

# Technical Appendix 6.1: Scoping Response Table

**Table 1 - Scoping Response Table**

Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
Energy Consents Unit (Scottish Government) 24/04/2023	General	The Scottish Ministers requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Scotland Science (MSS) (now Marine Directorate) has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 36 of the Electricity Act 1989.	See below comments in relation to each consultee. Checklist has been completed prior to submission of the application and is included as a standalone document.	<b>Standalone Document: Marine Directorate – EIA Checklist</b>
		Scottish Ministers expect the EIA Report, which will accompany the application for the Proposed Development to consider in full all consultation responses attached in Annex A and Annex B. Scottish Ministers are satisfied with the scope of the EIA set out in chapter 1.4 of the scoping report.	Noted. All consultation responses received as part of the Scoping process has been considered in full.	<b>Chapters 7 to 17</b>
		Any application submitted under the Electricity Act 1989 requires to clearly set out the generation station(s) that consent is being sought for. For each generating station details of the proposal require to include but not limited to:  – the scale of the development (dimensions of the wind turbines and battery storage); – components required for each generating station; and – minimum and maximum export capacity of megawatts and megawatt hours of electricity for battery storage.	Noted. This detail is provided within the EIA Report and also in the Planning Statement.	<b>Chapter 3: Description of the Development</b>  <b>Planning Statement</b>
		The Scottish Ministers are required to make a reasoned conclusion on the significant effects of the Proposed Development on the environment as identified in the EIA. The mitigation measures suggested for any significant environmental impacts identified should be presented as a conclusion to each chapter. Applicants are also asked to provide a consolidated schedule, in tabular form, of all mitigation measures proposed in the environmental assessment, where that mitigation is relied upon in relation to reported conclusions of likelihood or significance of impacts.	The mitigation measures suggested for any significant environmental impacts are presented as a conclusion to each EIA Report chapter. A consolidated schedule of all mitigation measures proposed in the EIA Report chapters is provided.	<b>Chapters 7 to 17</b>  <b>Chapter 18: Schedule of Commitments</b>
Scottish Borders Council 16/02/2023	Policy Context	The main Local Development Plan policy to be considered is Policy ED9: Renewable Energy Development, which states that, 'The Council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology, and solar power, where they can be accommodated without unacceptable significant adverse impact considerations'. Renewable energy developments, including wind energy proposals, will be	The content of planning policies has been considered during the course of the project's development. An assessment of the proposal against the National Planning Policy Framework (NPF4) in conjunction with local planning policies relevant to the site and Proposed Development is set out in a Policy Framework Chapter in the EIA Report.	<b>Chapter 4: Climate Change, Energy &amp; Planning Policy Framework</b>

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		<p>approved provided that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated. Policy ED9 also states that, 'If there are judged to be relevant significant adverse or effects that cannot be satisfactorily mitigated, the development will only be approved if the Council is satisfied that the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it'.</p> <p>Policy ED9 also lists a range of Development Management considerations which are taken from para 169 of Scottish Planning Policy. Consequently, it is important that the Environmental Assessment refers to the various issues identified within the Scoping response in order that they are fully addressed as part of the subsequent planning application submission.</p> <p>The Ironside Farrar (IF) Landscape Capacity and Cumulative Impact Study is a material planning consideration in the assessment of wind turbine proposals within the Scottish Borders. The role of the Ironside Farrar study is recognised within Policy ED9. It should be noted that the updated 2016 Study has informed the production of the Council's Supplementary Guidance (SG) on Renewable Energy, which has now been approved and adopted as part of the Local Development Plan. Any S36 application at <b>Oliver Forest</b> will need to be supported by an EIA that references and assesses the scheme against the new SG and updated IF Study. Clearly, any S36 will be submitted when NPF4 is in place, and this will need to be referred to in the EIA Report at appropriate points. It is also likely that the new Scottish Borders Proposed Local Development Plan may have been approved by then, either modified in the light of NPF4 or unmodified. Policy ED9 in the new Local Development Plan would then be the primary reference point. It is appreciated that NPF4 changes the Policy framework and weights attached to renewable energy development and their impacts.</p>	<p>All consultation responses received as part of the Scoping process have been considered in full. It should be noted that Scottish Planning Policy is now revoked following the adoption of NPF4.</p> <p>The EIA Report assesses the Proposed Development against the IF Landscape Capacity and Cumulative Impact Study. Consideration has been given to supplementary guidance. It should however be noted that Part 1 of NPF4 is 'A National Spatial Strategy for Scotland 2045', removing the previously adopted spatial framework for Onshore Wind Farms and replacing it with a strategic spatial strategy which supports onshore wind energy generation and associated grid infrastructure in Scotland.</p> <p>The Policy Chapter of the EIA sets out the current relevant policy context at time of submission.</p> <p>The Proposed Development has been assessed against the prevailing Local Development Plan in the Planning Statement.</p>	<p><b>Chapter 7: Landscape and Visual</b></p> <p><b>Chapter 4: Climate Change, Energy &amp; Planning Policy Framework</b></p> <p><b>Planning Statement</b></p>
	Landscape & Visual	ZTV mapping (at a high resolution) has been provided, allowing more detailed interrogation of the map. It confirms theoretical visibility of the development is concentrated in the 10 km zone around the site, with additional areas of visibility from higher elevations further afield –mainly to the north and west.	Noted. A high resolution Zone of Theoretical Visibility (ZTV) figure is provided in the EIA Report.	<b>Figure 7.2: ZTV A1</b>

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		<p>With regard the ZTV in support of this application (22/01924/SCO) for turbines up to 250 m and the ZTV prepared for the earlier Pre-App submission (22/01924/SCO) for 10 turbines up to 149.9 m (i.e. turbines 100 m smaller to tip) - it is surprising to me that the ZTV appears almost identical. This may be explained by the way they are presented or I may be interpreting them incorrectly but further explanation on this concern would be welcome.</p> <p>Visual receptors have been identified as local residents, both in both nearby settlements and isolated properties, road users, especially those on the A701 and smaller roads in the immediate area and recreational receptors enjoying the landscape. Recreational routes have been identified and there is an understanding of the importance of analysing effects on these sensitive receptors</p> <p>Designated Landscapes have been identified correctly.</p> <p>Landscape Character types have been identified using NatureScot Landscape Character Types map and descriptions. And it is expected they will form the basis for the assessment of effects on the landscape character.</p> <p>Existing Developments have been identified and will be the basis of a cumulative landscape and visual impact assessment.</p> <p>Assessment Guidance. The use of GLVIA3 and guidance from NatureScot on all aspects of wind energy development is appropriate. Consideration of SBC Local Development Plan and supplementary guidance is advised.</p> <p>A Study Area of 45 km, as advised by NatureScot is appropriate, with a detailed study area out to 25 km is deemed appropriate for a development of this scale.</p> <p>Assessment of Landscape and Visual Effects, if carried out in accordance with GLVIA3 and best practice guidance, will be acceptable. The assessment should initially consider receptor sensitivity and magnitude of change to those elements and receptors to establish the level of these effects and only then should any judgement be used to form a judgement of overall effects on these receptors.</p>	<p>It was discovered that the ZTV submitted as part of the Scoping Report had assumed a tip height of 200 m rather than 250 m. This was subsequently corrected by submission of a revised ZTV demonstrating a 250 m tip height to ECU on 23 February 2023 (see additional response below from SBC on revised ZTV).</p> <p>A sequential assessment of users of the A701 has been included in the assessment.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p><b>Chapter 7: Landscape and Visual</b></p> <p><b>Chapter 7: Landscape and Visual</b></p> <p><b>Chapter 7: Landscape and Visual</b></p>

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		<p>Viewpoint selection appears to cover the range of sensitive receptors with potential visibility of the Proposed Development.</p> <p>Night-time Visual Assessment is an essential and critical part of the LVIA and NatureScot states (in their online Aviation Lighting Webinar) that 'Darkness is a special quality in rural landscapes' and 'aviation lighting extend visual effects to the night time'.</p> <p>A comprehensive assessment as advised by NatureScot will be acceptable. Because of the lack of aviation lighting on current windfarms in the area and the status of the site in a SLA, I suggest we need more than 3no night-time viewpoints and suggest that in addition to VP 1, 8, and 11, VP 3, 5 (both on A701 and VP 9 (Fruid Dam) should also be included in the aviation lighting assessment, as areas where the aviation light has potential to impact the special qualities of the night sky.</p> <p>Residential Visual Amenity Assessment (RVAA) should be carried out in accordance with LI Technical Guidance Note on Residential Visual Amenity Assessment ("019) and GLVIA3 and should include photographs, wirelines and photomontage, as appropriate to demonstrate the findings of RVAA.</p> <p>It is my opinion that given the size of proposed turbines, all properties up to 3 km from the nearest turbine should be included in the RVAA.</p> <p>Cumulative Landscape and Visual Impact Assessment (CLVIA)                      I am satisfied with the extent and methodology to be employed to carry out CLVIA – the cumulative effects will be a critical part of the LVIA.</p> <p>In conclusion the questions at the end of Section 4 - Landscape and Visual are answered:-                      Q4.1: Are consultees content with the proposed methodology for the LVIA? YES</p>	<p>Noted.</p> <p>Noted.</p> <p>VP3 (A701) and VP9 (Fruid Dam) has been added to the night-time viewpoints and subsequent aviation lighting assessment.</p> <p>Noted.</p> <p>A study area of 2.5 km radius from the proposed turbines has been considered for the RVAA. It is considered unlikely that properties over 2 km away from the Proposed Development would experience overbearing and unavoidably dominant effects that would exceed the RVAA threshold. However, since the publication of the LI guidance, the size of turbines proposed has continued to increase, and in this instance, it is deemed appropriate to increase the extent of the study area to 2.5 km from the proposed turbines.</p> <p>Noted.</p> <p>Noted.</p>	<p><b>Chapter 7: Landscape and Visual                      Technical Appendix 7.5:                      Aviation Lighting Assessment</b></p> <p><b>Technical Appendix 7.7:                      Residential Visual Amenity Assessment</b></p> <p><b>Chapter 7: Landscape and Visual</b></p>

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		<p>Q4.2: Are consultees content with the proposed approach to undertaking viewpoint photography and preparing visualisations? YES</p> <p>Q4.3: Are consultees in agreement with the proposed study areas, focus, and source data for the assessment of landscape effects? YES</p> <p>Q4.4: Are consultees in agreement with respect to the effects that are proposed to be scoped out? NO – I would like to see local paths assessed to a distance of 10 km</p> <p>Q4.5: Are consultees content that the LVIA scope has identified the most important receptors to be assessed? YES</p> <p>Q4.6: Are consultees content with the proposed viewpoints identified in Table 4.1, and could they advise of any additional viewpoints they consider necessary to assess the effects of the Proposed Development? YES</p> <p>Q4.7: Are consultees content with the proposed approach to the cumulative assessment and could they advise of any specific cumulative sites they consider should be included in the assessment? YES – satisfied”.</p> <p>Cumulative Impacts</p> <p>Given the increasing speed at which wind farms are now coming forward within the area of this wind farm, it is considered that the SNH 2012 advice is followed and any wind farms that have reached Scoping stage are also included if they are within the 15-20 km Study Area. This information is regularly updated on the Council’s wind farm database, although the database is currently needing updated and should not be fully relied upon for the up to date position at present. It is noted the applicant intends to use other sources of information too. Subject to the inclusion of Scoping stage wind farms, Figure 3 is accepted. However, it is not clear what para 4.4.21 means as there seems to be a typo in the second sentence.</p>	<p>Noted.</p> <p>Noted.</p> <p>Visual effects assessment for local paths up to a 10 km radius has been undertaken.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Scoping stage sites are shown on Figure 7.9. For this assessment, the closest site at scoping stage is M74 West, approximately 15 km away beyond the Clyde group to the west. Two additional sites, West Andershaw and Stevenson Hill are over 20 km away from the Proposed Development. Given the highly speculative nature of scoping sites, and intervening existing wind farms, the scenario in which these sites are included has been scoped out.</p>	<p><b>Figure 7.9: Cumulative Baseline                      Technical Appendix 7.4: Cumulative Assessment</b></p>
	Cultural Heritage	<p>Within the site’s application area there are a number of Scheduled Monuments in the lower slopes of the Oliver Forest area and largely overlooking the River Tweed. These include enclosed cremation cemeteries and settlement earthworks</p>	<p>The location and design of site infrastructure has been designed to avoid direct impacts on archaeological assets including Scheduled Monuments.</p>	<p><b>Chapter 11: Cultural Heritage and Archaeology</b></p>

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		<p>(SM2702, SM2748 and SM3529). There may be related monuments in their areas that may be affected by direct impacts as it is unclear how the higher ground for the turbines is to be reached from what has been submitted to date. The Scoping Report includes a list of suggested sites for the assessment of indirect impacts – in this case for the settings of monuments and archaeological contractor engaged to carry out the assessment, as per the Scoping Report.</p> <p>It is noted that a full desk based assessment should be presented, if only to show the full workings out of what sites are significant or not in the Environmental Impact Assessment and any Environmental Statements stages of this application.</p> <p>Potential Impacts</p> <p>The Scoping Report has identified that there is the mixed potential across the study area given the previous afforestation of the area. It is agreed that their avoidance may be possible of the to-date archaeological remains recognised (though there is always the potential for new archaeological sites to be recognised) to avoid direct impacts and that, again, it may be the indirect impacts as settings of archaeological monuments which will require the most consideration of this application.</p> <p>The nature of the scheme remains not fully presented in the submitted information. Only the proposed locations of the turbines and site boundary are shown in the mapping of the proposal. For example, no information is presented in the submission for the locations of any wind farm access tracks and ancillary works, though these are listed. These would also have their own implications in the construction phases of any wind farm, though their locations currently remains unclear.</p> <p>For the indirect impacts upon the settings of sites, a list of suggested sites has been prepared within the Scoping Report and there would appear to be no major omissions of archaeological or historic sites that I would expect to see for this area of application, and though the wind turbines will be largely visible the actual locations may be more contentious more in the landscape appreciation of the monuments that in the functional settings of the monuments alone.</p> <p>Generally I am content with what has been proposed for scoping in of the various identified individual monuments, as</p>	<p>The desk-based assessment is included in the Cultural Heritage and Archaeology Chapter of the EIA Report.</p> <p>Noted.</p> <p>The Scoping layout is early stage and full details of ancillary infrastructure had not yet been identified at this stage. Full details of the proposed infrastructure has been described in Chapter 3 and assessed in the EIA.</p> <p>Noted.</p>	<p><b>Chapter 11: Cultural Heritage and Archaeology</b></p> <p><b>Chapter 3: Description of the Development</b></p> <p><b>Figure 3.2: Site Layout</b></p>

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		<p>well as for what individual monuments may be scoped out of further consideration in the application, for settings impacts, though note that only the turbine locations and none of the associated infrastructure of the scheme has been identified for its locations which will be key for the direct impacts.</p> <p>The proposed division of study area and then series of zones requiring the less and less numbers of sites for assessment from the application area is agreed with.</p> <p>Recommended Assessment</p> <p>I am generally happy that the assessment methodology proposed in the Scoping Report and its associated works, such as desk based assessment and walkover survey, would be able to identify the implications and impacts of this application. This has considered impact assessment and the cumulative effects where other nearby wind farms are located.</p> <p>The list of locations for visualisations is agreed with for the list of archaeological sites proposed and photomontages would be preferred from these, and also to something of the sites in the foregrounds as per how these sites are viewed by the lay visitor towards the turbines. Where possible the turbines should be numbered and where a number of wind farms are visible these should be differenced to indicate the various wind farms as the application area in this lies squarely between Glenkerie and Whitelaw Brae Wind Farms for the Scottish Borders side.</p> <p>Scoping Report questions                      Q7.1 Is the proposed assessment methodology, including proposed study areas, accepted? - Yes, though comments been made for the consideration of the National Planning Framework 4 and the Local Development Plan 2 would be useful bearing in mind the timing of this application.</p> <p>Q7.2 Are the receptors and impacts scoped out of the assessment accepted? - Yes, the sites to be scoped out of further assessment, visualisation and walkover survey work for the application have been clearly identified.</p> <p>Q7.3 Are there any assets beyond the proposed study areas that consultees would like to see scoped into the assessment? - None that immediately come to mind given this location.</p>	<p>A desk-based assessment has been included in TA11.1 with a detailed historic background and a summary baseline presented in Chapter 11.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p><b>Chapter 11: Cultural Heritage and Archaeology</b></p> <p><b>Chapter 11: Cultural Heritage and Archaeology</b>  <b>Technical Appendix 11.1: Site Walkover Gazetteer of Heritage Assets</b></p> <p><b>Figures 11.7 – 11.18 Cultural Heritage Visualisations</b></p>



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		<p>Q7.4 Are there any assets outwith the ZTV that consultees would like to see scoped into the assessment? - None that immediately come to mind given this location.</p> <p>Q7.5 Are there any visualisations that the consultees would like to see as part of the assessment? - None that immediately come to mind given this location.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	
	Noise	<p>The elements of this development which have the potential to impact nearby residential amenity are noise (both construction and operational), impact on private water supplies and shadow flicker. Environmental Health would expect to see each of these matters addressed in an EIA.</p>	<p>The topics of noise, private water supplies and shadow flicker have been assessed as part of the EIA process and presented in the EIA Report.</p>	<p><b>Chapter 13: Noise</b>  <b>Technical Appendix 10.3: Private Water Supply Risk Assessment</b>  <b>Chapter 17: Other Considerations</b></p>
	Geology, Hydrology, Hydrogeology, and Peat	<p>In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River &amp; Coastal Flood Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that the site is not at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.</p> <p>At present due to the minimal flood risk at the site, I have no objection in principle to this proposal in terms of flood risk.</p> <p>I would however require that the following be adhered to;</p> <ul style="list-style-type: none"> <li>• The formation of any newly formed hard surfaces such as access roads should be attenuated to at least existing Greenfield runoff rates so that there is no increased effect on downstream receptors. Likewise, any discharges from SUDS and other drainage should be kept to existing Greenfield runoff rates.</li> <li>• A buffer zone between the turbines and watercourses.</li> <li>• For all culverts, watercourse crossings or alterations to crossings, these must not reduce the flow conveyance of the watercourse and should ideally allow for the 1 in 200 year flood flow to pass through.</li> <li>• Details of any silt traps and any other functions that the applicant proposes to minimise the amount of sediment entering the water course should be submitted.</li> </ul>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>A minimum buffer of 50 m around watercourses/waterbodies has been applied for all elements of the Proposed Development (incl. turbines and infrastructure) to avoid.</p> <p>Noted.</p> <p>Noted.</p>	<p><b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b></p> <p><b>Chapter 2: Site Description and Design Evolution</b></p>

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		<p>I am content with the proposed assessment detailed in the Scoping Report from a Flooding perspective and further comments will be given once a detailed application is submitted.</p> <p>Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.”</p>	<p>Noted.</p> <p>Noted.</p>	
	Traffic and Transport	<ul style="list-style-type: none"> <li>• Impact on the local road network</li> <li>• Construction traffic type, frequency, numbers etc.</li> <li>• Access routes for general construction traffic</li> <li>• Abnormal loads route and mitigation measures</li> <li>• Traffic Management Plan</li> </ul> <p>The items listed above should be addressed to the Councils satisfaction as part of any detailed submission through the Transport and Access element of an EIA.</p>	<p>The transport assessment includes all details of traffic type, frequency and numbers to be generated during the construction phase, the proposed access route for general construction traffic and the potential impact on the local road network including any mitigation measures proposed.</p> <p>An abnormal load route assessment has been completed by transportation consultants and any mitigation measures required have been set out.</p> <p>An outline Construction Traffic Management Plan (CTMP) has been prepared and included in Chapter 12.</p>	<p><b>Chapter 12: Site Access, Traffic and Transport</b></p> <p><b>Technical Appendix 12.1 Transport Assessment, Annex A: Route Survey Report</b></p>
	Access	<p><u>Core Paths, Public Rights of Way and Promoted Paths</u>                      According to the records held by Scottish Borders Council, no rights of way, core paths or promoted paths pass through this site. However, Scotways or the Community Council may have information on rights of way and other paths in this area.</p> <p>Mapping of the wider path network across the Scottish Borders can be found at: <a href="http://www.scotborders.gov.uk/mapadvanced">www.scotborders.gov.uk/mapadvanced</a></p> <p><u>Path Planning Study</u>                      As the site lies very close to Tweedsmuir village it is likely that there will be informal routes through this area which local people are using to access the land for recreational purposes.</p> <p>A Path Planning Study should be commissioned within the title deed extent of the landowner affected. A detailed plan of public access (pedestrian, cycle, horse, all ability routes), across the site (existing, during construction and upon completion) should be provided by the developer for the consideration of the Planning Authority.</p>	<p>Noted.</p> <p>A Path Planning Study, in drawing format, has been included in the EIA Report with information on a new recreational heritage trail included in the description of the development.</p> <p>Further consultation with Scotways identified that there are currently no formal rights of way or core paths within the site.</p>	<p><b>Chapter 14: Socio-economics, Recreation and Tourism</b></p> <p><b>Figure 14.1.1: Proposed Paths Plan</b></p> <p><b>Technical Appendix 14.1: Access Management Plan</b>  <b>Figure 14.1.1: Proposed Paths Study</b></p>

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	Socio-Economics, Tourism and Recreation	<p>Information on the positive and negative economic effects of the development (in addition to environmental/carbon offset benefits and impacts) are welcomed in order to achieve a rounded understanding of the positive and negative aspects of the development. The use of established studies on socio-economic and tourism impacts (as referred to in para 11.3.9) are noted and welcomed. This Authority would, particularly, wish to be assured that the specific impacts of this development would not have unacceptable effects on established local rural (particularly tourist) businesses and tourism generally. We welcome the intention to include an assessment on tourism and the local economy in the EIA.</p> <p>Local recreation should not be scoped out of this section of the EIA as the landscape and footpath routes within this part of the Special Landscape Area are an intrinsic part of the attraction of the area. There is no justification to exclude recreational activities and facilities not “promoted regionally/nationally”.</p>	<p>A carbon balance calculation has been undertaken for the site, comparing the carbon costs of the Proposed Development with the carbon savings attributable to the wind farm.</p> <p>In addition, the EIA Report provides an assessment of the potential impact of the Proposed Development on the local economy, including tourism businesses.</p> <p>Local recreation is included as part of the assessment on recreation and land-use.</p>	<p><b>Technical Appendix 17.1: Carbon Balance Assessment</b></p> <p><b>Chapter 14: Socio-economics, Recreation and Tourism</b></p> <p><b>Chapter 14: Socio-economics, Recreation and Tourism</b></p>
	Aviation and Radar	<p>Impacts and comment on potential effects will be expected from the MOD, Edinburgh Airport and NATS. Policy ED9 in the Council’s Local and Proposed Local Development Plans takes account of aviation safety matters and would reflect any comments from the aforementioned bodies. The MOD should confirm whether they are content that Threat Radar assessment is scoped out at this location. However, the issue of lighting is a separate matter considered under landscape and visual effects</p>	<p>Scoping consultation responses were received from the MOD, Edinburgh Airport and NATS and consultation with these bodies has continued during the course of the project’s development. NATS has since confirmed a mitigation solution for the Proposed Development.</p>	<p><b>Chapter 16: Aviation</b></p>
	Shadow Flicker	<p>The development’s compatibility with current guidance, which normally refers to a 10 x rotor diameter range within 130 degrees due north, should be considered. The Council SG also requests assessment for residential properties within 2 km of each turbine as mentioned in para 13.4.3. Any residential properties within this distance should still be assessed for shadow flicker and it is not agreed that this should be reduced to 10 rotor diameters as intended in 13.4.6, as there has been no justification given for not following the Council guidance.</p>	<p>Shadow flicker assessment for properties located within 2 km and within 130 degrees due north of each turbine has been undertaken.</p>	<p><b>Chapter 17: Other Considerations</b></p>
	Other Considerations	<p>Para 14.1.11 refers to scoping out Ice Throw – but due to the proximity of the A701 to some of the turbines and their location on the immediate ridge and downslope of the valley carrying the A701, it is considered that the EIA should still assess this issue.</p>	<p>There are monitoring systems and protocols in place to ensure that turbines that have been stationary during icing conditions are restarted in a controlled manner to ensure public safety. As a result, it is considered that the risk to public safety from ice throw is low and not significant and therefore, this has been scoped out of assessment.</p>	<p><b>Chapter 17: Other Considerations.</b></p>

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<p>Scottish Borders Council                      02/03/2023</p> <p>In response to amended ZTV</p>	Landscape & Visual	<p>We have reviewed the amended ZTV and tip height comparisons and are of the view that visual effects are fairly localised (NPF4) and mainly from elevated locations, with limited visibility from roads and settlements outwith the 10 km radius. It is noted that NatureScot have asked for a viewpoint from Trahenna Hill in the NSA, as no viewpoints were proposed within the NSA at scoping. Having discussed the issue with the Council's Landscape Officer, it is suggested that one more viewpoint be considered - from Pykestone Hill to the north east of the proposed windfarm, on the southern boundary/extent of the NSA, where there are couple of Rights of Way in the immediate area.</p>	<p>The additional viewpoints requested at Trahenna Hill (VP15) and Pykestone Hill (VP20) have been included as part of the landscape and visual assessment of the Proposed Development.</p>	<b>Chapter 7: Landscape and Visual</b>
<p>Dumfries &amp; Galloway Council                      24/01/2023 &amp; 16/02/2023</p>	General	<p>I write regarding the above proposal and your consultation dated 5 December 2022. As the Proposed Development is located out with the administrative area of Dumfries and Galloway Council, no formal response will be issued in this instance. Notwithstanding this, as the submitted scoping report indicates that construction traffic and AIL deliveries into the development site will be required from the Councils adopted road network, consultation on the proposed Traffic Management Plan will be required.</p>	<p>Noted.</p> <p>It is proposed that a full Construction Traffic Management Plan (CTMP) will be prepared prior to the construction of the Proposed Development and will be secured through a suitably worded planning condition should the Proposed Development be granted planning permission.</p>	<b>Chapter 12: Site Access, Traffic and Transport</b>
	Landscape & Visual	<p>Having looked at the bare ground ZTV with viewpoints, I consider that the proposed three representative viewpoints within / edging D&amp;G will be sufficient to assess / demonstrate the potential effects of the landscape and visual interests of the area. The viewpoints selected are VP 13 Hart Fell (Moffat Hills RSA and Talla-Hart Fell WLA), VP 14 Chalk Rig Annandale Way (LDR, Moffat Hills RSA, and Talla-Hart Fell WLA), and VP 17 Lowther Hill SUW (LDR, Thornhill Uplands RSA). They will be a good basis to assess potential indirect impacts on sensitive landscape receptors LCT 19 Rugged Southern Uplands, the Moffat Hills and Thornhill Uplands RSAs, the Talla-Hart Fell WLA; and the sensitive visual receptors of Hart Fell and Lowther Hill popular hill walking summits, the SUW, and the Annandale Way.</p> <p>It is recommended that if possible night time visualisations are provided for Hart Fell, but recognising the remote nature of the area this is unlikely. As such night-time visualisations could be provided from Lowther Hill as it is accessible from a private road. NatureScot may have requirements for the Talla-Hart Fell WLA with respect to day and night time effects and I would support their requirements in terms of assessment of the scheme against DGC policy.</p>	<p>Noted.</p> <p>Given the distance and extent of intervening wind farm development (Clyde and Clyde Extension) between Lowther Hill and the Proposed Development, it is considered that night time views from Lowther Hill would not be significant. This has therefore not been taken on board.</p>	<b>Chapter 7: Landscape and Visual</b>

Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
		<p>My initial landscape comment is that due to the following factors daytime landscape, visual, and cumulative impacts of Oliver Forest Wind Farm would be unlikely to be significant:</p> <ul style="list-style-type: none"> <li>• set back of the scheme would be at-least 10 km away from sensitive DGC receptors;</li> <li>• potential intervisibility would be limited to upper slopes and summits; and</li> <li>• there is an existing pattern of development, including the cluster of development associated with the Clyde schemes alongside which Oliver Forest would not be a significant addition, and would at times be screened by, or read as minor extension.</li> </ul> <p>There may be some significant night-time effects, in particularly associated with the Tall-Hart Fell WLA.</p>	<p>Noted.</p> <p>Following NPF4, given that the site is not within wild land, a wild land assessment is not required.</p>	<p><b>Chapter 7: Landscape and Visual</b></p>
<p>Historic Environment Scotland (HES)                  25/01/2023</p>	<p>Archaeology and Cultural Heritage</p>	<p>We can confirm that there are no category A listed buildings, Inventory battlefields, gardens and designed landscapes or World Heritage Sites within the Proposed Development boundary.</p> <p>We recommend that the potential cumulative impacts of the Proposed Development in combination with other developments in the vicinity be assessed. This should assess the incremental impact or change when the Proposed Development is combined with other present and reasonably foreseeable developments.</p> <p>We recommend that our Managing Change Guidance Note on Setting is used to inform setting assessments and further information on good practice in cultural heritage assessment can be found in Appendix 1 of the EIA Handbook.</p> <p>We recommend that an appropriately detailed ZTV should be used to identify potential setting impacts in the first instance. We welcome that the scoping report indicates that a ZTV will be used and that consideration will be given to including assets where even though the ZTV indicates that no direct intervisibility would be possible there is the potential for turbines to appear in the background of key views towards these assets</p> <p>We note that it is proposed to scope out potential impacts on Dawyck (GDL00134) as the ZTV demonstrates that there would not be visibility of the Proposed Development from the</p>	<p>Noted.</p> <p>Cumulative impacts of the Proposed Development in combination with other developments have been assessed as part of the EIA process in relation to archaeological and cultural heritage assets.</p> <p>This guidance has been used to inform setting assessments.</p> <p>Noted.</p> <p>Noted. This has been taken into consideration during design development.</p>	<p><b>Chapter 11: Cultural Heritage and Archaeology.</b></p>

Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
		<p>Inventory GDL. We are content with this proposal based on the scoping design, however, should changes to the design result in potentially increased visibility from the Inventory GDL this should be reconsidered</p> <p>In addition, we note that the scoping report does not mention Stobo Castle (GDL00349). The GDL sits just beyond the proposed 10 km study area, however the ZTV indicates that there may be some visibility of the Proposed Development from areas of the GDL. We would therefore recommend that if this asset is to be scoped out of the assessment that a short explanation is provided to justify its exclusion.</p> <p>Given the large scale of the turbines being proposed for the wind farm and the current layout, there is the potential that significant adverse effects on both the site and the setting of scheduled monuments may result. Of particular concern are potential direct impacts and impacts on the integrity of the setting of the scheduled monuments which are located within the development boundary.</p> <p>There are also a large number of scheduled monuments in the surrounding area which have the potential to receive adverse effects to their setting. As noted above, at this stage it is not clear if these effects would raise issues of national interest such that we would object.</p> <p>Based on the information currently provided, there is the potential for direct physical impacts on the three scheduled monuments located within the Proposed Development boundary:</p> <ul style="list-style-type: none"> <li>• Weird Law, platform settlement 550m S of summit (SM 3529)</li> <li>• Menzion Farm, enclosed cremation cemetery 600m WSW of (SM 2702)</li> <li>• Menzion Farmhouse, two enclosed cremation cemeteries 400m NNW of (SM 2748)</li> </ul>	<p>This asset has been reviewed in the context of the ZTV and it is confirmed that it has been assessed.</p> <p>As part of the EIA process, assessment has been undertaken of the potential direct impacts and impacts on the integrity and setting of scheduled monuments within and outside the development boundary.</p> <p>See response above.</p> <ul style="list-style-type: none"> <li>– The location of the Scheduled Monuments within the site have been avoided by design.</li> <li>– The design of the Proposed Development has taken into account the location of the Scheduled Monuments within the site to ensure turbines are not seen directly in the backdrop of the designated heritage assets in views between assets and across the Tweed Valley.</li> <li>– A programme of enhancement in relation to Menzion Farm enclosed cremation cemetery and Menzion Farmhouse two enclosed cemeteries has been incorporated into the embedded mitigation.</li> </ul>	<p><b>Chapter 11: Cultural Heritage and Archaeology.</b></p> <p><b>Chapter 2: Site Description and Design Evolution</b></p> <p><b>Chapter 11: Cultural Heritage and Archaeology</b></p>

Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
		<p>The scoping turbine layout has one turbine (T8) located in very close proximity to SM3529</p> <p>There is as yet no indication of other associated infrastructure such as access tracks, borrow pits etc. which may also have direct impacts on these monuments without careful design. We therefore strongly recommend that design of the proposals avoids any direct impacts on these nationally important assets, in line with national policies, and that efforts are made to minimise any impacts on the setting of these assets. We note that any direct impacts on these assets are likely to require scheduled monument consent as administered by HES and that based on the current information we would be unlikely to grant consent for works within the scheduled areas. Any direct impacts to these assets without SMC would be likely to trigger our compliance procedures</p> <p>From the proposed scoping layout and given the large scale of the proposed turbines for this wind farm, there is the potential for this Proposed Development to have significant adverse effects on the setting of the scheduled monuments within the core study area and within the wider area. The Proposed Development is within an area of the Tweed Valley that contains large numbers of, particularly, prehistoric monuments. These relate to each other to form a rich, complex and well-preserved prehistoric landscape which is sensitive to the impacts of development. Based on the information provided so far, the setting of the following assets appear most likely to be significantly affected:</p> <ul style="list-style-type: none"> <li>• Weird Law, platform settlement 550m S of summit (SM 3529)</li> <li>• Menzion Farm, enclosed cremation cemetery 600m WSW of (SM 2702)</li> <li>• Menzion Farmhouse, two enclosed cremation cemeteries 400m NNW of (SM 2748)</li> <li>• Whiteside Rig, fort and enclosure (SM 3467)</li> <li>• Oliver Castle, fort (SM 3144)</li> <li>• The Chester, enclosure 180m NE of Glenrusko (SM 2817)</li> <li>• Menzion Farm, Giant's Stone, cairn and standing stones 590m NE of (SM 2700)</li> <li>• Menzion Farm, cairn 1280m SW of (SM 2770)</li> <li>• Menzion Farm, three enclosed cremation cemeteries 1550m WSW of (SM 2725)</li> <li>• Menzion Farm, palisaded settlement 1550m SW of (SM 2771)</li> <li>• Glenwhappen Rig, palisaded enclosure 1450m NE of Glenbreck (SM 3865)</li> </ul>	<p>Turbine 8 from the Scoping Layout has been removed from the proposed turbine layout.</p> <p>At Scoping stage, the location and design of associated infrastructure had yet to be developed. The design of the Proposed Development including infrastructure has sought to avoid direct impacts on nationally important assets. Potential impacts on the setting of assets has been assessed as part of the EIA process.</p> <p>Noted.</p> <p>– Settings impacts on designated heritage assets has been taken into consideration. Early discussions and site visits were undertaken by AOC Archaeology Group with HES to identify any potential significant impacts.</p> <p>– A list of visualisations was agreed in consultation with HES.</p>	<p><b>Chapter 11: Cultural Heritage and Archaeology</b></p> <p><b>Figures 11.7-11.18: Cultural Heritage Visualisations</b></p>



Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
		<ul style="list-style-type: none"> <li>• Hawkshaw Castle (SM 3132)</li> <li>• Menzion Farm, settlement 735 m SSW of (SM2750)</li> <li>• Hawkshaw Farm, unenclosed platform settlement 1240m E of (SM 2751)</li> <li>• Grange Hill, platform settlement 1000m ENE of Glenbreck (SM 3688)</li> <li>• Glenkerie Burn, fort (SM 3084)</li> </ul> <p>Visualisations should be provided for any scheduled monument where a significant effect is identified. We welcome the list of proposed visualisations provided at section 7.4.6 of the scoping report. We would further recommend that visualisations are provided for the below assets:</p> <ul style="list-style-type: none"> <li>• Oliver Castle, fort (SM 3144) – view towards the development site</li> <li>• The Chester, enclosure 180m NE of Glenrusko (SM2817) – view towards the development site with SM3144 also in the view</li> <li>• Glenwhappen Rig, palisaded enclosure 1450m NE of Glenbreck (SM 3865) – view towards the development site</li> <li>• Menzion Farm, cairn 1280m SW of (SM 2770) – view towards the development site</li> </ul> <p>If wireframes for monuments can be provided at an early stage this may assist with both the potential to identify significant effects and potentially scope out any monuments if significant effects are not likely, as well as identifying if potential mitigation by design is possible. It will also assist with identifying whether wireframes will be sufficient for the detailed assessment of impacts or whether photomontages will be required.</p> <p>In order to ensure that accidental damage to the scheduled monuments does not occur we would also recommend that mitigation measures such as making all contractors working at the site aware of the extent of the legally protected scheduled areas of the monuments are included in any application and supporting information. We recommend that in addition to them being marked on a map, that the scheduled areas of the monuments are also marked out on the ground by some form of freestanding temporary fencing with an appropriate buffer around them to avoid any inadvertent damage. The extent of the scheduled areas are marked in red in the relevant scheduling documents which are available to view and download from the Historic Environment Portal:  <a href="http://portal.historicenvironment.scot/">http://portal.historicenvironment.scot/</a>.</p>	<p>The visualisations listed have been provided as part of the assessment.</p> <p>Wireframes were drafted and sent to HES for further consultation and advice throughout project development and helped to inform a site visit undertaken by HES.</p> <p>Embedded mitigation includes the fencing off of known designated and non-designated heritage assets prior to construction.</p>	<p><b>Figures 11.7-11.18: Cultural Heritage Visualisations</b></p> <p><b>Chapter 11: Cultural Heritage and Archaeology</b></p>



Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
		<p>We note that turbine 8 in the scoping design is located in close proximity to the scheduled monuments within the development boundary (SM 3529). It may be necessary to relocate this turbine, along with turbine 9 to avoid significant effects on the setting of this nationally important monument. In addition, any related infrastructure such as access tracks will also need to be designed to avoid significant impacts on the setting of this monument and the two others within the development boundary (SM2702 and SM2748).</p> <p>We welcome that section 7 of the scoping report states that direct physical impacts, impacts on the setting of assets and cumulative impacts will be assessed. We recommend that an appropriate cultural heritage assessment methodology such as that laid out in Appendix 1 of the EIA Handbook is used for the assessment. We welcome that site visits will be carried out to assess the potential impacts on the settings of sites.</p> <p>Section 7.4.3 indicates that a 10 km study area is being proposed for the identification of assets which may receive impacts to their settings. We do not recommend the use of a specific radius for this purpose. As indicated above, we generally recommend that a ZTV is used in the first instance to identify assets which may receive impacts and any assets which might themselves fall outwith the ZTV but where important views towards them may have visibility of the turbines in the background of the asset.</p> <p>We note that some of the sites within the study area and in relatively close proximity in the development site are currently located within forestry. In line with our advice in the Managing Change note on Setting, the assessment should not rely on forestry and vegetation to screen potential impacts given the potential for felling or wind blow</p> <p>Section 7.6.2 states that impacts on the setting of undesignated historic environment assets will be scoped out of assessment. We recommend that this matter is discussed and agreed with the Local Authority archaeological advisors.</p> <p>We would welcome further early consultation as the design of the project progresses so that we can provide advice regarding impacts on the setting of assets at a useful and constructive stage in the project design process and any detailed requirements for visualisations.</p>	<p>Turbine 8 from the Scoping layout has been removed from the proposed turbine layout.                      The location of turbines has been assessed in relation to its proximity to SM3529 and the siting of turbines and associated infrastructure has sought to avoid any impacts on the setting of these scheduled monuments. Potential impacts on the setting of assets have also been assessed as part of the EIA process.</p> <p>Noted.</p> <p>Noted.</p> <p>In their Scoping Response dated 16/02/2023, SBC Archaeology Officer stated that "<i>Generally I am content with what has been proposed for scoping in of the various identified individual monuments, as well as for what individual monuments may be scoped out of further consideration in the application, for settings impacts, though note that only the turbine locations and none of the associated infrastructure of the scheme has been identified for its locations which will be key for the direct impacts.</i>"</p> <p>Noted. The proactive approach to consultation is appreciated and the Applicant/EIA team has been in touch throughout the EIA process as design of the Proposed Development has evolved.</p>	<p><b>Chapter 2: Site Description and Design Evolution</b></p> <p><b>Chapter 11: Cultural Heritage and Archaeology</b></p>

Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
NatureScot 10/01/23	General	Reference should be made to our onshore wind energy advice. Where the guidance is not followed in the EIA process we would expect explanations to be given in the EIA Report accompanying the application.	NatureScot wind energy advice has been followed during the EIA process.	<b>Chapter 4: Climate Change, Energy &amp; Planning Policy Framework</b>  <b>Chapter 5: EIA Methodology</b>  <b>Chapter 7: Landscape and Visual</b>  <b>Chapter 8: Ecology</b>  <b>Chapter 9: Ornithology</b>
	Landscape & Visual	Please note we would like to receive a paper copy of the landscape and visual impact assessment figures and zone of theoretical visibility (ZTV) maps of the EIA Report when consulted on the application. We will provide an address for these to be sent to at that time.	Paper copy of landscape and visual figures and ZTV maps has been provided at the application stage.	<b>Figures 7.1 to 7.12</b>
		Our key concern about this development is landscape and visual impacts arising from the wind farm and associated turbine lighting (due to turbine height), particularly in relation to the highly sensitive landscape of the nationally important Upper Tweeddale National Scenic Area (NSA) and the proximity of the proposal to the Talla-Hart Fell Wild Land Area (WLA).	The comments are acknowledged. A Landscape and Visual Impact Assessment has been carried out which assesses the visual impact of the Proposed Development including aviation lighting. A Landscape and Visual Technical Appendix of the EIA Report includes a commentary on the NSA and associated special landscape qualities (SLQs). Further consultation with NatureScot on 17 August 2023 has confirmed that there is no requirement for a Wild Land Assessment to be carried out in relation to the Talla - Hart Fell WLA, which is in line with the requirements of NPF4.	<b>Chapter 7: Landscape and Visual</b>  <b>Technical Appendix 7.6: Designated Landscapes</b>
		The ZTV at Figure 6 uses a blade tip height of 250m to indicate the extent of visibility of the proposed wind farm, with proposed viewpoints also indicated. Where Falla Dam and Falla Reservoir are mentioned, we take this to mean Talla Dam and Reservoir.	Talla Dam and Reservoir are the correct names as shown on Ordnance Survey mapping.	<b>Chapter 7: Landscape and Visual</b>
		The proposed viewpoint locations given on Figure 6 and in Table 4.1 appear comprehensive. An additional viewpoint from Trahenna Hill, within the NSA, would be useful.	The additional viewpoint requested at Trahenna Hill, within the NSA has been added to the assessment.	<b>Chapter 7: Landscape and Visual</b>
		We note that there is no proposal to carry out an Assessment of the Effects on Special Landscape Qualities (AESLQ) of the Upper Tweeddale NSA. Having reviewed the ZTV we request that a focused assessment of the effects of the proposal on the Special Landscape Qualities (SLQs) be undertaken. We suggest that the study area can be limited to the westerly	The Landscape and Visual Assessment of the EIA Report will include a commentary on the NSA and associated SLQs.	<b>Chapter 7: Landscape and Visual</b>  <b>Chapter 7: Landscape and Visual</b>

Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
		section of the NSA, from Trahenna Hill on the northern boundary toward the southern boundary around Stanhope. We consider that the effects on the SLQs are most likely to be cumulative in nature and may not be significant, but given the emerging development pattern to the south we consider it is an aspect that would merit further assessment. Additionally, and in support of the assessment, a viewpoint should be included from Trahenna Hill.	The additional viewpoint requested at Trahenna Hill (VP15), within the NSA has been added to the assessment.	
		The ZTV predicts visibility of the proposal from the north-facing slopes of Hart Fell, White Coomb, Lochcraig Head and Molls Cleuch Dod, and from the upland areas north of Hart Fell. We note from section 4.5 that the requirement for a Wild Land Assessment will be discussed with us, and if required, its scope and extent agreed	Further consultation with NatureScot on 17 August 2023 has confirmed that there is no requirement for a Wild Land Assessment to be carried out in relation to the Talla - Hart Fell WLA.	<b>Chapter 7: Landscape and Visual</b>
	Aviation Lighting	We note that the scoping report includes for an assessment of night-time effects on landscape character and visual amenity within the LVIA.	This is correct. An assessment of night-time effects on landscape character and visual amenity has been included within the LVIA.	<b>Chapter 7: Landscape and Visual                      Technical Appendix 7.5:                      Aviation Lighting Assessment</b>
	River Tweed SAC/SSSI	This wind farm development could have connectivity with the River Tweed SAC due to drainage and water flow within the site flowing into tributaries of the River Tweed SAC. We advise consideration is given to the potential effects of construction, operation and decommissioning of the Proposed Development in relation to the qualifying features of the SAC. The qualifying interests are sensitive to disturbance to the river habitat, including silt and sediment entering the watercourse and smothering gravel beds, suspended solids in the water column, pollution events, and changes in water quality and in water chemistry. Further information on this is given in the SNH publication 'Guidance for Competent Authorities when dealing with proposals affecting SAC freshwater sites'  We advise that sufficient information should be provided in the EIA report to enable an appraisal of the likely impact of the Proposed Development on the qualifying interests of the River Tweed SAC, and note the intention to provide this (paragraph 5.4.7). A Habitats Regulation Appraisal (HRA) will be required	It is considered that with embedded mitigation & good practice during construction, effects on the SAC & SSSI can be avoided. However, given proximity of the SAC an information to inform HRA section with the results of the desk study and field survey information has been provided within the Ecology chapter.  Potential impacts of the development on species and habitats has been addressed within the EIA Report. The application for consent will be supported by information required for the competent authority to undertake Habitats Regulations Appraisal, if required, so that the competent authority can assess whether a HRA is required for the Proposed Development	<b>Chapter 8: Ecology</b>
		Potential impacts on the qualifying interests of the River Tweed Special Area of Conservation (SAC) will need to be considered given that the watercourses within the site flow into the River Tweed SAC and Site of Special Scientific Interest (SSSI). Potential impacts can usually be addressed by good wind farm design, including embedded mitigation, and by commitment to	Good wind farm design, embedded mitigation measures and commitment to the employment of responsible construction and pollution prevention methods including the implementation of a CEMP or the presence of an ECoW on site at appropriate stages of development are	<b>Technical Appendix 3.1:                      Outline Construction                      Environmental Management                      Plan (CEMP)</b>

Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
		the employment of good construction and pollution prevention methods, the preparation and implementation of a Construction Environmental Management Plan (CEMP) or similar and having an Ecological Clerk of Works (ECoW) on site at appropriate stages of the development.	all measures that will be implemented should the Proposed Development gain consent.	
	Items Scoped Out	We are content that Tweedsmuir Hills SSSI, Craigdilly SSSI and Moffat Hills SSSI/SAC are scoped out of assessment for the reasons given in the Scoping Report.	Noted.	<b>Chapter 6: Scoping and Consultation</b>
	Ecology	The habitat and species surveys proposed and the approach to the assessment of impacts appear appropriate. Where impacts on protected species are identified, mitigation measures should be outlined within a species protection plan.	Noted.	<b>Chapter 8: Ecology</b>
	Ornithology	The bird surveys proposed and the approach to the assessment of impacts appear appropriate, however, at this stage in the process and based on the limited data presented in the Scoping Report (paragraphs 6.2.19 – 6.2.21) it is not possible for us to agree that disturbance to/displacement of all the bird species listed in paragraph 6.7.1 can be scoped out of impact assessment. We would recommend that it is likely that nightjar could be scoped out based on knowledge of their current distribution, and that that geese and swans could also be, since they are unlikely to be disturbed/displaced. The other species listed, particularly black grouse, raptors and breeding waders, should remain scoped in.	Nightjar and geese/swans have been scoped out of assessment. Black grouse, breeding waders and Annex 1 breeding raptors have been considered in the ornithology chapter, but given the standard mitigation committed, no significant effects on these ornithological features are anticipated and they are accordingly scoped out of detailed assessment.	<b>Chapter 9: Ornithology</b>
		We are currently in the process of compiling a dataset of ornithological collision risk records for target species at wind farms within Natural Heritage Zone 20 (NHZ20), which includes collision risk data for red kite. The developer should contact Southern_Scotland@nature.scot with a specific request for this, noting that it is work in progress, and not comprehensive.	This information was gathered from the Southern Scotland NatureScot team, but it has not been used in any detailed assessment given no significant effects on target species are anticipated, with the adoption of standard mitigation.	<b>Chapter 9: Ornithology</b>
		We advise that it is the responsibility of the applicant to decide whether their proposed baseline survey work is sufficient to allow a robust assessment of impacts on birds. Where the survey programme does not cover the recommended full 2 years, appropriate justification for not following our guidance should be clearly given in the EIA Report.	Consultation has been undertaken with NatureScot regarding the survey programme. NatureScot have determined that given the low levels of flight activity of target species as well as the small range and low number of breeding species identified, that the 1 year of survey data is likely sufficient to inform the EIA in this instance. A full justification for the reduced survey programme has been provided in the EIA Report.	<b>Chapter 9: Ornithology</b>
		Contact with the Southern Uplands Partnership regarding black grouse would also be useful.	Information was received from the Southern Upland Partnership, (see Technical Appendix 9.1, Confidential Technical Appendix 9.2, and Confidential Figure 9.8).	<b>Chapter 9: Ornithology                      Technical Appendix 9.1,                      Confidential Technical                      Appendix 9.2, Confidential</b>

Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
				<b>Figure 9.8 Desk Study Records</b>
		We are content that the upland breeding bird assemblage feature of Tweedsmuir Hills SSSI is scoped out of assessment for the reasons given in the Scoping Report.	Noted.	<b>Chapter 9: Ornithology</b>
	Habitat Management Plan	We support the proposal for a Habitat Management Plan (HMP) to deliver biodiversity enhancement across the site. The EIA Report should offer an outline HMP that sets out broad measures to achieve this. The outline HMP would then be worked up in detail and implemented should the development be granted permission and be constructed. Reference can usefully be made to Scottish Borders Council's Supplementary Planning Guidance for Biodiversity on their website.	An outline Nature Enhancement Management Plan (NEMP) has been developed and accompanies the EIA Report. This outline NEMP sets out broad measures to deliver habitat enhancement across the site where possible. A detailed NEMP would be developed if the Proposed Development is consented.	<b>Technical Appendix 8.6: Outline Nature Enhancement Management Plan (NEMP)</b>
	Forestry	Much of the site of the proposed wind farm is currently a commercial conifer forest. Changes to its structure required to accommodate the wind farm will be set out in a Technical Appendix to the EIA Report (paragraph 1.5.7 and section 2.4) and will include any compensatory planting measures required. Opportunities to enhance habitats within the forest to benefit biodiversity should be incorporated into the re-design of the forest	A forestry report has been provided as a standalone chapter of the EIA Report. Opportunities for habitat enhancement to benefit biodiversity has been considered during the design of the development. Habitat enhancement measures have been proposed within habitats outwith the commercial forestry plantation.	<b>Chapter 15: Forestry</b>  <b>Technical Appendix 8.6: Outline Nature Enhancement Management Plan (NEMP)</b>
	Construction Environment Management Plan	We support the proposal in Sections 6.33 and 14.1.19 for the EIA Report to include an outline Construction Environment Management Plan (CEMP) that would be worked up into a final CEMP post-consent. We would expect this to be in accordance with SEPA guidelines for pollution prevention and include site specific measures to avoid the risk of impacts on the species and habitat for which the River Tweed SAC is designated. These measures should ensure there is minimal direct disturbance of the qualifying features and protect against adverse indirect impacts on important ecological requirements such as on water quality, water flow and/or river channel substrate.	An outline CEMP has been submitted as part of the application for the Proposed Development which is in accordance with SEPA guidelines for pollution prevention.	<b>Technical Appendix 3.1: Outline Construction Environmental Management Plan (CEMP)</b>
	Decommissioning	We confirm the proposed approach to assessment of decommissioning is appropriate. We would advise that conditions placed on any future permission include the requirement for a Decommissioning and Restoration Plan for the site to be prepared and agreed within a defined period before the proposal ceases to generate electricity.	Noted.	<b>Chapter 3: Description of the Development</b>
NatureScot 15/03/2023 In response to amended ZTV	Landscape and Visual	We do not wish to make any changes to our response. We had advised that an additional viewpoint from Trahenna Hill, within the Upper Tweeddale National Scenic Area (NSA), would be useful, and would hope that this can be included.	The additional viewpoint requested at Trahenna Hill (VP15), within the NSA has been added to the assessment.	<b>Chapter 7: Landscape and Visual</b>

Consultee & Response Date	Discipline	Consultees Comments	Response to Consultee	Where Addressed in the EIA Report
Scottish Environment Protection Agency (SEPA) 21/12/2022	Hydrology	<p>We consider that the following key issues must be addressed in the Environmental Impact Assessment process. To avoid delay and potential objection, the information outlined below and in the attached appendix must be submitted in support of the application.</p> <p>A) Map and assessment of all engineering works within and near the water environment including buffers, details of any flood risk assessment and details of any related CAR applications.</p> <p>b) Map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.</p> <p>c) Map and assessment of impacts upon groundwater abstractions and buffers.</p> <p>d) Peat depth survey and table detailing re-use proposals.</p> <p>e) Map and table detailing forest removal.</p> <p>f) Map and site layout of borrow pits.</p> <p>g) Schedule of mitigation including pollution prevention measures.</p> <p>h) Borrow Pit Site Management Plan of pollution prevention measures.</p> <p>i) Map of proposed waste water drainage layout.</p> <p>j) Map of proposed surface water drainage layout.</p> <p>k) Map of proposed water abstractions including details of the proposed operating regime.</p> <p>l) Decommissioning statement.</p> <p>We agree that a Private Water Supply (PWS) risk assessment is scoped into the EIA. We would recommend that the developer refers to SEPA's LUPS-GU31 (11/09/2017 v3) for the applicable buffer zones that would apply to PWS sources identified, the PWS source information required, the risk assessment and, if applicable, the mitigation and monitoring (including baseline) requirements. The PWS source information required includes clearly identifying together on a diagram the proposed infrastructure (not just turbines), PWS sources and applicable buffer zones. Refer to Section 5 of the attached Appendix for further information.</p>	<p>The requirements listed from a), b), C), d), e), f), g) h) listed across has been included in the EIA Report.</p> <p>It is proposed that i), j) and k) would form part of the site CEMP and part of the Construction Site Licence application which would be submitted to SEPA.</p> <p>l) decommissioning – An assessment has been undertaken of the potential effects on geology (including soils and peat) and the water environment (hydrology and hydrogeology) during the construction, operation and decommissioning phases of the Proposed Development. The ultimate decommissioning protocol would be agreed with SBC and other appropriate regulatory authorities in line with best practice guidance and requirements of the time. This would be done through the preparation and agreement of a Decommissioning and Restoration Plan (DRP) which would include development and implementation of a Decommissioning Environmental Management Plan in line with current legislation, guidance, policy at that time</p> <p>Noted.</p>	<p><b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b></p> <p><b>Technical Appendix 3.2: Borrow Pit Assessment</b></p> <p><b>Technical Appendix 10.1: Peat Landslide Hazard Risk Assessment (PLHRA)</b></p> <p><b>Technical Appendix 10.2: Peat Management Plan (PMP)</b></p> <p><b>Technical Appendix 3.1: Outline Construction Environmental Management Plan (CEMP)</b></p> <p><b>Technical Appendix 10.3: Private Water Supply Risk Assessment</b></p>
	Peat	<p>We note that there are localised areas of deep peat in the north west area of the site. We would highlight that peat greater than 1 m in depth is considered deep peat, and that the submission must demonstrate how the layout has been designed to avoid areas of deep peat. We note that site specific targeted peat probing will be used to identify areas of potential deep peat and these will be avoided where possible, and we agree with this</p>	<p>The layout and design of infrastructure has been sited where possible to avoid areas of deep peat and a phase 2 peat probing exercise was undertaken to inform the siting of infrastructure. Peat depths greater than 1 m are limited within the site and have been avoided where possible. Near proposed Turbine 4 there are a few pockets of peat deeper than 1 m although these areas</p>	<p><b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b></p> <p><b>Technical Appendix 10.1: Peat Landslide Hazard Risk Assessment (PLHRA)</b></p>



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		<p>approach. In order to avoid delays and potential objection at a later stage, we would welcome the opportunity to review the proposed layouts and peat probing data in advance of the finalised EIA Report. We would ask that the phase 1 and phase 2 peat probing data is made available as part of the application submission. Please see Section 3 of the attached Appendix for further information</p>	<p>would be used temporarily for laydown purposes only, minimising the disturbance of peat as far as possible.</p>	<p><b>Technical Appendix 10.2: Peat Management Plan (PMP)</b></p>
	<p>Watercourses</p>	<p>We note that a minimum 50m buffer around watercourses/waterbodies which all elements will avoid is proposed and we are supportive of this approach. All watercourses must be identified, by mapping and ground truthing and a plan provided to show all watercourses and buffer zones, with proposed infrastructure overlain. Information on the scale of forestry felling must also be provided as there may be forest drains which could act as a pollution pathway. Watercourse crossings must be minimised. T4 appears to be located in a steep sided area to watercourses and we would encourage consideration of an alternative location for this turbine as in the current location it may be difficult to accommodate adequate space for mitigation. Please refer to Section 2 in the attached appendix.</p> <p>Provided watercourse crossings are designed to accommodate the 1 in 200 year event and other infrastructure is located well away from watercourses we do not foresee from current information a need for detailed information on flood risk.</p>	<p>Watercourses and associated buffer zones have been presented on figures setting out the Proposed Development infrastructure.</p> <p>A Forestry Chapter is included within the EIA Report which assesses and outlines the existing forestry on the site and the tree felling proposed.</p> <p>There is one existing watercourse crossing on the current forestry track as shown on Figure 10.1, which may need to be upgraded subject to structural analysis at the detailed design stage of the Proposed Development. Two new watercourse crossings comprising of small timber footbridges would be required to be installed to facilitate the recreational heritage trail in the south of the site.</p> <p>Turbine 4 (within the scoping layout) was removed in order to comply with watercourse setback distances, amongst other environmental considerations.</p> <p>Noted.</p>	<p><b>Figure 2.2: On-Site Constraints &amp; Figure 10.3.1: Private Water Supply Risk Assessment</b></p> <p><b>Chapter 15: Forestry</b></p> <p><b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b></p>
	<p>Site Layout</p>	<p>All maps must be based on an adequate scale with which to assess the information. This could range from OS 1:10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground.</p>	<p>Noted.</p>	<p><b>Figure 3.2: Site Layout</b></p>

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		For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable. Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.		
	Engineering activities which may have adverse effects on the water environment	The site layout must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing: All proposed temporary or permanent infrastructure overlain with all lochs and watercourses. A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works. Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.	Noted. It is confirmed that a buffer of 50 m to watercourses and waterbodies has been included in the site design.	<b>Chapter 2: Site Description and Design Evolution</b>  <b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b>
British Telecoms 07/12/2022	Telecoms	Using the site location document of the scoping report we studied the proposed windfarm development, with respect to EMC and related problems to BT point-to-point microwave radio links. The conclusion is that, the Project indicated should not cause interference to BT's current and presently planned radio network. However, no Grid-ref's were supplied indicating the proposed turbine positions, once available can you please provide us with these so we can map them and reassess	Wind turbine co-ordinates were subsequently provided to British Telecommunications (BT) (see below). It was advised that the project should not cause interference to BT's current and presently planned radio network.	<b>Chapter 17: Other Considerations</b>
British Telecoms 20/12/2022	Telecoms	We have re-assessed the proposed windfarm development using the grid-ref's given, with respect to EMC and related problems to BT point-to-point microwave radio links. The conclusion is that, the Project indicated should not cause interference to BT's current and presently planned radio network.	Noted.	<b>Chapter 17: Other Considerations</b>
Crown Estate Scotland 29/01/2023	General	I write to confirm that the assets of Crown Estate Scotland are not affected by this proposal and we therefore have no comments to make.	Noted.	-
Defence Infrastructure Organisation 30/01/2023	Aviation & Defence	The MOD has concerns with the proposal. The proposal assessed by the MOD is 10 turbines with maximum blade tip heights of 200 m above ground level (Scoping layout).	It should be noted that the EIA Scoping Report for Oliver Forest Wind Farm dated November 2022 stated a tip height of 250 m for the turbines. The MOD has been reconsulted as the project progresses and the blade tip height has reduced to up to 200 m.	<b>Chapter 16: Aviation</b>



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		<p><u>Eskdalemuir Seismological Recording Station</u>                      The proposed application site falls within the statutory consultation zone of the seismological recording station at Eskdalemuir (the array), a UK asset that contributes to the Comprehensive Nuclear Test Ban Treaty. Research has confirmed that wind turbines of current design generate seismic noise which can interfere with the operational functionality of the array. In order to ensure the United Kingdom can continue to implement its obligations in maintaining the Comprehensive Nuclear Test Ban Treaty a noise budget, based on the findings of research for the 50 km radius surrounding the array, is managed by the MOD.</p> <p>At this time, there is no noise budget available in respect of this Section 36 application. Therefore, the MOD must object to this application due to the unacceptable impact the proposed wind energy development would have upon the array.</p> <p>If the developer is able to overcome the issues stated above, to address the impact up on low flying given the location and scale of the development, the MOD would require that conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.</p> <p>As a minimum the MOD would require that the development be fitted with MOD accredited aviation safety lighting in accordance with the Air Navigation Order 2016.</p>	<p>Consultation has been undertaken with the DIO on potential future noise budgets available within the statutory consultation zone of the seismological recording station at Eskdalemuir.</p> <p>A reduced lighting scheme has been agreed with the CAA such that three turbines, Turbine 1, Turbine 3, and Turbine 6) would be lit with medium intensity steady red (2000 candela) lights on the hubs.</p>	<p><b>Technical Appendix 16.1: Aviation Lighting and Mitigation Report</b></p>
<p>Edinburgh Airport                      12/12/2022</p>	<p>Aviation</p>	<p>This proposal has been examined from an aerodrome safeguarding perspective and conflicts with safeguarding criteria. We therefore object to the development on the following grounds:</p> <p><u>Instrument Flight Procedure (IFP) Assessment</u></p> <p>No turbine tower of any turbine may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that: (a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such</p>	<p>The Applicant instructed an IFP Assessment through Edinburgh Airport who instructed Osprey Consulting Service (a CAA Approved Procedure Design Organisation). The report demonstrated that there will be no impact upon the procedures from the Proposed Development.</p>	<p><b>Chapter 16: Aviation</b></p>

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		approval is required); and (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.  Reason: In the interests of aviation safety		
Fisheries Management Scotland 21/12/2022	Ecology	FMS act as a convenient central point for Scottish Government and developers to seek views on local developments. However, as we do not have the appropriate local knowledge, or the technical expertise to respond to specific projects, we are only able to provide a general response with regard to the potential risk of such developments to fish, their habitats and any dependent fisheries. Accordingly, our remit is confined mainly to alerting the relevant local DSFB/Trust to any proposal. The Proposed Development falls within the jurisdiction of the River Tweed Commission and Tweed Foundation. It is important that the proposals are conducted in full consultation with these organisations, and I should be grateful if they could be involved in the project proposals. I have copied this response to the Director of both organisations.  Due to the potential for such developments to impact on migratory fish species and the fisheries they support, FMS have developed, in conjunction with Marine Scotland Science, advice for DSFBs and Trusts in dealing with planning applications. We would strongly recommend that these guidelines are fully considered throughout the planning, construction and monitoring phases of the Proposed Development	The River Tweed Commission and Tweed Foundation have been consulted. The River Tweed Commission has provided a scoping response which is dealt with in turn below.	<b>Chapter 8: Ecology</b>
Glasgow Prestwick Airport 06/12/2022	Aviation	On behalf of Glasgow Prestwick Airport (GPA) I have reviewed the available documentation regarding Oliver Forest Wind Farm (ECU00004669).  The proposed wind farm lies outwith GPA's safeguarding area or instrument flight procedures and is fully shielded from the GPA primary surveillance radars. As such, we would have no comment to make, or valid objection should the development proceed to a full Section 36 planning application.	Noted.	<b>Chapter 16: Aviation</b>
JRC Ltd 08/12/2022	Telecommunications	This proposal is cleared with respect to radio link infrastructure operated by the local energy networks.	Noted.	<b>Chapter 17: Other Considerations</b>
Marine Scotland Science (MSS)	Fish	MSS 'advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments' provided in		

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		<p>Annex B to the ECU Scoping Response. Some of the key points include:</p> <p>The Electricity Works (Environmental Impact Assessment) (EIA) (Scotland) Regulations (2017) state that the EIA must assess the direct and indirect significant effects of the proposed development on water and biodiversity, and in particular species (such as Atlantic salmon) and habitats protected under the EU Habitats Directive. Salmon and trout are listed as priority species of high conservation interest in the Scottish Biodiversity Index and support valuable recreational fisheries.</p> <p>Developers will be required to provide a gate check checklist (annex 1) in advance of their application submission which should signpost ECU to where all matters relevant to freshwater and diadromous fish and fisheries have been presented in the EIA Report. Where matters have not been addressed or a different approach, to that specified in the advice, has been adopted the developer will be required to set out why.</p> <p>Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:</p> <ul style="list-style-type: none"> <li>• any designated area, for which fish is a qualifying feature, within and/or downstream of the proposed development area;</li> <li>• the presence of a large density of watercourses;</li> <li>• the presence of large areas of deep peat deposits;</li> <li>• known acidification problems and/or other existing pressures on fish populations in the area; and</li> <li>• proposed felling operations.</li> </ul> <p>MSS recommends that a water quality and fish population monitoring programme is carried out to ensure that the proposed mitigation measures are effective. A robust, strategically designed and site specific monitoring programme conducted before, during and after construction can help to identify any changes, should they occur, and assist in implementing rapid remediation before long term ecological impacts occur.</p> <p>MSS advises that planning conditions are drawn up to ensure appropriate provision for mitigation measures and monitoring programmes, should the development be given consent. We</p>	<p>Noted.</p> <p>Noted. The MSS (now Marine Directorate) gate check checklist has been completed and is included as a standalone document.</p> <p>A water quality and fish population monitoring programme will be planned and carried out prior to, during and after construction.</p> <p>The following measures are proposed: Water Quality Monitoring Programme, Fisheries Monitoring Programme and the appointment of an Ecological Clerk of Works, in order to protect the fisheries environment. The Fisheries Monitoring would include a programme of pre-, post- and during construction monitoring if the</p>	<p><b>EIA Report Chapter 8: Ecology</b></p> <p><b>Technical Appendix 8.4: Fisheries</b></p> <p><b>Chapter 8: Ecology</b></p> <p><b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b></p> <p><b>Technical Appendix 8.4: Fisheries</b></p> <p><b>Chapter 18: Schedule of Commitments.</b></p> <p><b>Chapter 8: Ecology</b></p> <p><b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b></p>

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		recommend, where required, that a Water Quality Monitoring Programme, Fisheries Monitoring Programme and the appointment of an Ecological Clerk of Works, specifically in overseeing the above monitoring programmes, is outlined within these conditions and that MSS is consulted on these programmes.	project is consented. The specifics of the programme would be agreed with NatureScot. It is not proposed to undertake electrofishing surveys prior to submission of the application. Fish habitat surveys have been undertaken and are reported fully in the EIA Report along with proposed mitigation considered appropriate to protect and avoid impacts on the fish habitat.	<b>Technical Appendix 8.4: Fisheries</b>  <b>Chapter 18: Schedule of Commitments</b>
Mountaineering Scotland 06/01/2023	Access & Recreation	Mountaineering Scotland has no comment to make on this Scoping Report for the proposed Oliver Forest windfarm.	Noted.	<b>Chapter 14: Socio-economics, Recreation and Tourism</b>
NATS Safeguarding 13/12/2022	Aviation	The Proposed Development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria.  Accordingly, NATS (En Route) plc objects to the proposal. Using the theory as described in Appendix A (of their Scoping Response) and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.  The Proposed Development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be unacceptable	Further consultation with NATS has confirmed that the mitigation for Oliver Forest is Lowther Hill Indra Lanza.	<b>Chapter 16: Aviation</b>
Office for Nuclear Regulation 16/12/2022	Others	With regard to planning application EC00004669, ONR makes no comment on this Proposed Development as it does not lie within a consultation zone around a GB nuclear site.	Noted.	-
River Tweed Commission 21/12/2022	Ecology	Our general guidance to those seeking our input to scoping documentation or consent applications:  <b>Assessment of Risk</b> The following factors should be considered in evaluating the risk of a development to fisheries: <ul style="list-style-type: none"> <li>• Presence and abundance of salmon, sea trout and sea lamprey, river lamprey, brook lamprey, trout (ancestral forms and sea trout) and European eel</li> <li>• Development within/ adjacent to the Tweed SAC</li> <li>• Density of water bodies (standing and running waters)</li> <li>• Presence of large areas of deep peat</li> <li>• Forest removal</li> </ul>	The factors listed have been evaluated for potential impacts arising from the Proposed Development.	<b>Chapter 8: Ecology</b>  <b>Technical Appendix 8.4: Fisheries</b>

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		<ul style="list-style-type: none"> <li>• Known acidification problems</li> <li>• Large number of proposed stream crossings</li> </ul> <p>In evaluating the Environmental Statement careful consideration should be given to the following activities which can have an impact on fisheries:</p> <ul style="list-style-type: none"> <li>• Turbine foundations</li> <li>• Excavation of borrow pits</li> <li>• Road construction/upgrading</li> <li>• Cable laying</li> <li>• Water abstraction and discharge</li> <li>• Obstruction to fish migration</li> <li>• Removal or degradation of physical habitat</li> <li>• Reduction in food supply (e.g. invertebrates).</li> </ul> <p><b>Water bodies and stream crossings</b>                      It is recommended that construction avoids water bodies wherever possible. If construction is to be carried out near watercourses, a buffer zone of at least 50m should be established. The potential for sediment transport and deposition should be carefully considered and the installation of appropriate siltation controls should be employed. Where river crossings are proposed SEPA's Engineering in the Water Environment Good Practice Guide should be consulted. The use of 'clear span bridge crossings' is encouraged wherever possible.</p> <p><b>Peat stability</b>                      Peat slides can have a direct impact on fisheries and peat disturbance can have indirect effects on water quality and quantity and abundance of invertebrates. A detailed survey of peat deposits present within the site should be undertaken to ascertain the risk of peat slide during construction. All construction should avoid areas of deep peat and where this is not possible appropriate mitigation measures should be put in place. Natural peat drainage channels should be preserved throughout the development; excavated material should not be stock piled in areas of unstable peat; concentrated water flows onto peat slopes should also be avoided.</p> <p><b>Abstraction and discharge of water</b>                      SEPA, through The Water Environment (Controlled Activities) (Scotland) Regulations 2011 –more commonly known as the Controlled Activity Regulations (CAR) – and their further amendments of 2013 and 2017, regulates abstraction from and discharge of polluting matter to all wetlands, surface waters</p>	<p>Potential impacts of the Proposed Development from the activities listed have been addressed within the EIA Report in relation to fisheries.</p> <p>A minimum buffer of 50 m around watercourses/waterbodies has been applied which all elements of the Proposed Development (including turbines and infrastructure) will avoid.</p> <p>The potential for sediment transport and deposition has been considered and where necessary, silt controls will be employed.                      Good practice guidance has been followed during the course of study and assessment and will continue through construction.                      Phase 1 and 2 peat depth survey of the site has been carried out to identify areas of peat.                      Based on the results of the Phase 2 targeted peat depth probing and location of turbines and associated infrastructure, a peat landslide and hazard risk assessment and a peat management plan has been prepared as part of the EIA Report.</p> <p>It is not anticipated at this stage that water abstraction will be required. Should abstraction be required, the developer will ensure compliance with The Salmon (Fish Passes and Screens) (Scotland) Regulation 1994 in order to prevent the injury to salmon and other fish species.</p>	<p><b>Chapter 2: Site Description and Design Evolution</b></p> <p><b>Technical Appendix 3.1: Outline Construction Environmental Management Plan (CEMP)</b></p> <p><b>Technical Appendix 10.1: Peat Landslide Hazard Risk Assessment (PLHRA)</b></p> <p><b>Technical Appendix 10.2: Peat Management Plan (PMP)</b></p> <p><b>Chapter 10: Hydrology, Hydrogeology and Soils.</b></p>

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		<p>and ground waters. Where water abstraction is proposed, the developer should ensure that they comply with The Salmon (Fish Passes and Screens) (Scotland) Regulation 1994 which states that screens, at the point of water abstraction, should serve to prevent the entry and injury of salmon. Other fish species should also be considered in the same manner. Surface water run-off must be discharged in such a way to minimise the risk of pollution of the water environment.</p> <p><b>Pollution</b>                      Controlled Activity Regulations require any activity that is liable to cause water pollution to be authorised by SEPA. This includes point source pollution (e.g. sewage and trade effluent) and diffuse pollution (fuel, concrete spills, sediment discharge) all of which can be detrimental to the survival of fish. SEPA has produced guidelines for the prevention of pollution.</p> <p><b>Acidification</b>                      Particular attention should be paid to acidification issues if they are known to be a problem in the area. Anthropogenic acidification of freshwaters is largely caused by the input of sulphur and nitrogen compounds, derived from the combustion of fossil fuels, exceeding the buffering capacity of the soils and underlying rocks through which the streams flow. Peat deposits and marine derived sulphates can also contribute to acidity. Salmonid fish are particularly sensitive to acid water, particularly due to the increased mobility of labile aluminium in acid conditions which is toxic to aquatic organisms.</p> <p><b>Forestry</b>                      The developer should assess the potential impacts of tree felling on the aquatic environment including nutrient release, increased acidification risk, loss of habitat, impacts on hydrology, increased fine sediment transport and deposition, all of which can have a detrimental impact on fish populations and should therefore be addressed in the ES. In addition, the mulching of fallen trees in situ should be avoided. The Forest and Water Guidelines should be consulted for further information.</p> <p><b>Monitoring Programmes</b>                      Monitoring throughout the development phase should be carried out to identify impacts and allow remediation at the earliest opportunity for sites where there are thought to be risks to fish populations. The experimental design of the monitoring programme should focus on the risks presented by the</p>	<p>Surface water run-off will be discharged in such a way that will minimise the risk of pollution to the water environment. This will likely be dealt with as part of a Construction Environmental Management Plan (CEMP) for the site.</p> <p>Where necessary, authorisation will be sought from SEPA for any activity liable to cause pollution. A schedule of mitigation measures including pollution prevention measures has been included within the EIA Report.</p> <p>Assessment of potential impacts on the water environment, including water quality is presented in the EIA Report.                      A water quality monitoring programme is proposed and which would be used to confirm the efficacy of the mitigation measures and be used to record water quality in the watercourses that drain the site.</p> <p>Forestry is included as a Chapter within the EIA Report which assesses and outlines the existing forestry on the site and the tree felling proposed.</p> <p>A draft schedule for water quality monitoring, to confirm the efficacy of proposed mitigation measures is presented in the EIA Report.</p>	<p><b>Technical Appendix 3.1: Outline Construction Environmental Management Plan (CEMP)</b></p> <p><b>Chapter 10: Hydrology, Hydrogeology and Soils.</b></p> <p><b>Chapter 10: Hydrology, Hydrogeology and Soils.                      Chapter 8: Ecology</b></p> <p><b>Chapter 15: Forestry</b></p> <p><b>Chapter 10: Hydrology, Hydrogeology and Soils.</b></p>

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		<p>development and be clearly justified. Methods of analysis, reporting mechanisms and links to site management should also be clearly identified.</p> <p>In order to assess the potential impact of developments, the developer should provide information on all species and abundance of fish within the development area. The onus is on the developer to provide adequate information on which to base an assessment of risk. Where there is a potential risk to salmonid populations baseline survey data should be collected for a minimum of 12 months (ideally monitoring should be provided for more than 1 year) prior to construction to establish pre-construction characteristics.</p> <p>A 12-month monitoring period would require a larger number of monitoring sites to deal with intra-site and intra-annual variation. A Before and After Control Impact (BACI) design allows robust assessment of effects. It is important that there are adequate control sites to allow intra-site and intra-annual variation to be taken into account. Monitoring programmes might include:</p> <ul style="list-style-type: none"> <li>• Water quality monitoring targeted to risks (e.g. turbidity, Acid Neutralising Capacity, pH, nutrients, Dissolved Organic Carbon)</li> <li>• Aquatic macro-invertebrates</li> <li>• Fish – all species and abundance of fish. Particular attention should be paid to species of high economic and/or conservation value – Atlantic salmon, sea lamprey, river lamprey and brook lamprey are listed under the European Habitat Directive. Atlantic salmon, trout (ancestral forms and sea trout), European eel, river lamprey, sea lamprey and Arctic char are UK Biodiversity Action Plan (UKBAP) species-listed as priorities for conservation. European eel is also protected by EU regulation (EC No 1100/2007).</li> <li>• A pre-construction walk-up habitat survey might also be considered here, specifically to identify key features of fish habitat (i.e. spawning beds, holding pools etc.).</li> </ul> <p>The developer should clearly identify the methods of data collection, analysis and reporting to be employed. These methods must be statistically robust to detect change and any monitoring must feed back into site management to trigger remedial action/restoration. Following construction, there should be 3-5 years post development monitoring, with scope to extend this period if impacts are detected. The combined effect of all existing and proposed construction developments in the area should be addressed in the ES in addition to</p>	<p>Noted. Contact will be made with the River Tweed Commission for any available data they have collected and whether this could be used as a proxy for pre-construction surveys (dependent on how recent the survey data was gathered and/or whether notable changes to the baseline results are considered likely in the interim period)</p> <p>If deemed necessary, the design of the pre-construction monitoring programme will be developed following the outcome of the EIA process.</p> <p>Noted.                      A Fish Monitoring Plan (FMP), including pre-, during- and post-construction fish monitoring would be produced in consultation with the River Tweed Commission.</p>	<p><b>Technical Appendix 8.4: Fisheries</b></p>



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		<p>angling, as a recreation interest, and the impact that the Proposed Technical Appendix: Fish Surveys. Development may have on it. If the developer considers that there will be no significant impact from the development and as such no monitoring will be required, this should be clearly presented in the ES with supporting data and information thereby enabling the Commission to assess the decision on monitoring requirements. If this information is not provided, the Commission recommends that the developer carry out a full monitoring survey of fish and water chemistry in addition to appropriate mitigation plans.</p> <p><b>Maintenance and Decommissioning</b>                      The standards outlined above would be equally important for any routine site maintenance and ultimately the decommissioning of the development. This would include the maintenance of drainage schemes and any siltation controls where appropriate.</p> <p><b>Mitigation/ risk management</b>                      Adherence to best available techniques would be expected throughout the development. Site specific mitigation measures and/or enhancement programmes to protect and/or compensate freshwater habitats should always be included in the Environmental Statement.                      Examples of mitigation measures include:</p> <ul style="list-style-type: none"> <li>• Avoidance of water bodies</li> <li>• Avoidance of peat</li> <li>• Hydrological buffer zones</li> <li>• Timing of works</li> <li>• Drainage schemes (which allow no direct discharges to water courses)</li> <li>• Pollution prevention</li> <li>• Adherence to current legislation and guidelines (e.g. river crossing for migratory fish.</li> </ul> <p>Other aspects of mitigation might include habitat restoration more generally, installation/repair of riparian fencing or riparian tree planting.                      Large scale terrestrial wind farms have been built in important river catchments with little or no observable impact on either water quality, quantity or fish populations. However, there remains the possibility of significant impacts on water quality, even on very well managed developments. Changes in water quality such as pH can be altered by development and there</p>	<p>Noted.</p> <p>Mitigation measures, where required, are set out within the EIA Report.</p> <p>Noted.</p>	<p><b>Chapter 8: Ecology</b></p> <p><b>Chapter 18: Schedule of Commitments</b></p> <p><b>Chapter 8: Ecology</b></p> <p><b>Chapter 18: Schedule of Commitments</b></p>



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		<p>have been examples of catastrophic failure of wind farm developments (Derry Bran –Republic of Ireland). There is therefore potential for considerable long and short term damage to the freshwater environment and it is these risks and subject areas that the Commission would seek to mitigate. If designed and located properly and if proper care and attention is taken during construction the wind farm development need not be incompatible with a high quality freshwater environment.</p>		
<p>RSPB 05/01/2023</p>	<p>Ornithology</p>	<p><b>Q6.1: Do consultees agree with the range of desk study sources and ornithology surveys considered to inform the design and assessment of the Proposed Development? Including the “Target Species” considered?</b>                      We would advise that a data request is made to the Southern Upland Partnership (SUP) given the proximity of this site in relation to the Regional Black grouse population including current and historical lek sites and since survey work for this project has confirmed potential activity within 1 km from the project boundary.</p> <p><b>Q6.2: Do consultees agree that the full range of likely effects to be assessed within the EIA Report has been adequately identified and is proportionate to the nature of the Proposed Development?</b>                      Yes.</p> <p><b>Q6.3: Are there any other relevant consultees who should be contacted with respect to the ornithology assessment and scope of baseline information gathering?</b>                      SUP (Black grouse data)</p> <p><b>Q6.4: Do consultees agree with those features that have been scoped out of assessment in respect to ornithology (and the rationale for the decision)?</b>                      No. Since survey work is ongoing we disagree with the scoping out of ornithological features listed in the Scoping report (6.7). Half of the proposed turbines are proposed to be located in open ground habitat which may support nest sites or foraging habitat for a number of sensitive species including black grouse and breeding waders. Since survey work is ongoing and the presence of some species recommended for scoping out have been confirmed or suspected on site and/or within survey buffer areas, we advise that the scoping out of some of these species is premature.                      In particular, we have data that confirms that this project is within a strategic location for the Regional population of Black grouse and results of baseline survey work has confirmed their</p>	<p>Contact with the Southern Uplands Partnership regarding black grouse records relevant to the site has been undertaken.</p> <p>Noted.</p> <p>Noted.</p> <p>The species listed has been considered as part of the EIA Report. Those species scoped out of detailed assessment is explained in the ornithology chapter.</p>	<p><b>Chapter 9: Ornithology</b></p> <p><b>Chapter 9: Ornithology</b></p> <p><b>Chapter 9: Ornithology</b></p>

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		<p>presence. The population of red listed Black grouse is one of decline with less than 100 lekking males recorded in the Scottish Borders and less than 200 in total across its range in southern Scotland in 2022. We can also advise that the location of this project site within an area of potentially high wader density as confirmed by SBCC' mapping work (Quixwood Breeding wader). We also note that desk results for data on Annex 1 raptor species has not yet been assessed and that survey to record breeding raptors excluded the months of February and March which are key months for territorial display activity for some species including Red kite. We therefore advise that the following species remain scoped into assessment as part of the EIA.</p> <ul style="list-style-type: none"> <li>• Black grouse</li> <li>• Breeding waders in particular breeding Curlew.</li> <li>• Annex 1 breeding Raptors</li> </ul> <p><b>Q6.5: Do consultees agree with the proposed scope of the cumulative assessment?</b>                      Given the location of this project within the southern Scotland Black grouse population range, we strongly advise that cumulative impact to this species is assessed at the Regional level (NHZ20) and to be based on its current range and status.</p> <p><b>Q5.6: Do consultees agree that potentially significant impacts upon statutory designated sites for nature conservation (with ornithological features of interest) can be scoped out of the assessment?</b>                      Yes</p>	<p>Black grouse has not been considered in the detailed assessment owing to the lack of records relevant to the site, largely unsuitable habitats onsite and the adoption of good practice measures and pre-construction surveys.</p> <p>Noted.</p>	
<p>Scottish Water 05/01/2023</p>	<p>Hydrology &amp; Hydrogeology</p>	<p>Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the Proposed Development can currently be serviced.</p> <p>A review of our records indicates that the proposed activity appears to falls partly within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Megget Reservoir supplies Glencorse, Rosebury, Marchbank and Bonnycraig Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified immediately using the Customer Helpline number 0800 0778 778.</p>	<p>Noted.</p> <p>Noted.</p>	<p><b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b></p>

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		<p>The activity is a sufficient distance from our intake that it is likely to be low risk, however water quality protection measures must be implemented.</p> <p>As the proposed site is West of the River Tweed the impact on Talla and Fruid our neighbouring reservoirs and catchments is not affected. However you should be aware that local heavy construction traffic has the potential to impact the nearby Talla Aqueduct although again is likely low risk. This should be confirmed however through obtaining plans from our Asset Plan Providers, listed in the SW list of precautions for assets, which can be found on the activities within our catchments page of our website at <a href="http://www.scottishwater.co.uk/slm">www.scottishwater.co.uk/slm</a>. In the event that asset conflicts are identified then early contact should be made with the HAUC Diversions Team via the Development Services portal -<a href="http://www.scottishwater.co.uk/portal">www.scottishwater.co.uk/portal</a></p> <p>Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at <a href="http://www.scottishwater.co.uk/slm">www.scottishwater.co.uk/slm</a>.</p> <p>We welcome receipt of this notification about the proposed activity within a drinking water catchment where a Scottish Water abstraction is located.</p> <p>The fact that this area is located within a drinking water catchment should be noted in documentation. Also anyone working on site should be made aware of this during site inductions and we would also like to take the opportunity, to request that in advance of any works commencing on site, Scottish Water is notified at <a href="mailto:protectdwsources@scottishwater.co.uk">protectdwsources@scottishwater.co.uk</a> so we can make our operational teams aware there will be activity taking place in the catchment.</p>	<p>Plans have been requested from Asset Plan Providers to confirm if construction traffic would potentially have an impact on the Talla Aqueduct.</p> <p>Noted.</p>	<p><b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b></p>
<p>Transport Scotland 10/01/2023</p>	<p>Traffic &amp; Transport</p>	<p>Transport Scotland considers the methodology identified within the SR to be appropriate.</p>	<p>Noted.</p>	<p><b>Chapter 12: Site Access, Traffic and Transport</b></p>

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		<p>The SR states that each turbine is likely to require between 11 and 14 abnormal loads to deliver the components to site, and all abnormal load traffic would travel to the site from King George V Docks in Glasgow via the M8, M74 and A701.</p> <p>We note that detailed swept path analyses will be undertaken for the main constraint points on the route from the port of entry through to the site access junction to demonstrate that the turbine components can be delivered to site and to identify any temporary road works which may be necessary. Transport Scotland is satisfied with this approach and would add that any proposed changes to the trunk road network must be discussed and approved (via a technical approval process) by the appropriate Area Managers prior to the movement of any abnormal load. The abnormal loads assessment should be submitted with the application as a technical appendix.</p>	<p>The Abnormal Loads Assessment is submitted as a Technical Appendix to the EIA Report.</p> <p>It is noted that any proposed changes to the trunk road network will require prior approval by the appropriate Area Managers prior to the movement of any abnormal load.</p>	<p><b>Technical Appendix 12.1: Transport Assessment, Annex A: Route Survey Report</b></p>
<p>Tweedsmuir Community Council                  22/02/2023</p>	<p>General</p>	<p>The recently updated Tweedsmuir Community Action Plan highlighted that local residents really value the beauty of the landscape and stressed the importance of retaining the unspoilt and special landscape of the area. These proposals will site an additional windfarm in a prominent, central position within the community. A majority of households will have sight of some if not all of the proposed turbines, in addition to those already visible. These turbines will therefore have a significant visual impact across the community, substantially altering the nature of the views of the landscape currently enjoyed by residents.</p> <p>Neighbouring communities are rightly being informed and consulted on these proposals. However, as was made clear in your initial letter to Community Councils 'Our current studies show limited or no visibility from Broughton, Moffat and Biggar'. We are concerned that given the significantly larger populations of the communities of Moffat, Broughton and Biggar, any support they lend to this proposal, will significantly outweigh any concerns or objections raised by the residents of Tweedsmuir.</p> <p>Another priority highlighted by residents through the Community Action Plan was the need to develop Tweedsmuir as a place to visit to experience the unique environment, heritage, and culture. Plans are under underway to develop small scale sustainable tourism, contributing to the sustainability of the community. The siting of the proposed</p>	<p>A Landscape and Visual Impact Assessment has been carried out which assesses the visual impact of the Proposed Development and includes potential effects on the visual amenity of residents.</p> <p>A Residential Visual Amenity Assessment of properties has been considered up to 3 km from properties with detailed assessment focusing on properties within 2.5 km. The results are reported in a Technical Appendix.</p> <p>The EIA Report will include an assessment of the potential impact of the Proposed Development on the local tourism economy. Impacts on recreation and visitor use of the site and surrounding area has been assessed in relation to landscape and visual effects and effects on access.</p>	<p><b>Chapter 7: Landscape and Visual</b></p> <p><b>Technical Appendix 7.7: Residential Visual Amenity Assessment</b></p> <p><b>Chapter 14: Socio-economics, Recreation and Tourism</b></p>

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		<p>windfarm, particularly on the main access route into Tweedsmuir will impact upon our ability to attract visitors to the area.</p> <p>A concern has also been raised about the potential for this development to impact upon local private water supplies during the period of both the enabling works and operation the impact of excavating and subsequently siting large areas for laying of concrete foundations on surface water and water run off.</p>	<p>Desk-based studies have investigated the presence of licensed and unlicensed groundwater and surface water abstractions. These desk based studies have been followed up with on-site surveys to confirm the presence of private water supplies. Consultation has been undertaken with residents where necessary. A private water supply risk assessment has been prepared, and safeguards identified and reported in the EIA Report.</p> <p>A site survey has been undertaken to establish the surface water flows on-site so that potential impacts on these surface waters can be avoided or reduced during the construction period.</p> <p>Measures to control the rate and quality of water run-off has been investigated and presented in the EIA Report.</p>	<p><b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b></p> <p><b>Technical Appendix 10.3: Private Water Supply Risk Assessment</b></p> <p><b>Chapter 10: Geology, Hydrology, Hydrogeology and Soils</b></p>