

Chapter 6: Scoping and Consultation

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6 Scoping and Consultation

6.1 Introduction

- 6.1.1 This Chapter sets out the Scoping process that has been undertaken as part of the Environmental Impact Assessment (EIA) for the Proposed Development. It also details additional consultation that has been undertaken in respect of the Proposed Development with consultees.
- 6.1.2 The purpose of Scoping and consultation is to:
- ensure that statutory consultees and other bodies with a particular interest in the environment are informed of the Proposed Development and provided with an opportunity to comment at an early stage in the EIA process;
 - obtain baseline information regarding existing environmental site conditions;
 - establish key environmental issues and identify potential effects to be considered during the EIA;
 - identify those issues which are likely to give rise to significant environmental effects and therefore which require more detailed study and those which can be justifiably excluded from further assessment;
 - provide focus to the EIA process so that assessment is focussed in areas where there is likely to be significant effects; and
 - provide a means of confirming the most appropriate methods of assessment.

6.2 Pre-Scoping Consultation

- 6.2.1 The Scottish Government Energy Consents Unit (ECU) and Scottish Borders Council (SBC) were contacted in October 2022 by the Applicant to introduce the project. A Pre-application Advice Request application was submitted to SBC on 16 November 2022; a pre-application meeting took place on 24 January 2023 and advice from SBC was received on 27 February 2023.

6.3 Scoping

- 6.3.1 An EIA Scoping Report (available from the ECU Portal¹) for the Proposed Development, setting out the proposed scope of the EIA Report, was submitted to the ECU on 28 November 2022 in support of a request for a formal Scoping Opinion.
- 6.3.2 Following the EIA Scoping Report submission, a list of consultees was agreed between the Applicant and the ECU. The purpose of the consultation was to obtain scoping advice from each consultee on environmental matters within their remit.
- 6.3.3 Consultation on the EIA Scoping Report commenced on 05 December 2022 and was due to close on the 11th January 2023. Extensions to this until 03 February 2023 were granted to SBC, Historic Environment Scotland (HES) and Tweedsmuir Community Council (TCC).
- 6.3.4 The Scottish Ministers requested responses from their internal advisors, Transport Scotland and Scottish Forestry. Standing advice from Marine Scotland Science (MSS) was provided with the requirement to complete a checklist prior to the submission of the application for consent under Section 36 of the Electricity Act 1989.
- 6.3.5 The ECU were contacted on 23 February 2023 to correct a tip height error submitted on Figures 6 and 6a of the Zone of Theoretical Visibility (ZTV) which accompanied the EIA Scoping Report. SBC, Dumfries and Galloway Council (DGC), South Lanarkshire Council (SLC) and NS were reconsulted.
- 6.3.6 A list of the statutory and non-statutory consultees consulted on the Oliver Forest EIA Scoping Report and their date of response is set out in Table 6.1.

¹ ECU ref ECU00004669 <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00004669>

Table 6.1 – EIA Scoping Consultee List and Response Date

Consultee	Response Date
Statutory Consultee	
Scottish Borders Council (SBC)	16/02/2023 & 02/03/2023
Dumfries & Galloway Council (DGC)	24/01/2023 & 16/02/2023
South Lanarkshire Council (SLC)	No response
Historic Environment Scotland (HES)	25/01/2023
NatureScot (NS)	10/01/2023 & 15/03/2023
Scottish Environment Protection Agency (SEPA)	21/12/2022
Non-Statutory Consultee	
British Horse Society	No response
British Telecoms Plc	20/12/2022
Civil Aviation Authority (CAA)	No response
Crown Estate Scotland	29/01/2023
Defence Infrastructure Organisation	30/01/2023
Edinburgh International Airport	12/12/2022
Fisheries Management Scotland	21/12/2022
Fisheries – Local District Salmon Fisheries	No response
Glasgow Prestwick Airport	06/12/2022
John Muir Trust	No response
Joint Radio Company	08/12/2022
Met Office	No response
Mountaineering Scotland	16/01/2023
NATS Safeguarding	13/12/2022
Nuclear Safety Directorate	16/12/2022
RSPB Scotland	05/01/2023
Scottish Forestry	09/01/2023
Scottish Rights of Way and Access Society (ScotWays)	No response
Scottish Water	05/01/2023
Scottish Wildlife Trust (SWT)	No response
Scottish Wild Land Group (SWLG)	No response
The River Tweed Commission	21/12/2022
Transport Scotland	10/01/2023
Tweed Foundation	No response
Visit Scotland	No response
West of Scotland Archaeology Service	No response
Community Councils	
Tweedsmuir Community Council	22/02/2023
Upper Tweed Community Council	No response
Manor, Stobo & Lyne Community Council	No response
Ettrick & Yarrow Community Council	No response

6.3.7 An EIA Scoping Opinion was subsequently issued by the ECU on 24 April 2023².

6.3.8 In the interim period, whilst waiting for the Scoping Opinion to be issued, some additional consultation was undertaken with SBC and NatureScot to clarify and agree the scope of noise monitoring and ornithology surveys to ensure that these aspects would not delay the overall programme:

- SBC's Environmental Health Officer (EHO) was contacted on 16 February 2023 and 27 February 2023 to discuss and agree on noise monitoring locations. A response was received on 16 March 2023.
- In March 2023, NatureScot (NS) confirmed a bird survey programme over one year was acceptable and proportionate for the site.

6.3.9 A summary of the key issues at Scoping is provided in Technical Appendix 6.1. The EIA Scoping Opinion is further detailed in the consultation tables contained within each EIA Report Chapter (7 to 17), with reference to how the comments have been addressed. The EIA Report has been prepared with regard to the EIA Scoping Opinion and in conjunction with further consultation held with consultees and the ECU at Gate Check Stages.

6.4 Further Consultation

6.4.1 In addition to the formal consultation undertaken at the EIA Scoping stage, further consultation was undertaken with a number of organisations regarding specific issues. In particular, follow-up conversations were had with:

- CAA;

² The full scoping opinion can be read on the ECU website here: [Scottish Government - Energy Consents Unit - Application Details](#)

- DGC;
- Edinburgh International Airport;
- HES;
- NATS;
- NatureScot;
- SBC;
- SLC; and
- Vodafone.

6.4.2 Detail of the content of those discussions is provided in the relevant technical chapters of the EIA Report (Chapters 7 to 17) and not repeated here.

6.4.3 Section 6.6 of this chapter provides information on the public exhibitions and community consultation undertaken by the Applicant.

6.5 Matters Scoped Out of Detailed Consideration

6.5.1 Paragraph 76 of Planning Circular 1/2017: Environmental Impact Assessment regulations is clear that it is the 'significant' environmental effects to which a proposed development is likely to give rise that should be the primary focus of the EIA Report and that the requirement "*is to include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment*". Other lesser impacts may need "*only brief treatment to indicate that their possible relevance has been considered*" (Scottish Government, 2017).

6.5.2 Paragraph 3.1 of Planning Advice Note 1/2013 Environmental Impact Assessment (PAN 1/2013) similarly outlines that EIAs should be proportionate and fit for purpose. "*Proportionality can best be achieved by seeking information from the planning authority and the Consultation Bodies on the scope of the assessment, paying attention to their views from the outset, and by focussing on the significant environmental effects of the proposed development*". (Scottish Government, 2013). A similar emphasis is contained at paragraph 5.4 of PAN 1/2013 which outlines that the EIA Report should contain a clear analysis of the significant areas of impact and should highlight key issues relevant to the decision.

6.5.3 On the basis of the desk-based and survey work undertaken, the professional judgement of the EIA team, experience from other relevant projects, policy guidance and standards, and with the agreement of the consultees, a number of topic areas have been 'scoped out'. These are outlined by discipline below with further detail set out in the technical chapters of the EIA Report.

Decommissioning

6.5.4 Over the period of operation of the Proposed Development it is recognised that there are likely to be changes in legislation and guidance, environmental designations, the status/condition of sensitive environmental receptors and stakeholder objectives that may affect decommissioning and restoration methodologies. An assessment of the decommissioning of the Proposed Development is included within each EIA chapter however it should be noted that at this stage the future baseline conditions cannot be predicted accurately, the exact proposals for repowering and/ or decommissioning are unknown, and the future regulatory context is unknown.

6.5.5 Mitigation measures which may need to be implemented during decommissioning would be agreed with the key stakeholders at that time via a Decommissioning Environmental Management Plan (DEMP). The detail of this is likely to be similar to the Construction Environmental Management Plan (CEMP) in line with best practice measures at that time.

Landscape and Visual Amenities

6.5.6 To allow a focused assessment, receptors unlikely to be affected by the Proposed Development, either through having little or no theoretical visibility, or being distant from the Proposed Development, are scoped out of the Landscape and Visual Impact Assessment (LVIA).

6.5.7 The following are not included in the assessment:

- Landscape Character Types (LCTs) beyond 15 km radius;
- designated landscapes beyond 20 km radius;
- settlements beyond 10 km;
- routes beyond 25 km;
- paths beyond 10 km;

- turbines below 50 m to blade tip height in the Cumulative Landscape and Visual Impact Assessment (CLVIA);
 - night time visualisation from Lowther Hill; and
 - dusk photography has not been taken for aviation lighting visualisations for off-road locations due to health and safety concerns.
- 6.5.8 Other schemes at the scoping stage were proposed to be scoped out of the Cumulative Landscape and Visual Impact Assessment (CLVIA) in the Scoping Report but SBC advised that scoping stage applications within 15-20 km of the Proposed Development were to be included in the cumulative assessment, where the information was available. Wind farm developments at a scoping stage within this range have been considered in the assessment and are shown on Figure 7.9 and cumulative wireline figures. The interactions between the Proposed Development and proposed wind farms are distant and would not greatly alter the relationships established by the existing and consented wind farm groups, therefore detailed assessment remains scoped out as set out in Technical Appendix 7.4.
- 6.5.9 Further consultation with NS on 17 August 2023 confirmed that there was no requirement for a Wild Land Assessment to be carried out in relation to the Talla Hart Fell Wild Land Area (WLA), which is in line with the requirements of NPF4.
- 6.5.10 Residential and Visual Amenity Assessment (RVAA) has included properties within a study area of 2.5 km rather than up to 3 km radius requested by SBC. The wider study area of up to 3 km was considered but as noted in Chapter 7, including properties up to 2.5 km from the proposed turbines is considered proportionate and sufficient to catch all properties with the potential to exceed the residential visual amenity threshold.

Ecology

Designated Sites

- 6.5.11 By virtue of the static nature of the site's qualifying habitat interests, spatial separation and/or absence of hydrological pathways of connectivity, the potential for indirect effects upon the ecological qualifying interests of any statutorily designated site for nature conservation located greater than 2 km from the site, is scoped out of the assessment. It is considered that embedded mitigation and good practice will be sufficient to prevent any impacts.
- 6.5.12 The assessment does not consider construction or operation effects on the following:
- Tweedsmuir Hills Site of Special Scientific Interest (SSSI);
 - Craigdilly SSSI; and
 - Moffat Hills SSSI and SAC.
- 6.5.13 In an EIA context, it is considered that embedded design mitigation and good practice will be sufficient to prevent any significant effects from occurring on these sites during either construction and/or operation.

Local Designated Sites

- 6.5.14 It is proposed that embedded mitigation and good practice, including an appropriate buffer, will be sufficient to prevent the potential for direct and indirect adverse effects upon the Glenmuck Bog Scottish Wildlife Trust (SWT) and Local Biodiversity Site (LBS), which is located within the site. Therefore, Glenmuck Bog is scoped out of the impact assessment in terms of potential for adverse effects. It is worth noting that a habitat condition assessment has been undertaken for the Glenmuck Bog (Technical Appendix 8.1) with a view to proposing measures for enhancement within this area. An Outline Nature Enhancement Management Plan (NEMP) for the Proposed Development (Technical Appendix 8.6), details enhancement measures to compensate for the adverse effects of habitat loss associated with the Proposed Development and includes peat/bog restoration, including within Glenmuck Bog.
- 6.5.15 SWT and LBS' Hawkshaw Bog and Talla Reservoir are scoped out of the assessment by virtue of their location outwith the site and distance from the Proposed Development infrastructure.

Habitats and Species

- 6.5.16 Impacts to common and widespread habitats of low sensitivity and/or conservation interest, such as bracken, plantation forestry, and some grassland habitats, are scoped out of the construction and operation impact assessments.
- 6.5.17 The potential for impacts on fish, including those that are qualifying features of the River Tweed SAC and SSSI, during the construction and operational stages are scoped out of an assessment on the basis of the implementation of measures contained within a Construction Environment Management Plan (CEMP) (outline CEMP provided in Technical Appendix 3.1) and the presence of an Ecological Clerk of Works (ECoW) during construction.

- 6.5.18 A Fisheries Management Plan (FMP), including provision for pre, during, and post-construction fish monitoring will be produced in consultation with the River Tweed Commission. These species are considered relatively immobile as their habitat is limited to aquatic habitats which would be protected via the implementation of the CEMP, via an appropriate planning condition. It is considered that embedded design mitigation and good practice will be sufficient to prevent any significant effects from occurring on these species during either construction and/or operation. Likely significant effects on the solely aquatic qualifying features the River Tweed SAC and SSSI are therefore scoped out and are not considered further in the EIA.
- 6.5.19 Due to the design of the Proposed Development and embedded mitigation/good practice measures, likely significant effects on qualifying River Tweed SSSI fly and beetle assemblage features are scoped out of assessment. Habitats within the site which are not subject to direct or indirect effects of the Proposed Development by virtue of distance from the Proposed Development are scoped out.
- 6.5.20 Habitats and vegetation communities which are not listed in Annex 1 (of the Habitats Directive) or the SBL, or which are considered of low groundwater dependency, are also scoped out.
- 6.5.21 Species scoped out of this assessment where evidence of presence was recorded in the field surveys are:
- badger;
 - pine marten; and
 - all other terrestrial mammals
- 6.5.22 Other species, where no evidence of their presence was recorded during field surveys, scoped out of assessment are:
- wildcat
 - red squirrel;
 - water vole;
 - fish;
 - freshwater pearl mussel;
 - reptiles;
 - amphibians; and
 - invertebrates.
- 6.5.23 Embedded mitigation measures, including the implementation of good practice construction measures, pre-construction surveys (as detailed in Chapter 8, Section 8.7), the maintenance of appropriate buffers between the Proposed Development and watercourses, avoidance of direct impacts to watercourses are considered appropriate to avoid any potentially significant adverse effects upon species including water vole, badger, pine marten, red squirrel, reptiles, amphibians, fish populations and freshwater pearl mussel. In addition, fish monitoring is proposed prior to and over the course of construction.
- 6.5.24 All bat species are protected under the Conservation (Natural Habitats &c.) Regulations 1994 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 (as amended). They are also SBL priority species. No trees or structures with the potential to support maternity roosts and/or significant swarming or hibernation roosts were identified within at least 200 m plus rotor radius of the Proposed Development turbines. Roosting bats are therefore scoped out of the assessment.
- 6.5.25 Adverse effects on habitats and species (excluding bats) during the operation of the Proposed Development have also been scoped out. No further damage or disturbance is anticipated to habitats during operation, and maintenance visits will be infrequent and unlikely to result in disturbance to protected species. Although these ecological features are scoped out of assessment, consideration will be afforded to the provision of precautionary embedded mitigation to be included in the CEMP and Operational Management Plans to ensure legislation compliance with regard to the protection afforded to these species under the Conservation (Natural Habitats, &c.) Regulations 1994 (the Habitats Regulations) (as amended in Scotland) and the Wildlife and Countryside Act 1981 (as amended in Scotland), as relevant.
- Ornithology**
- 6.5.26 Assessment is based on one full year of ornithology surveys as agreed with NatureScot on 19 April 2023.

- 6.5.27 The construction and operation of the Proposed Development are unlikely to result in potentially significant disturbance/displacement effects to:
- osprey (*Pandion haliaetus*);
 - hen harrier (*Circus cyaneus*);
 - merlin (*Falco columbarius*);
 - golden plover (*Pluvialis apricaria*);
 - common sandpiper (*Actitis hypoleucos*);
 - lapwing (*Vanellus vanellus*);
 - dunlin (*Calidris alpina*);
 - snipe (*Gallinago gallinago*);
 - nightjar (*Caprimulgus europaeus*);
 - eagle and owl species; and
 - other wetland species including greylag goose (*Anser anser*), swan species, oystercatcher (*Haematopus ostralegus*) and goosander (*Mergus merganser*).
- 6.5.28 Disturbance to/displacement of these species is scoped out of the impact assessment.
- 6.5.29 Where ornithological features are not considered so important as to warrant a detailed assessment, or where they will not be significantly affected on the basis of baseline information (e.g. passerine species), these are 'scoped out' of the assessment. Mitigation measures for such features may, however, still be outlined as appropriate to reduce and/or avoid any potentially adverse effects or to provide legislative compliance for breeding and roosting birds.
- 6.5.30 The qualifying species of the Tweedsmuir Hills SSSI are red grouse (*Lagopus lagopus scotica*), black grouse (*Lyrurus tetrix*), golden plover (*Pluvialis apricaria*), curlew (*Numenius Arquata*), dunlin (*Calidris alpina*), common snipe (*Gallinago gallinago*), ring ouzel, (*Turdus torquatus*) whinchat (*Saxicola rubetra*), stonechat (*Saxicola rubicola*) and wheatear (*Oenanthe oenanthe*). Several Schedule 1 species also use the site for foraging while breeding off-site, in winter or on passage.
- 6.5.31 NatureScot (SNH 2016) gives the core ranges of many of the qualifying species listed above as 2 km or under, including black grouse, curlew and dunlin. Low amounts of suitable habitat for these species exist within the site (which is mainly forested) and records of these species, during surveys to date, have been low in number or absent. In this context and as the Tweedsmuir Hills SSSI lies over 2 km from the site, the potential for indirect effects upon the ornithological qualifying interests of Tweedsmuir Hills SSSI (the only designated site with qualifying ornithological interest within 10 km of the site) is scoped out of the assessment by virtue of habitats on-site, results of baseline surveys and spatial separation.
- 6.5.32 Potential effects upon statutory designated sites with ornithological features of interest can be scoped out of the assessment.
- 6.5.33 Effects on non-statutory sites including the Glenmuck Bog on-site which lists a number of 'notable' ornithological species in its 'Site Statement' is considered in Chapter 8, given the non-statutory site is designated for its habitat interest. Listed 'notable' species of the Glenmuck Bog comprise passerines, kestrels, mallards, curlew, golden plover and red grouse. These species are considered, or in the case of passerines, are scoped out in accordance with NatureScot guidance (SNH, 2017). Red grouse is not routinely considered a target species for assessing the effects of wind farm developments, in NatureScot guidance (SNH, 2017). No breeding red grouse was recorded during surveys in the Study Area, and effects on red grouse are accordingly discounted. Construction and operation impacts to common and widespread ornithological species, including woodland and moorland passerines are scoped out of the assessment (in accordance with current guidance; NatureScot (SNH 2017)).
- 6.5.34 These ornithological features are therefore scoped out of the assessment. Consideration will, however, be afforded to the provision of precautionary embedded mitigation, to be included in the CEMP, to ensure compliance with the provisions protecting these species in the Conservation (Natural Habitats, &c.) Regulations 1994 (the Habitats Regulations) (as amended in Scotland) and the Wildlife and Countryside Act 1981 (as amended in Scotland), as relevant. This will include pre-construction surveys for nesting species so that active nests are protected during construction.
- 6.5.35 Given no significant effects on key ornithological features from the Proposed Development are anticipated, cumulative effects are also accordingly scoped out.

Cultural Heritage

- 6.5.36 A total of 35 known heritage assets have been identified within the site. Consideration of the nature, date and extent of these known remains in conjunction with the identification of all known remains within 1 km of the site and a walkover survey have been used to evaluate whether known or hitherto unknown remains have the potential to be subject to direct impacts and effects as a result of the construction of the Proposed Development.
- 6.5.37 The assessment has identified all designated heritage assets within 5 km of the site and all nationally important designated heritage assets within 10 km of the site.
- 6.5.38 ZTV analysis (Figure 11.3) indicates that the Proposed Development would not be visible from 68 designated heritage assets within the 10 km study area. An assessment of these assets was undertaken to identify any locations within the ZTV from which the Proposed Development would be visible within key views towards these assets. This assessment exercise did not identify any such key views for the 68 designated assets outwith the ZTV and accordingly detailed assessment of these designated assets has been scoped out of further setting assessment.
- 6.5.39 A statement to support the scoping out of Stobo Castle is provided in Chapter 11 and a settings assessment is included within Technical Appendix 11.2.
- 6.5.40 As agreed with SBC advisors, impacts on the settings of non-designated cultural heritage assets and features including Kingledoors (Asset 203) are scoped out of the assessment.
- 6.5.41 Dawyck (GDL00134) is scoped out of the assessment as the ZTV demonstrates there would not be visibility of the Proposed Development from the Inventory Gardens and Designed Landscapes (GDL).

Noise

- 6.5.42 The following is scoped out of the assessment as agreed during consultation.
- Low-frequency noise and infrasound. The Scottish Government's Onshore Wind Turbines: planning advice (2014), refers to a report to the UK Government which concludes that *"there is no evidence of health effects arising from infrasound or low frequency noise generated by the wind turbines that were tested"* (Scottish Government, 2014).
 - Amplitude modulation, including 'excess amplitude modulation' and 'other amplitude modulation', in line with the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise (IOA GPG), is not something that can be adequately assessed at the planning stage.
 - Noise associated with traffic during the operation of the Proposed Development, as this is likely to be low and not significant in the context of the existing road network.
 - Vibration effects upon health as a result of construction and operational activities and associated traffic, considering the distances to the closest receptors.
 - Vibration effects on the Eskdalemuir seismic array. Separate consideration of this is taking place outside of the noise and vibration assessment.
- 6.5.43 Construction noise has been assessed, blasting has been assessed and construction traffic noise has been assessed.
- 6.5.44 Noise from the operation of the substation has been assessed using the methodology in BS 4142 (BSI, 2014), which compares the 'rating level' from the specific source with typical baseline background noise levels in the context of the development. An important factor when considering the context is the absolute level of sound, where it is stated in BS4142 that:
- "Where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background. This is especially true at night."*
- 6.5.45 The standard offers no guidance about what background and rating levels are considered low; however, the 1997 version of the standard stated that background sound levels below around 30 dB L_{A90}, and rating levels below around 35 dB L_{Ar}, were considered very low and therefore outside the scope of the assessment method.

Peat and Hydrology

- 6.5.46 The following is scoped out of the assessment as agreed during consultation.
- Detailed flood risk assessment: Published mapping confirms that most of the site is not located in an area identified as being at flood risk. A (Level 1) screening of potential flooding sources (fluvial, coastal, groundwater, infrastructure etc.) is presented in the EIA Report and measures that would

be used to control the rate and quality of run-off have been specified and would be included in the CEMP at the detailed design stage of the Proposed Development

- Drainage Impact Assessment: Principles for the design of any watercourse crossings and for the control of drainage shed from the Proposed Development have been specified in Chapter 10. It is expected that these would be developed as part of the detailed site design, should the site be granted consent, and a site-specific drainage plan would be a pre-development planning condition.
- Water quality monitoring: As the assessment is informed by classification data available from SEPA and there are no known sources of potential water pollution, no additional baseline water quality monitoring is considered necessary to complete the assessment. Note that water quality monitoring is proposed prior to, during and post-construction if the Proposed Development were to be granted consent. Details of monitoring suites, locations, frequencies, and reporting would be specified in the CEMP.
- Potential effects on geology: With the exception of peat, there are no protected geological features within the application boundary or study area. Furthermore, the nature of the activities during the construction and operation of the Proposed Development would not alter regional superficial or solid geology. Potential effects on peat and carbon-rich soils are not scoped out of the assessment and are considered in full.
- Potential significant decommissioning effects would likely be the same or less than potential construction effects. Decommissioning of the Proposed Development would be subject to a decommissioning plan which would include the same safeguards as those identified during the construction stage of the Proposed Development. Potential decommissioning effects are therefore scoped out of assessment.
- Potential effect on the water environment due to forestry felling: The proposed areas of felling are below or just above the forest best practice felling guidance threshold (20% of the total catchment area) and therefore no impact on water quality or rainfall run-off response is anticipated as a result of felling, subject to the adoption of industry-standard best practice. Felling will be undertaken in accordance with national standards and best practice measures, as discussed in Chapter 15, which will safeguard water quality and minimise the risk from the use of machinery used in forestry operations. A Forestry Waste Management Plan will also form part of the final CEMP.

Traffic and Transport

- 6.5.47 Due to the negligible environmental effects which would occur during the operational phase of the Proposed Development, operational effects are scoped out of the traffic and transport assessment for the EIA. This is due to operational movements being circa two inbound Light Goods Vehicles (LGV) movements per week.

Socio-economics, Recreation and Tourism

- 6.5.48 Based on past experience of onshore wind farm projects of this scale, it is not expected that there would be a large influx of workers' families to the area during the construction phase (estimated to last for approximately 18 months) and those who would be working in the area would be there temporarily; consequently it is not expected that there would be a significant effect on the demand for permanent housing, health or educational services.
- 6.5.49 The number of permanent employees for the operation of the Proposed Development are expected to be low and, as such, the demand for permanent housing, health or educational services is expected to be low.
- 6.5.50 The impacts during the decommissioning phase are expected to be largely the same as those during the construction phase, albeit to a lesser degree and in approximately 50 years. To avoid a repetition of the construction phase assessment, the impacts on socio-economics, recreation and tourism during the decommissioning phase have been scoped out of the assessment.
- 6.5.51 It is noted that only recreational assets that are promoted nationally or regionally and therefore likely to draw in visitors from outside the Local Area of Influence (LAI) are scoped into the assessment, although tourist visitors to the area may be expected to make use of some of the local recreational attractions.

Aviation and Radar

- 6.5.52 The closest Met Office radar is at Holehead, over 70 km to the north-west of the site. There will be no effect on Met Office radars and this issue is therefore scoped out of the EIA Report.
- 6.5.53 The Ministry of Defence (MOD) utilise a number of 'threat radars' associated with training at RAF Spadeadam. These radars are located across the Scottish Borders area. Initial radar modelling indicates that none of the threat radars will be affected by the Proposed Development, consequently they are scoped out of the assessment.

6.5.54 On the basis of the desk-based work undertaken, and feedback received from consultees, potential effects on the following have been scoped out of detailed assessment:

- MOD Air Defence Radar;
- Met Office Radar;
- Non-radar equipped CAA licensed aerodromes; and
- Unlicensed aerodromes, gliding, microlight and parachute sites.

Shadow Flicker

6.5.55 The shadow flicker assessment is based on properties located within 2 km rather than limited to 10 times the rotor diameter from each wind turbine as agreed with SBC. Shadow flicker effects out of this range are not considered.

Forestry

6.5.56 Land use within the site is predominantly commercial forestry. It was proposed that forestry would be dealt with in a Technical Appendix to the EIA Report, however, Scottish Forestry requested that a standalone forestry chapter is contained within the EIA Report. This is therefore provided as Chapter 15. There are no specific forestry matters scoped out of the assessment.

Other Considerations

Telecommunications

6.5.57 Effects on television and radio signal have been scoped out of detailed assessment for the following reasons:

- Operational effects on television / radio broadcasting: digital television is less likely to be affected by the atmospheric conditions that render analogue television unwatchable and does not suffer from reflection effects or ghosted image generation.
- It is not considered likely that radio broadcasting signals will be affected by the Proposed Development once operational. This is because:
 - the length of radio broadcast signal wavelengths are such that interference from wind turbines is unlikely; and
 - any interference to the radio signal is unlikely to noticeably affect the audio signal.

Ice Throw

6.5.58 The potential for ice throw to occur after start-up following a turbine shut down during conditions suitable for ice formation is high. There are monitoring systems and protocols in place to ensure that turbines that have been stationary during icy conditions are restarted in a controlled manner to ensure public safety.

6.5.59 The risk to public safety is considered to be very low due to the few likely occurrences of these conditions along with the particular circumstances that can cause ice throw. Due to the very low risk, ice throw is scoped out of the EIA Report.

6.5.60 SBC raised concerns about the proximity of the site to the A701 and were of the opinion that the EIA should still assess the issue. The Applicant considered this view but remained of the opinion that the monitoring systems and protocols proposed will ensure turbines are stationary during icy conditions, and are subsequently restarted in a controlled manner to ensure public safety.

6.5.61 As a result, it is considered that the risk to public safety from ice throw is low and not significant and therefore, it remains scoped out of the assessment.

Air Quality

6.5.62 Given the remote location of the site, the generation of dust during construction activity is unlikely to have a direct impact on any human receptors and would be controlled by means of best practice described in Chapter 10 and Technical Appendix 3.1 of the EIA Report.

6.5.63 Consideration is given within the ecology and hydrology assessments (Chapters 8 and 10) to the potential impacts that dust generation could have on any identified sensitive ecological or hydrological receptors. Detailed mitigation as required, is proposed within these chapters otherwise, air quality is scoped out of the EIA Report.

6.5.64 Construction activities can result in temporary effects from dust if un-managed. This can result in nuisance effects such as soiling of buildings and, if present over a long period of time, can affect human health. As the nearest property is over 500 m away from any substantial construction works (substation compound), effects associated with dust or vehicle emissions are considered to be unlikely, therefore

the effects of dust and vehicle emissions from the construction, operation and decommissioning of the Proposed Development is scoped out of this assessment.

Population and Human Health

- 6.5.65 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (Scottish Government, 2017b) include a requirement to assess as part of the EIA process, the potential significant effects on population and human health resulting from the Proposed Development. These requirements will be addressed in the EIA Report.
- 6.5.66 Chapters 7, 10, 12, 13 and 14 contain assessments which relate to the health and well-being of the local population. These chapters assess the effects of the Proposed Development, both positive and negative, provide an analysis of the significance of these effects and also put forward measures to mitigate against negative effects on people and their health.
- 6.5.67 Chapter 18 provides an overview of the mitigation put forward as part of these assessments in order to reduce any negative effects of the Proposed Development to an acceptable level.
- 6.5.68 Further to the topics covered in Chapters 7 to 17 it is not expected that there will be any other effects from the Proposed Development which would have significant effects on population and human health.

6.6 Community Consultation

- 6.6.1 Public consultation, while not a statutory requirement, is a key element of the EIA process; therefore, as part of the wider consultation process, community engagement was undertaken with regard to Planning Advice Note (PAN) 3/2010: Community Engagement and the Energy Consents Unit Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989 (Scottish Government, 2022). A summary of the engagement undertaken is provided below. Further details of community engagement and consultation undertaken for the application are available in the Pre-Application Consultation (PAC) Report submitted along with this Application.
- 6.6.2 In addition to statutory and non-statutory consultation as part of the Scoping process, engagement with the local community was undertaken through several mechanisms. In December 2022, a project website was launched providing an opportunity for stakeholders and residents to view and comment on proposals. Information introducing Statkraft and the Proposed Development was sent to local Community Councils, Ward Councillors, the local MP and MSP at the same time. The Applicant also invited the community stakeholders to engage further through an in-person meeting.
- 6.6.3 The Applicant engaged with the host and surrounding Community Councils namely, Tweedsmuir (host), Upper Tweed, Stobo, Manor and Lyne and Ettrick and Yarrow Community Council.
- 6.6.4 The first public exhibitions were held between 21 February and 16 March 2023 and included online and in-person consultation events. The in-person consultation events were held on the 08 and 09 March 2023 in Tweedsmuir and Broughton respectively.
- 6.6.5 A second round of public exhibitions was held between 28 February to 22 March 2024. Two in-person events were hosted on 05 and 06 March 2024 in Tweedsmuir and Broughton respectively.
- 6.6.6 Community Councils, Ward Councillors, MSP and MP were engaged when the Proposed Development was introduced at the scoping stage. Community Councils and Ward Members at both community consultation periods.
- 6.6.7 Engagement with the local community has been a key element as the Proposed Development progressed. Table 6.2 outlines engagement that has been undertaken with the local community to date. Further details of community consultation and the responses received are provided in detail in the Pre-Application Consultation (PAC) Report submitted with this Application.

Table 6.2: Summary of Community Engagement (full and further details available in PAC Report)

Date	Exercise
06 December 2022	Oliver Forest Wind Farm website went live. The website contains details on the Proposed Development, links to project documents, project timeline and the ability to provide feedback on the project and request a call back from a member of the development team. Corresponded with local Community Councils, Ward Councillors, Local MP and MSPs to introduce Statkraft and the Project and offer the opportunity to meet with the Applicant.
12 January 2023	Statkraft Project Manager and Community Liaison Manager attended a Tweedsmuir Community Council meeting to present information on the project and to answer any questions from the Community Council members.
21 February – 16 March 2023	The online public exhibition allowed those unable to attend the in-person public exhibitions to access information related to the project.
08 & 09 March 2023	First public exhibitions held: – Tweedsmuir Community Hall, Tweedsmuir, Biggar ML12 6QN; and – Broughton Village Hall, Broughton, Biggar ML12 6HQ

Date	Exercise
	The public exhibitions were advertised through newspaper adverts, emails to community and ward councils and leaflets sent to over 600 local homeowners and businesses.
16 March 2023	An online chat facility was made available to enable those who were unable to attend the in-person public exhibitions to speak with the project team.
10 April 2023	A meeting arranged to attend Ettrick and Yarrow Community Council which was subsequently cancelled by the Community Council.
31 May 2023	Letters were sent in response to feedback forms returned during the consultation period where permission was provided by individuals.
29 June 2023	Summary Consultation Feedback Report shared with local Community Councils and Ward Councillors.
01 February 2024	Statkraft Project Manager and Community Liaison Manager attended a Tweedsmuir Community Council meeting to present updated information on the project and to answer any questions from the Community Council members.
19 February 2024	Statkraft Project Manager and Community Liaison Manager attended an Upper Tweed Community Council meeting to present updated information on the Proposed Development and to answer any questions from the Community Council members.
28 February – 22 March 2024	Statkraft Project Team ran online public exhibitions where members of the public were able to review information on the design of the Proposed Development and submit their thoughts to the project team.
05 & 06 March 2024	Second public exhibitions held: – Tweedsmuir Community Hall, Tweedsmuir, Biggar ML12 6QN; and – Broughton Village Hall, Broughton, Biggar ML12 6HQ The exhibitions allowed members of the public to review the changes to the wind farm design and provide their comments and thoughts.
May/June 2025	Letters were sent in response to feedback forms returned during the consultation period where permission was provided by individuals. Summary Consultation Feedback Report shared with local Community Councils and Ward Councillors.

6.6.8 The Applicant will continue to engage with the local Community Councils and other key stakeholders post the application submission, to advise of application submission and progress through the consenting process.

6.7 Gate Check

6.7.1 Prior to an application being submitted, there is a two-stage “gate check” process undertaken with the ECU as set out in the ECU Good Practice Guidance for Applications under Sections 36 and 37 of the Electricity Act 1989 (Scottish Government, 2022).

Gate Check Stage 1

6.7.2 In order to satisfy the requirements of the gate checking procedures for Applications under section 36 of The Electricity Act 1989, a Gate Check Stage 1 Report was submitted to the ECU on 08 February 2024, specifically to outline consultations with statutory and non-statutory consultees, engagement with the local community and how matters raised during the scoping process would be dealt with in the EIA Report.

6.7.3 The Gate Check Stage 1 Report outlined the key considerations that had been taken into account during the design evolution of the Proposed Development.

6.7.4 The Gate Check Stage 1 Report was issued to SBC, DGC and SLC, HES, NatureScot and SEPA. The ECU confirmed on 21 May 2024 that the Gate Check 1 process was complete.

6.7.5 The following responses were received:

- SBC – responses received from access, landscape, ecology, environmental health, flooding and roads planning officers. At the time of correspondence (15 May 2024) archaeology comments were still not provided. SBC officers were generally satisfied with the scope of works proposed. One highlighted concern from the ecology officer was that whilst they “*acknowledge the need for cumulative assessment in relation to other wind farms in the vicinity, we would argue there is a need to also include local woodland creation schemes into the cumulative impact assessment as the increasing number of woodland creations is pushing open ground bird species into an ever smaller area of open ground which is then becoming considered for wind farms.*” This aspect has been addressed in Chapter 9.
- DGC – confirmed that they won’t be responding beyond the comments already “*provided on 24 January 2023 and 16 February 2023 recognising that the Proposed Development is located outwith the administrative area of Dumfries and Galloway Council.*”
- SLC – no response received to date.
- HES – noted that they are broadly content that matters raised by them have been addressed.

- NatureScot – responded advising they were content that the issues previously raised by them had been noted by the Applicant and that “*the developer is to make contact with the South of Scotland Golden Eagle Project for the latest information on golden eagle in this area as part of their ongoing assessment work.*” This aspect has been addressed in Chapter 9.
- SEPA – are satisfied with the approach set out in the Gate Check Stage 1 Report.

6.7.6 It was noted that MSS could not provide direct advice to the Applicant and that advice is provided only directly to ECU and/or other regulatory bodies. The Applicant requested that the ECU contact MSS to confirm that the approach to the fish survey, assessment and proposed mitigation was considered suitable for the Proposed Development site. The ECU confirmed that they were satisfied with the approach outlined in the Gate Check Stage 1 Report, noting that whilst the Applicant does not propose to undertake electrofishing surveys prior to submission of the application, fish habitat surveys have been undertaken and the Applicant is committed to adopting mitigation and monitoring measures to protect and avoid impacts on the fish habitat. Any monitoring programme would likely be controlled by a suitably worded condition.

Gate Check Stage 2

6.7.7 The principal function of Gate Check Stage 2 is to manage the administrative requirements of the submission of an application under section 36 or 37 of the Electricity Act 1989. Within two weeks of submitting the application to the Scottish Government ECU, the Applicant will confirm the administration process with ECU regarding the formal submission of the application, including uploading the documents to the ECU portal, payment of application fees to the ECU, and dealing with notices.

6.8 References

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