operation they will make annual community benefits payments of £5,000 per MW installed. This amount was suggested by the Scottish Government in 2016 and again in 2019 but takes no account of inflation. The payment would amount to £240,000 per annum to be spent on projects within the communities affected (potentially 7 community council areas). The developer has already set up a small group of community representatives to work on an agreed plan for allocating this benefit and it is obvious that competition will be fierce amongst the communities involved – we all have projects in need of funding. However, the small sums involved could not begin to compensate for the damage which we feel this project could inflict on the local community and the general and lucrative amenity of the area. In any case we recognise and accept the advice provided that the Energy Consents Unit do not consider community benefits to be a material consideration in the planning process and that this position has not changed following the adoption of NPF4. The potential for community benefit should not therefore be used to balance the downsides of the project in order to justify a decision to support the project.

43. The EIA states that discussions have been held “.. *with relevant stakeholders regarding community ownership..*” and “..*an option has been presented for the local community to buy up to 5% of the shares in the company directly owning the wind-farm.*” There was one very short discussion about community ownership with the developer and the Community Councils involved, but we have no knowledge of any discussions around communities buying shares in an operating company. This should not be a consideration in coming to a planning decision so we have disregarded it.

44. Although wild in character, Scaud Law and the Moorfoots are part of the most populated area in the Borders and the area most open to tourism especially for short visits. Scottish Borders Council has always been committed to encouraging wind farm development away from this part of the Borders, partly because of the potential adverse impacts on local people and visitors. Tweeddale is a very popular area with visitors, whether hikers, mountain bikers, road cyclists or other holidaymakers. Visitor levels are increasing all the time, stimulated by the attractions of ‘the great outdoors’ and the high landscape quality of the surroundings. For hikers in particular the draw is to easily accessible and safe hills which seem much more remote than they actually are. Local tourism businesses fear problems in the future because the turbines would be so dominant. We have no evidence that the potential wind farm would, or would not, adversely affect tourism but anecdotal evidence is that while mountain biking might not be affected, the high-value walking and touring business would likely be affected.

45. The B709, which runs through the Moorfoots valley, is part of the Sustrans National Cycle Network Route 1. This section of the route is a highlight for riders cycling between Newcastle and Edinburgh and the stretch is also included in national cycling events. The

oppressive impact of huge wind turbines looming over this iconic stretch of the route will be seriously detrimental to its amenity value as will changes to the alignment of the road itself which are likely to make sections much faster for motorists and less safe for cycling.

46. Much is being made of putting in a subsequent planning application for multi-use trails. This seems to be a manoeuvre designed to encourage local support rather than a worked through proposal particularly given the fragile and steep nature of the ground. Walkers and recreational cyclists are unlikely to use any trails, especially if they are designed for mountain biking, and it is difficult to see why mountain bikers would want to use trails which have no sensible connection to any other part of the valley.

47. We believe that the potential economic and other benefits outlined in the application are minor in comparison to the actual, measurable economic costs of the development and to the potential monetary losses to the local economy. **On this basis we oppose the application.**

Planning Policies

National Planning Framework 4 (NPF4)

48. Published by the Scottish Government on 8th November 2022 and approved by the Scottish Parliament on 11th January 2023, NPF4 became the over-arching policy on wind farms on 13th February 2023.

49. The introductory paragraphs of Part 1 of NPF4 set out that we are facing ‘unprecedented challenges’ globally and that we need to reduce greenhouse gas emissions and adapt to climate change while responding to the nature crisis to restore biodiversity loss. NPF4 states that although significant steps towards decarbonising energy and land use shall be necessary, there are still choices to be made about how we can make sustainable use of our natural assets in a way which benefits communities. One of the six overarching spatial principles included within Part 1 is “just transition” which would empower people to shape the places in which they live to ensure the transition to net zero is fair and inclusive.

50. “Sustainable Places” in Part 2 is perhaps an even more pertinent section relative to this application. Taking the “Sustainable Places” section as a whole, it is clear that despite the required transition to renewable energies, support should not be unqualified. There is a recognised need to consider the impact upon local communities in order to ensure both a just and a transparent transition. In addition, the text refers to protecting and enhancing biodiversity, the historic environment and the need for a just transition. We believe this Scottish Government policy supports our assessment of this application as being unacceptable.

51. The policies outlined in NPF4 which seem to us to be most relevant to this application are:

- Policy 1: Tackling the climate and nature crises. This states that “significant weight will be given to the global climate and nature crisis” when considering all development proposals.

It does not apply only to renewable energy proposals. The wording of Policy 1 makes it clear that there is still generalised support for developments which work towards achieving net-zero ambitions, hence generalised support for renewable development. **There is no statement that this generalised support overrides all other concerns.**

- Policy 3: Biodiversity. This policy aims to protect biodiversity, reverse biodiversity loss and deliver positive effects from development. Essentially, developments are required to contribute to the enhancement of biodiversity and therefore assessments are not to be confined to whether the effect is significant or not, but whether enhancement is secured. It is particularly relevant to this development in terms of the effects not just of the wind farm itself but to the access road, tracks and associated infrastructure. Policy 3(b) states that National, Major or EIA 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(b)(iii) emphasises the need to follow the mitigation hierarchy, therefore avoiding adverse impacts where possible. **This development does not avoid such impacts and there is little confidence that it will be possible to restore or enhance the loss of biodiversity.**

- Policy 4: Natural place. Policy 4 aims to protect, restore and enhance natural assets and sets out a similar approach to current policy : if development proposals have an unacceptable impact on the natural environment by virtue of the type, location or scale, the development will not be supported. Policy 4 (d) is clear that if a development affects a site designated as a landscape area within the local development plan, it will only be supported where: (i) it will not have significant adverse effect on the integrity of the area or the qualities for which it has been identified; or (ii) where there are significant effects on the integrity of the area, these are clearly outweighed by social, environmental or economic benefits of at least local importance. In this case, Scottish Borders Council advice to the developer was that the site had been identified as unsuitable for development by the Ironside Farrer study and went against existing Scottish Borders Council planning policies. **When the balancing exercise is carried out for the current proposal, to determine whether the social, environmental or economic benefits of the proposal outweigh its impacts, we believe that the conclusion will be that the significant adverse effects are not outweighed by the benefits.**

Scottish Biodiversity Strategy to 2045 (SBS)

52. The Scottish Biodiversity Strategy to 2045 (SBS) acknowledges that the Climate and Nature Crises are twin reinforcing crises in that a decline in one exacerbates the other. The SBS sets out the ambition for Scotland to be ‘nature positive’ by 2030, and to have restored and regenerated biodiversity on Scottish land, freshwater and sea environments by 2045. Twenty-six priority actions are identified to allow Scotland to become nature positive by 2030.

53. There is no detailed coverage of windfarms, but it is noted on page 34 that they should be situated where their impacts upon peatland, birds and other wildlife are

minimised. **We believe it is not possible for the impact of this wind farm, on this particular site, to be adequately minimised.**

54. Overall, the SBS is a high-level document, setting out visions, priority actions and outcomes to achieve restored and regenerated biodiversity. It does not instruct how a wind farm application should be determined but it sets out a context against which proposals are considered. **The context aligns with NPF4 and reinforces our view of this as the wrong wind farm in the wrong place.**

Scottish Borders Council Policy

55. Scottish Borders Council commissioned a Landscape Capacity Study by Ironside Farrar which resulted in a detailed report in 2016. The text of this report was adopted by SBC as part of Supplementary Guidance to the Council's Policy on Renewable Energy dated July 2018. As there was extensive consultation with all interested parties on this Supplementary Guidance, it is a considered document and an important component of adopted SBC Policy. This policy remains as relevant today as it did in 2018, the topography of the land doesn't change.

56. SBC Supplementary Planning 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 Guidance also attempts to ensure that gaps are maintained between clusters of wind farms to avoid incremental impact. This application runs counter to both the letter and the spirit of SBC Supplementary Planning Guidance.

57. SBC Local Development Policy ED9 covering Renewable Energy Development states that SBC will support proposals for large scale renewable energy developments where they can be accommodated **This proposal is not in accordance with this SBC policy.**

SUMMARY

58. A willing landowner and an experienced developer, with links to the landowning family, have come up with a small wind farm which we believe is the wrong size for effective generation and in the wrong place in terms of the environment. On the site chosen it is simply impossible to mitigate the effects on the landscape whether the visual effect or, most importantly, the effects on biodiversity from both construction and operation. We are particularly dismayed by the potential effect on the South of Scotland Golden Eagle project. Most of us have been fortunate to see these glorious birds and we are dismayed that their tenuous foothold here could be wiped out by this development, given the effects of turbines on fledglings as reported by RSPB and our own Council Ecology Officer.

59. The cost/gains analysis for the environment and for the Tweed Valley communities seems to Walkerburn and District Community Council to be clearly against the Scawd Law development. For the sake of the very small amount of power generated, it seems clear to us that our communities would be better off without this particular development.

60. Finally, and in addition, it seems to us that there are strong grounds for rejecting this application in national government statements and policies and in SBC policies.

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