



Kirstin Keyes
Energy Consents Unit
The Scottish Government
Sent by email:

2nd May 2025

Dear Kirstin,

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

The South of Scotland Golden Eagle Project (SSGEP) fully support renewable energy – in the right place. We believe that there is sufficient space in southern Scotland for both windfarms and a healthy and sustainable golden eagle population.

The Moorfoot hills make up some of the best golden eagle habitat in the whole of Southern Scotland. The managed grouse moors provide excellent prey for the eagles, including rabbits, mountain hares and grouse.

Whilst the SSGEP has been successful in increasing the numbers of golden eagles in the region this population remains fragile. It is made up primarily of young eagles that have yet to breed. The establishment of good breeding territories and successful breeding pairs is critical for the sustainability of this isolated population. The golden eagle pair at Scaud Law were one of the first to settle and the first to make a breeding attempt indicating the excellent suitability of this territory with excellent topology (very high GET6+), abundance of prey and lack of disturbance. The SSGEP regard this as the most important golden eagle territory in the south of Scotland.

We have reviewed the original EIAR and recently published Additional Information Report (AIR) and supporting documentation for this proposal and we do not believe that it can go ahead without very significantly impacting golden eagles in the Moorfoot hills.

The recovering south of Scotland golden eagle population is a dynamic situation. During a rapid period of territory settlement, boundaries are shifting as new birds settle. Much has changed since the AIR was completed and that data is now antiquated and

inaccurate. The AIR uses tag records up to September 2023 and VP survey up to January 2024 whereas golden eagle activity has increased very significantly in the area since then. The latest SSGEP eagle tag records and field observations by the Eagle Officer show that there are now 4 golden eagle territories in the Moorfoot Hills not 1. The territory which includes the Scawd Law proposed development is under pressure from territories either side now, the pairs home range is shrinking and as such the % loss of habitat that is presented in the AIR is now inaccurate. We estimate the GET 6+ habitat loss to be 6.6% based on a 300m buffer and 10.7% based on a 500m buffer.

The proportion of tag records for the pair within the 300m buffer zone compared to the home range is much higher at 11% which reflects the excellent GET 6+ territory and the plentiful availability of prey within the zone.

Golden Eagles are known to be very sensitive to disturbance. The process of building the track, turbines and battery storage will take place across two territories causing considerable disturbance to both pairs.

That area of the Moorfoot hills is currently, quiet and undisturbed by recreational activity. The access track will encourage recreational activity (walkers/mountain bikers) which will cause disturbance to eagles and other wildlife. None of this is something which embedded mitigation will alleviate.

Golden eagle activity within the area around the turbine array is significantly higher than that shown in the AIR as evidenced by the latest SSGEP tag records. The AIR shows a collision risk of 0.15 for 2023. Note that the overall figure quoted of 0.05 is misleading as it is based on historical figures. In 2024 golden eagle activity within the buffer zone increased by 238% vs 2023 therefore a more accurate estimate of the current risk is around 0.36 ($0.15 \times 238\%$). This does not take account of the risk to fledglings.

Given the real level of collision risk assessed above, a cumulative assessment for Golden Eagles is required in accordance with NatureScot guidance (SNH 2018b). This has not currently been provided by the developer.

We therefore respectfully recommend that this application should be refused.

Please find our detailed comments in support of our position in the accompanying confidential annex.

Yours sincerely,

Catherine Barlow
Director/CEO, RUN