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To: Julia.Gallagher@rspb.org.uk
Cc: [Kate Wigley](#); [Peter Thomas](#); [Ben Thorne](#); [Colin Abernethy](#); [Iain Mackenzie](#)
Subject: Leithenwater Wind Energy Hub - Response to RSPB Application Comments
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Dear Julia,

ELECTRICITY ACT 1989 : APPLICATION FOR SECTION 36 CONSENT FOR THE PROPOSED LEITHENWATER WIND ENERGY HUB IN THE PLANNING AUTHORITY AREA OF SCOTTISH BORDERS COUNCIL (ECU00004619)

Thank you for your letter dated 5th July 2024 in relation to the above proposal. We have given careful consideration to the points made, and have responded to these in turn in the attached letter on behalf of the applicant.

I trust that the response is helpful and provides sufficient information to address the concerns raised.

We look forward to hearing from you in due course.

Kind regards
Donald.

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Julia Gallagher

RSPB Scotland
(by email)

Dear Julia

Our reference

12974

Date

22 October 2024

Address

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Glasgow G12 8JJ
Tel: 0141 403 0900

Leithenwater Wind Energy Hub

Many thanks for your comments of 5th July 2024 in relation to the application for planning consent for the Leithenwater Wind Energy Hub (ECU00004619). LUC have been commissioned by Leithenwater Wind Energy Hub Ltd to consider and respond to consultation responses in relation to ecology and ornithology.

This letter considers RSPB Scotland's response by addressing the list of seven recommendations within the main body of the letter, taking account of supporting material provided in the letter's three annexes.

1. The deletion of Turbine 13 in order to mitigate the impact through operational displacement for roosting Golden Eagle.

Data on satellite tag locations of resident and non-resident golden eagles within approximately 6km of the Proposed Development were obtained from the South of Scotland Golden Eagle Project (SSGEP), covering the period January 2019 to September 2023 (see EIA Report Technical Appendix 8.4). During this period, data showed that golden eagles roosted within 500m of Turbine 13 on five nights (less than 0.5% of available nights), with locations mainly greater than 400m away. During the operational phase, while there is little to support a conclusion that displacement from these locations would occur as a result of the presence of Turbine 13, many potentially suitable roost sites will be available elsewhere within the range of the resident golden eagles. Hence, the removal of Turbine 13 is not required to maintain the availability of undisturbed roosting locations for golden eagles.

NatureScot did not raise any concerns relating to the impact of Turbine 13 on roosting golden eagles in its response dated 15th July 2024, nor on the impact of the Proposed Development on roosting golden eagles in general when all matters relating to roosting by this species were considered.

2. The deletion or relocation of Turbines 11, 12, 13 in order to mitigate the impact of operational displacement on foraging Golden Eagle.

In respect of golden eagles at the Proposed Development, the assessment took account of comprehensive locational data from satellite tag locations (see EIA Report Technical Appendix 8.4), flight activity recorded from field surveys (EIA Report Technical Appendix 8.1), data on

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terrain preferences derived from the Golden Eagle Terrain (GET) Model (see EIA Report Technical Appendix 8.3) and information on broad habitat types within and surrounding the Site of the Proposed Development. The locational data and flight activity information showed a clear pattern of use by golden eagles, both during the pre-settlement phase when no resident golden eagles were present, and post settlement, when a breeding pair established a territory and nested to the east of the Proposed Development.

The data demonstrates that golden eagles made relatively little use of the area surrounding Turbines 11, 12 and 13 despite the habitat (open moorland) and terrain (GET 6+) being suitable. Hence, any displacement that did arise, would be from a part of the current breeding pair's home range that was infrequently used. The relatively low use of this area would be predicted based solely on the configuration of habitat as the area is bounded on two-three sides by unsuitable habitat. This is clearly illustrated by the satellite tag data, showing that golden eagles, resident and non-resident, make relatively little use of habitats to the west of the Proposed Development, as well as the area of the Proposed Development that is currently afforested.

Many of the conclusions reached in the assessment could have been inferred from knowledge of golden eagle ecology and habitat preferences, but they are substantially supported by empirical data from satellite tagged golden eagles and flight activity data from field surveys.

NatureScot did not raise any concerns relating to the impact of Turbines 11, 12 and 13 on foraging golden eagles in its response dated 15th July 2024, nor on the overall impact of the Proposed Development on foraging golden eagles in general.

3. Pre-construction surveys for:

- 3.1. roosting golden eagle;**
- 3.2. lekking male black grouse and nesting hens; and**
- 3.3. breeding curlew**

with suitable mitigation measures put in place to prevent disturbance during construction activities.

Embedded mitigation has been included within the assessment, set out under 'Good Practice Measures' in Chapter 8 of the EIA Report. Prior to construction commencing, a Bird Protection Plan (BPP) will be prepared and implemented as part of the Construction Environment Management Plan (CEMP). As stated in paragraphs 8.73 to 8.76 of the EIA Report, the BPP will detail the survey requirements and operational protocols required to ensure that birds are not disturbed during wind farm construction. This will include roosting golden eagle, lekking and nesting black grouse and breeding curlew.

4. Further information and detail regarding the proposals for habitat restoration and biodiversity enhancement on site as part of the Outline Restoration and Enhancement Plan (OREP), to determine whether these measures are adequate.

RSPB's comments on the OREP are welcomed, and specific recommendations will be considered during the development of the plan post consent. The OREP functions to present broad objectives for biodiversity enhancement for comment, proposes how to facilitate the delivery of practical measures to fulfil those objectives and suggests a monitoring programme to measure the outcome. All these elements will evolve following detailed consideration at the appropriate stage, and following consultation with relevant stakeholders, to ensure the final Restoration and Enhancement Plan (REP) delivers comprehensive benefit for biodiversity, in line with the requirements set out in NPF4.

5. Specific measures for Black Grouse to be included in the OREP to improve the surrounding habitat for this priority species.

Measures to improve the surrounding habitat for black grouse have been highlighted within the OREP. However, black grouse will potentially benefit from a range of biodiversity enhancement measures, even if they are not the stated target. Although baseline surveys located only one

active lekking area, which was approximately 3km from the nearest turbine, black grouse populations can fluctuate markedly, in terms of their number, location of lekking sites and relative use of different locations within their local range. Hence, the varied objectives and spatially diverse targets for enhancement will overlap well with black grouse requirements as part of an overall biodiversity enhancement package to be delivered through the REP.

I hope this response is helpful, and provides reassurance that the assessment detailed in the EIA Report is robust in its consideration of all available information in respect of ornithology and ecology, and that the final REP will ensure the delivery of comprehensive biodiversity benefits at the Site.

Yours sincerely

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