



Torfichen Wind Farm

Post Submission - Additional Information Report

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1 Introduction

1.1 Background

Renewable Energy Systems Ltd (RES) (hereinafter referred to as 'the Applicant') has applied to the Scottish Ministers for Section 36 consent and deemed planning permission in terms of the Electricity Act 1989 and the Town and Country Planning (Scotland) Act 1997, to construct and operate Torfichen Wind Farm (hereafter referred to as the 'Proposed Development', at site centre British National Grid 333932 654430.

The application was supported by an Environmental Impact Assessment (EIA) Report as required by The Electricity Works (Environmental Impacts Assessment) (Scotland) Regulations 2017 and submitted to the Scottish Ministers in November 2023 with the application (Reference: ECU00004661).

1.2 Purpose of this Additional Information Report

Following the submission of the Section 36 consent request for the Proposed Development, the Energy Consents Unit (ECU) consulted relevant statutory and non-statutory organisations as well as the public. Following the receipt of consultation responses, the Applicant has undertaken further assessment where appropriate and has begun to provide responses to comments and objections that have been received.

This Additional Information (AI) Report also provides the information required to address holding objections or concerns raised by consultees.

An updated Planning and Sustainable Place Statement has also been provided alongside this AI Report which provides an update of the relevant planning and energy policy framework applicable to the Proposed Development.

It should be noted that there are no changes to the Proposed Development as outlined within the application.

The information set out in this AI Report is intended to be read in conjunction with the EIA Report. Reference will be made to the EIA Report chapter, associated technical appendices and figures where the original remains applicable. Where any information in the EIA Report is superseded by the information presented in this AI Report, this is made clear.

1.3 Availability of the AI Report

In accordance with part 6 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, hard copies of the AI Report and supporting documents can be viewed at:

Gorebridge Library
98 Hunterfield Road
Gorebridge
EH23 4TT

Hard copies of the AI Report are available by request from:

Torfichen Wind Farm Project Team
Renewable Energy Systems Ltd,
Third Floor STV,
120 Govan Road,
Glasgow,
G51 1PQ

Email: sam.murgatroyd@res-group.com

The pdf files can be downloaded from <http://www.energyconsents/scot/> and www.torfichen-windfarm.co.uk.

1.4 Representation to the AI Report

Any representations to the application should be made directly to the Scottish Government at:

Energy Consents Unit
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Email: representations@gov.scot

Online: <http://www.energyconsents.scot/>

2 Responses to Comments Received

2.1 Responses to the Application

The responses to the submission of the Section 36 application received from Consultees are summarised in **Table 2.1**.

Table 2.1: Consultation responses

Consultee	Consultation Summary Response
Aberdeen Airport	No objection
BT	No objection
Coal Authority	No objection
Defence Infrastructure Organisation (MOD)	Objection
Edinburgh Airport	No objection
Fisheries Management Scotland	No objection
Glasgow Airport	No objection
Glasgow Prestwick Airport	No objection
Highlands and Islands Airport	No objection
Historic Environment Scotland	Holding objection pending further information
Howgate Community Council	Holding objection pending further information
Midlothian Council	Further information requested
Moorfoot and Heriot Community Council	Holding objection pending further information
NATS	No objection
NatureScot	Further information requested
RSPB	Holding objection pending further information
Scottish Forestry	No objection
Scottish Water	No objection
ScotWays	Holding objection pending further information
Scottish Environment Protection Agency	No objection
Transport Scotland	No objection

2.2 Responses to Comments on the EIA Report

Table 2.2 provides responses to holding objections or responses to comments where they are required.

Table 2.2: Responses to consultation responses and requests for additional information

Comment Received	Applicant Response
Midlothian Council	
<p>The planning authority did not receive a copy of the EIAR from the developer. The planning authority wishes to underline that the failure to receive a copy of the EIAR from the developer has caused no injury or impediment to our ability to examine the application. They raise this only to allow the applicant the opportunity to make sure the application is in full compliance with the EIA Regulations.</p>	<p>A copy of the EIA Report was offered to Midlothian Council upon submission, which was declined. A copy of the EIA Report has now since been delivered to Midlothian Council by the Applicant.</p>
<p>The Council accepts the conclusions of the LVIA [Landscape and Visual Impact Assessment] regarding the 22 viewpoints in terms of daytime effects apart from the conclusion of Major/ Moderate Significance at Viewpoint 9: Gladhouse Reservoir. The Council does not agree with this conclusion and invites the Applicant to re-examine their conclusions with regard to the visual impact on this representative viewpoint.</p>	<p>A review of the conclusion for Viewpoint 9 has been undertaken by the project's landscape architects, the Pegasus Group, and is included in Section 3.2 of this AI Report.</p>
<p>In regard to the residential visual amenity assessment, the Council does not agree with the level of effect concluded for Property 10. The Applicant is invited to re-examine their conclusions with regard to the residential visual amenity assessment at this property.</p>	<p>A review of the conclusion within the residential visual amenity assessment for Property 10 has been undertaken by Pegasus Group and is included in Section 3.2 of this AI Report.</p>
<p>The Council is concerned the applicant's design process has not been fully successful in mitigating the landscape and visual impacts of the development. The developer is invited to review the design iteration process and investigate the placement of turbines T1, T2 and T3 relative to the grouping of the remaining turbines.</p>	<p>The design iteration process for the Proposed Development is outlined in detail in Volume 1, Chapter 3 of the EIA Report. Pegasus Group has prepared a response to the Council's concerns regarding the placement of turbines 1, 2 and 3 in Section 3.2 below.</p>
<p>The Council requests that the Applicant clarify that it is their position that the landscape effects of the proposal are localised? Or do they accept that the landscape effects are regional in effect, but this is justified as a departure from Policy 11 e) ii) [of National Planning Framework (NPF) 4] in this instance, given the benefits of the proposal as highlighted in other sections of the Planning Statement?</p>	<p>This query regarding whether or not the landscape effects of the Proposed Development are localised is addressed in detail in the updated Planning Statement provided alongside this AI Report.</p>
<p>States that the EIAR does not include the proposed BESS in its assessment of landscape and visual impacts to any degree.</p>	<p>The LVIA submitted in support of the Application does consider the potential effects of the BESS amongst its judgements of the effects of the Proposed Development as a whole, however it is acknowledged by the Applicant that there are no views of note of the BESS from any of the LVIA</p>

Comment Received	Applicant Response
<p>The applicant is invited to provide an assessment of the landscape and visual impacts of the battery energy storage system. Specifically, the EIA must provide clarity on the methods of screening examined at design stage to mitigate the effects of this scale of electrical infrastructure development on the landscape.</p>	<p>viewpoints. Separate visualisations illustrating the BESS have been prepared and are included in Appendix 1. A Landscape Masterplan has also been produced in response to these matters and is included in Appendix 1.</p>
<p>The applicant is invited to review the oBEMP to examine ways in which the enhancement measures can be improved to address the requirements of NPF4 Policy 3 b) iv).</p>	<p>The Applicant has since provided further clarification to Midlothian Council in regard to the proposed biodiversity enhancement measures. This further consultation is included in Appendix 4.</p>
<p>The applicant is invited to amend the oBEMP to signal their intent to pursue more substantial enhancement opportunities.</p>	<p>An updated Outline Biodiversity Enhancement Plan (oBEMP) has been prepared in response to consultee comments and is included in Appendix 5.</p>
<p>The applicant is invited to re-assess the potential impact on the natural heritage assets of Midlothian from the delivery of abnormal indivisible loads to the site.</p>	<p>Midlothian Council's comments relating to the potential impact on natural heritage assets resulting from the delivery of abnormal indivisible loads are addressed in the Applicant's response to Midlothian Council, included in Appendix 4.</p>
<p>The applicant is invited to respond to the requirement of NPF4 Policy 23 f) relating to suicide risk.</p>	<p>Policy 23 f) of NPF4 requires development proposals to be designed to take into account suicide risk. The Site is not in a "location of concern" as identified within the Midlothian Local Development Plan and therefore Policy 23f does not directly apply. Notwithstanding, the Proposed Development would be constructed and operated under all relevant British Standards and Health and Safety legislative requirements such as securing entrance to turbines and substation for public safety.</p>
<p>The applicant is invited to consider the risk of ice throw on neighbouring uses, including the Core Path to the west of the site, including measures to mitigate this risk.</p>	<p>Icing in Scotland is a rare occurrence, with the Icing Map of Europe (WECO, 2000) showing Scotland to be within a light icing area with an annual average of only 2-7 icing days per year. The risk associated with ice throw affecting members of the public is considered to be very low given the location of the Proposed Development. Scottish Government's Onshore Windfarm Advice Sheet states that danger to human or animal life from falling parts or ice is rare. As such, the risk of ice throw was scoped out of assessment within the EIA Report in agreement with consultees at the Scoping stage.</p>

Comment Received	Applicant Response
	<p>The risk of ice throw is further reduced by the following mitigation, which will be undertaken by the Applicant:</p> <ul style="list-style-type: none"> • Turbines will have sensors on them to detect the build-up of ice and automatically prevent the turbines spinning when ice has developed on them, thus preventing the ice being thrown. • Service crews will be trained regarding the potential for ice throw. • Ice risk conditions will be monitored by the windfarm operator. • Public notices will be displayed at access points alerting members of the public and staff accessing the site of the possible risk of ice throw under certain weather conditions.
<p>East Lothian Council Archaeology Service (ELCAS) on Behalf of Midlothian Council</p>	
<p>ELCAS note that the assessment does not adequately assess the impacts of the proposals on the historic environment, with further work needed.</p> <p><u>General Comments</u></p> <p>ELCAS presents general comments which are expanded on in later sections of the response, these comments are generally themed on the lack of robustness in the presented methodology and the need for a further assessment of all assets.</p>	<p>In response to consultee comments, SLR Consulting have provided an updated archaeology and cultural heritage assessment supplementing the assessment carried out in Chapter 7 of the EIA Report, which is included in Appendix 2 of this AI Report. Clarifications in response to comments about methodology have been provided within Section 5 of Appendix 2.</p>
<p>ELCAS note that the baseline presented within the EIA chapter is limited and lacking in detail. They also state that a systematic walkover survey should have been carried out to aid in the design process. They believe that a number of sites and surveys were not included in the Desk Based Assessment and state that the full extent of sites should be shown on figures.</p> <p>ELCAS state that the archaeological potential section does not adequately assess the potential for heritage assets within the site and as such has impacts on the proposed mitigation.</p> <p>ELCAS present general comments about the mitigation presented in the EIA chapter, providing a generalised methodology that may be applicable to similar sites. They note that no mitigation has been proposed for the development footprint where it does not intersect with known heritage assets. They also note that no provision has been made to consider public benefit or enhancement as part of the proposed mitigation.</p>	<p>An update to the EIA baseline has been presented in Section 4.1 of Appendix 2. This includes further description of the targeted walkover, as agreed at Scoping, and an updated assessment of the archaeological potential of the Site.</p> <p>An assessment of the potential for direct impacts as a result of the Proposed Development and proposed mitigation measures are also presented in Section 4.2. These have been expanded upon and clarified but their conclusions remain the same.</p>

Comment Received	Applicant Response
<p>ELCAS state that overall the EIA chapter and appendices would benefit from clearer language and structure, with further work needed to justify the conclusions reached. They note that in some cases the settings of the assets have not been fully defined.</p> <p>ELCAS note that some assets have been scoped out at appraisal or have been given a lower level of impact than warranted. They highlight the lack of consideration of C Listed Buildings in the assessment and state that cumulative impacts should not just be undertaken for those assets where a significant setting impact is predicted.</p> <p>ELCAS provide a series of specific comments relating to the operational impacts, summarised below:</p> <ul style="list-style-type: none"> • Appendix 7.2 lacks detail in places and doesn't consider the full setting of each asset before scoping out. • ELCAS raise issues with the assessment of Hirendeane Castle and Moorfoot Chapel, highlighting the need to assess views to each asset, the contribution of the Moorfoot Hills to a sense of isolation and defence, and the potential for noise impacts. • Middleton Hall's assessment did not fully consider the historic long-distance views to the south and south-west and should have included an estimated wireline. • In reference to Loquhariot fort, intervisibility with other forts and long-distance views to the south should have been considered in the assessment. • A visualisation from Gladhouse Reservoir and Villa would have been helpful in assessing impacts. • In reference to Maudslie Farm, the assessment doesn't take into account the proximity to hill pasture for pastoral farming, nor the asset's sense of place at the foot of the hill. ELCAS note that there is a potential for adverse impacts on these elements of the asset's setting. • ELCAS note that the assessment of Crichton Castle and Borthwick and Crichton Conservation Area should have been assessed separately and fully. 	<p>In regard to the assessment of impacts on the setting of heritage assets as a result of the Proposed Development, updated assessments for Arniston House and GDL can be found in Section 2 of Appendix 2 and updated assessments for Crichton Castle and Borthwick and Crichton Conservation Area are found in Section 3.</p> <p>Clarifications in regards to comments about Methodology can be found in Section 5 of Appendix 2, and clarification in regards to comments about Category B Listed Buildings in Section 6.</p> <p>Clarifications in regard to Loquhariot Fort and Middleton Hall can be found in Sections 7 and 8 of Appendix 2.</p> <p>Appendix 7.2 of the EIA Report was originally submitted as Appendix 5.1 of the Scoping report, with the methodology and scope agreed upon by consultees. The appendix was amended in part to reflect changes of design over the application process. As the scope and methodology was agreed at Scoping, Appendix 7.2 of the EIA Report has not been updated as part of this report.</p>

Comment Received	Applicant Response
<ul style="list-style-type: none"> • ELCAS note that Arniston House and GDL has not been assessed fully and additional visualisations are needed from key points within the GDL to support this assessment. 	
Historic Environment Scotland (HES)	
<p>HES were unable to determine whether the Proposed Development would raise issues of national interest for their remit. This is due to the requirement for further visualisations to understand the potential for potential impacts on Arniston House (LB808) and Arniston Inventoried Garden and Designed Landscape (GDL00029). HES requested photomontages looking along the axial view from the principal rooms, produced in winter to show the lowest level of tree coverage. At this point, they object until sufficient information is provided.</p>	<p>A further three photomontages have been produced showing HES’s requested views through ‘The Wilderness’ and are included in Appendix 3.</p>
<p>HES notes that Arniston House and Arniston Inventoried Garden and Designed Landscape should have been assessed separately as they have separate settings receptors.</p>	<p>In response to consultee comments, SLR Consulting have provided an updated archaeology and cultural heritage assessment supplementing the assessment carried out in Chapter 7 of the EIA Report, which is included in Appendix 2 of this AI Report. Within this assessment, Arniston House and GDL are assessed separately.</p>
<p>HES disagrees with the methodology and approach for the assessment of the following assets:</p> <ul style="list-style-type: none"> • Middleton Hall (LB806) • Preston Hall A-Listed Buildings and Garden and Designed Landscape (LB775, LB777, LB113, LB746, GDL00320) • Oxenfoord Castle (LB768) • Crichton Castle (SM805) • Borthwick Castle (LB805) • Borthwick and Crichton Conservation Area 	<p>The comments of HES regarding the methodology of the assessment have been acknowledged by the Applicant’s archaeology and cultural heritage consultants and will be taken on board for future applications. This acknowledgment is further outlined in Appendix 2.</p>

Comment Received	Applicant Response
<p>Whilst HES disagree with the methodology and aspects of the assessments for these assets, they agree that the impact from the Proposed Development would not be significant in EIA terms.</p>	
<p>HES disagree with the assessment of the setting proposed for Jeffries Corse cairn within the EIA chapter. HES believe that the Proposed Development has the potential to impact the ability to understand and appreciate the relationship with the South Esk Valley entrance and the nearby Dundreich Cairn (SM2777). However, they are content that the Proposed Development will not have a significant impact on the integrity of the monuments setting and that the impacts would be of such significance that they would object.</p>	<p>The comments of HES regarding the methodology of the assessment have been acknowledged by the Applicant’s archaeology and cultural heritage consultants and will be taken on board for future applications. This acknowledgment is further outlined in Appendix 2.</p>
<p>HES note that the grouping of several assets together in Appendix 7.2 means that they have not been adequately assessed for potential impacts. They suggest that a different approach is taken for future applications.</p>	<p>The comments of HES regarding the methodology of the assessment have been acknowledged by the Applicant’s archaeology and cultural heritage consultants and will be taken on board for future applications. This acknowledgment is further outlined in Appendix 2.</p>
Scottish Environment Protection Agency (SEPA)	
<p>SEPA request that the most south-westerly borrow pit search area proposed (B2), to the south of turbine T15, should be relocated at a distance greater than 250m from the spring line including PWS07 (spring 2). This is due to the proposed excavation depth and extraction techniques (potentially blasting) may increase fractures and potentially divert groundwater from the spring PWS [Private Water Supply] source(s) identified.</p>	<p>The Applicant has revisited the location of the south-westerly borrow pit search area and reviewed the specific concerns raised by SEPA in relation to the proximity of combined abstraction/collection features to the proposed works. Further consultation has been undertaken with SEPA addressing these concerns, and further justification provided as to the appropriate nature of the proposed borrow pit’s location. A summary of consultation this is provided in Section 3.6 below.</p>
<p>SEPA request that the following information be confirmed:</p> <ul style="list-style-type: none"> • The location details and type of the PWS sources named PWS07 (spring 3), PWS03, PWS04 and PWS05, and confirm if they are beyond the applicable buffer zones set out in SEPA’s LUPS-GU3131. Update the Private Water Supply Risk Assessment (if required) with this further information. • The groundwater monitoring locations proposed for PWS07 and PWS08 (i.e. which of the three groundwater springs called PWS07, and which of the 15 groundwater springs and storage reservoir called PWS08), including that if it is at groundwater source locations rather than, or in addition to, the 	<p>The project’s hydrologists, SLR Consulting, have provided an updated PWS assessment to address SEPA’s requests and is included as Appendix 9 of this AI Report.</p>

Comment Received	Applicant Response
<p>supply locations for the water environment monitoring programme (see Table 1, Appendix 5, SEPA LUPS-GU31).</p> <ul style="list-style-type: none"> The depths of the excavations proposed for the new access track/ junction in the vicinity of PWS08 (i.e. if deeper or shallower than 1m, to confirm which applicable buffer zone applies). 	
<p>SEPA recommends that the example monitoring plan in the PWS risk assessment includes:</p> <ul style="list-style-type: none"> Water quantity monitoring with spring flow measurements. Clarification of the duration of the baseline (pre-construction) monitoring period. SEPA's LUPS-GU31 recommends monthly for 12 months. Increased monitoring frequency of PWS07 spring 2 (to fortnightly) during the construction phase, since it is within 100m of proposed infrastructure (borrow pit search area). Clarification of the duration and frequency of post-construction (operational phase) monitoring. SEPA recommends monthly monitoring for a minimum of 12 months duration and until it can be demonstrated that there is no significant impact (Appendix 5 of Ref. 6). 	<p>The updated PWS (Appendix 9) includes a revised example monitoring plan which includes for SEPA's recommendations.</p>
NatureScot	
<p>The peat management plan contains an error in calculating the excavated volumes, underestimating the length of the access track by a factor of 10, which significantly increases the estimated volume of excavated peat by over 37%. The corrected figure shows that over 53,000m³ of peat will be excavated, 10,000m³ more than planned for reuse.</p>	<p>The error in the documented excavated volumes of peat and peaty soils in the Peat Management Plan (Volume 4, Technical Appendix 10.2: Peat Management Plan) has been corrected. The comparison between the previously submitted peat volumes and the updated version is detailed in Appendix 8.</p>
<p>The EIA report predicts the overall loss of blanket bog, wet modified bog and dry modified bog at 4.77 ha. Using this figure, and based on our guidance, we would recommend 47.7 ha of peatland restoration to achieve compensation (i.e. 10x the 4.77 ha predicted loss). Additionally, noting that the application site has a total priority peatland habitat extent of 131.82 ha (i.e. 19.05 ha blanket bog plus 6.16 ha of wet modified bog, plus 106.61 ha of dry modified bog), we would expect another 13.1 ha to achieve enhancement (i.e. 10% of the baseline extent of priority peatland habitat on the application site).</p>	<p>The project's principal ecologists have addressed the comments provided by NatureScot and the response is included in Appendix 4. This response includes clarifications on the quality and conditions of peatland within the Site and details further measures relating to restoration and enhancement.</p> <p>An updated oBEMP has also been prepared and is included in Appendix 5.</p>

Comment Received	Applicant Response
<p>In total, NatureScot would recommend approximately 60.8 ha of bog restoration. Instead, the application proposes that it will deliver 36.69 ha peatland enhancement. This equates to a shortfall of approximately 24 ha on what they would recommend is required to deliver compensation and enhancement for the peatland. Without adequately detailed information at application stage, as recommended in their peatland guidance, it is difficult to estimate the extent of peatland restoration that would actually be delivered or to demonstrate that proposals are likely to be effective.</p>	
<p><u>Black Grouse</u> NatureScot believe, for the following reasons, that impacts of the proposed development on black grouse have been underplayed in the EIAR:</p> <ul style="list-style-type: none"> • Black grouse have been identified as breeding within the 500m disturbance zone and wider survey area of the site but have then been omitted from proper consideration as ‘Key Species Potentially at Risk’ in the ‘Assessment of Potential Effects’ (Chapter 9: Ornithology pg. 36). • Three leks have been identified in the surveys. However, only two leks have been taken into consideration for mitigation. The third appears to be very close to Turbines 4 and 1 (within 200-300m). • Two other active leks recorded by the Scottish Borders Black Grouse Lek Survey in the same survey periods 2021/2022 are within the wider survey area and within the 1.5km range of site infrastructure but have not been captured or considered in the EIAR. • No consideration has been given to the cumulative impacts of other developments or forestry in the area e.g. the adjacent Carcant wind farm already in operation and the proposed wind farm project at Wull Muir. • Black grouse are more likely to collide with turbine bases than blades e.g. when males fly in at dusk to attend leks. This impact has not been considered in the EIAR but may be particularly relevant given the number of turbines in close proximity to the two leks to the west of the site. • The introduction of linear features (e.g. access roads) into a landscape has been shown to improve the efficiency of predator foraging. This can place additional pressure on ground-nesting birds such as black grouse. 	<p>The project’s principal ornithologist has addressed comments raised by both NatureScot and RSPB in relation to Black Grouse within their updated ornithology assessment, which is attached as Appendix 6.</p> <p>Further to the revised assessment, an updated Breeding Bird Protection Plan (BBPP) has been provided in Appendix 7</p>

Comment Received	Applicant Response
<p>NatureScot recommends adding to the Breeding Bird Protection Plan that, as per other guidance during the months of April and May, a 750m buffer is also applied where no construction activity is allowed (including vehicle movement along tracks) before 9am.</p> <p>NatureScot requests that greater detail on the nature and scale of the proposed contribution to the Southern Upland Partnership Black Grouse Project should be presented at application stage.</p> <p>NatureScot recommends that stronger on-site mitigation and compensation measures are implemented including habitat creation or restoration. Compensatory measures should ideally be taken before works commence in order to provide the necessary habitat for any displaced breeding females.</p>	
<p><u>Curlew</u> The cumulative assessment included in the EIAR considers only certain other wind farm developments and excludes other land use proposals, such as woodland creation, which could increase mortality or cause displacement/disturbance. Without taking into account other developments or forestry impacts, the total numbers of breeding curlew covered by the cumulative assessment still represents nearly one in ten, or just over 9% of the estimated Natural Heritage Zone population.</p> <p>Greater detail on the nature and scale of the proposed development and implementation of a regional plan for breeding waders should be presented at application stage.</p>	<p>The project’s principal ornithologist has addressed comments raised by both NatureScot and RSPB in relation to Curlew within their updated ornithology assessment, which is attached as Appendix 4.</p>
<p>The OBEMP should go further and proposals to deliver positive effects should be clearly distinguished from mitigation and compensation measures to ensure that all requirements are fulfilled.</p>	<p>An updated oBEMP, including a revised Biodiversity Net Gain (BNG) metric calculation, is included in Appendix 5.</p>
<p>The OBEMP also proposes delivery of enhancement in distinct parcels and indicates the use of fencing to control or exclude livestock. However, a more progressive approach, which may benefit the entire site, would be to carry out a Herbivore Impact Assessment, and adjust the livestock (and deer) pressure accordingly, so that habitat condition improved across the entire development site.</p>	<p>NatureScot’s comments relating to the use of fencing to control livestock are addressed in the Applicant’s response to NatureScot, included in Appendix 4.</p>
<p>RSPB</p>	

Comment Received	Applicant Response
<p>Sufficient information should be provided to enable an Appropriate Assessment to conclude beyond a reasonable scientific doubt that there will not be an adverse effect on the integrity of the designated Pink-footed goose population associated with the Gladhouse Reservoir SPA and other linked SPAs.</p>	<p>The project’s principal ornithologist has addressed comments raised by RSPB in relation to pink-footed geese within the updated ornithology assessment, which is attached as Appendix 6.</p>
<p>The Applicant should revisit the proposed mitigation measures aimed at addressing the predicted operational impacts to breeding Curlew on site and through cumulative displacement, which may include the removal or relocation of turbines.</p>	<p>RSPB’s comments regarding proposed mitigation measures for curlew are addressed within the updated ornithology assessment, which is attached as Appendix 6.</p>
<p>RSPB recommend the BEMP is revised and resubmitted, to alleviate their concerns regarding the proposed wind farm, to include the following:</p> <ul style="list-style-type: none"> • Include bird monitoring for the duration of wind farm operation, due to potential impacts of ornithology at the site. • Ensure adequate enhancement is delivered in line with NPF4 Policy 3 for key species, e.g. Curlew and other waders. • Should consent be granted, the BEMP should be secured by a suitably worded condition, alongside the proposed Biodiversity Management Group which will oversee BEMP activity (we would welcome opportunity to participate in the BMG). 	<p>The oBEMP, as originally set out, covered both habitat and ornithological measures. The formal ornithological mitigation will be delivered off-site.</p> <p>The oBEMP will deliver measures that will benefit the local bird communities, but these do not form a specific part of the ornithological mitigation, as the measures will be delivered within the potential disturbance zone around the wind turbines (advised by NatureScot to be a 500 m buffer). There is insufficient area within the Proposed Development Site outside this zone to deliver the required mitigation on-site.</p> <p>Enhanced ornithological mitigation measures are outlined in the updated ornithology assessment (Appendix 6) and are being developed in consultation with RSPB, the Tweed Forum and the Southern Uplands Partnership.</p>
MOD	
<p>The proposed development site is within the statutory consultation zone of the Eskdalemuir Seismological Recording Station, a crucial asset for the UK’s contribution to the Comprehensive Nuclear Test Ban Treaty. Wind turbines generate seismic noise that can interfere with the station’s operational functionality. The MOD manages a finite seismic noise capacity within a 50km radius around the array. Currently, no seismic noise capacity is available. Therefore, the MOD objects to the application due to the unacceptable impact on the operation and capability of the array.</p>	<p>The Applicant acknowledges that the Proposed Development is within the statutory consultation zone of the Eskdalemuir Seismological Recording Station. As outlined in Volume 1, Chapter 14 of the EIA Report, the Proposed Development is approximately 40 km north of the Eskdalemuir Seismic Array and eleven of the turbines are within the 50 km safeguarded zone.</p> <p>The Applicant’s position remains the same as that at the application stage and is confident that the impact can be mitigated once the MOD and Scottish Government has agreed on the updated technical ‘noise budget’ and allocation policy. This mitigation could be secured through an appropriately worded suspensive planning condition.</p>

Comment Received	Applicant Response
ScotWays	
<p>ScotWays notes that while the directly affected right of way (right of way LM173 and Scottish Hill Track 'route number 39 Leadburn to Heriot [HT43]) has been recognised in the recreational baseline, the wider context of recorded rights of way appears to be overlooked. Although core paths and longer walking routes are shown in Figure 6.17 Principal Visual Receptors, specific rights of way are not.</p> <p>ScotWays acknowledges that direct impacts have been considered but expresses concern that rights of way within the broader recreational baseline have not been fully assessed. This response should be regarded as a holding objection until a comprehensive assessment of the wider impacts on recreational users is completed.</p>	<p>The project's landscape architects, the Pegasus Group, have provided clarification in response to the holding objection received from ScotWays. This is provided in Section 3.2 of this AI Report.</p>
Moorfoot and Heriot Community Councils	
<p>Appendix 6.6 (Residential Visual Amenity Assessment) of the EIA Report should be reprinted so it is legible. It is essential to allow the local community to assess this matter vital to them.</p>	<p>The Applicant has since provided Moorfoot and Heriot Community Councils with an alternatively formatted version of the Residential Visual Amenity Assessment.</p>

3 Additional Information

As discussed in **Table 2.2** a number of additional reports have been produced by the Applicant to respond to objections and requests for additional information. This section provides an overview of the additional information which is provided in **Appendices 1-9** of this document.

3.1 Landscape and Visual

Following the submission of the Section 36 application, the Applicant has commissioned Pegasus Group to address the matters raised by consultees concerning landscape and visual effects. A Landscape Masterplan has also been produced in response to these matters and is included in **Appendix 1**.

NatureScot

NatureScot provided their response dated 21st February 2024. With regard to landscape and visual matters, the response sets out in its summary that *‘The proposal would result in significant adverse landscape and visual effects on a landscape feature that makes an important contribution to the landscape character of Midlothian’*. Annex 1 to the response provides further detail regarding this matter and sets out that the Proposed Development *‘would in many instances visually interrupt or compete with important views of the Moorfoot Hills and their skyline and is likely to adversely affect, or compete with, the sense of scale provided by the hills. These effects will be widely experienced due to the settled nature of the landscape to the north and the widespread visibility of the turbines from many areas of East Lothian and Midlothian’*.

The LVIA (Chapter 6 of the EIA Report) identified that there would be some significant effects on landscape character and visual amenity, but such effects are inherent with any commercial scale wind energy development and would not extend beyond a localised area around the Site.

It is acknowledged that in some instances the turbines would be seen in association with the Moorfoot Hills, but it is considered that the sense of scale provided by the hills would remain appreciable.

Overall, no objection was raised in relation to landscape and visual matters and no requests were made for additional information to be provided.

Scotways

Scotways provided their response dated 24th January 2024. With regard to landscape and visual matters, the response sets out a holding objection due to the potential

that certain rights of way may have not been fully considered in the LVIA. In particular this related to ‘*right of way LM173*’ and Scottish Hill Track ‘*route number 39 Leadburn to Heriot [HT43]*’.

Right of way LM173 follows the same alignment as Core Path 8-58. HT43 also shares part of this route, plus part of the alignment of Core Path 8-53.

Both the routes were considered in the LVIA at paragraphs 6.6.143 to 6.6.149, the sub-heading for which specifically references both the right of way and the Hill Track. Both routes were therefore assessed in the LVIA, notwithstanding that they weren’t specifically labelled on Figure 6.17, due to the fact they were already illustrated on the Figure by virtue of the routes also being Core Paths.

Pegasus therefore consider that the current holding objection should be removed on the basis that these routes were considered in the LVIA.

Moorfoot and Heriot Community Councils

Moorfoot and Heriot Community Councils provided their response, a holding objection, dated March 2024. With regard to landscape and visual matters, the response makes no request for any additional information to be provided, beyond that Appendix 6.6 is reprinted in a manner which they consider to be more legible. An alternative printed version of Appendix 6.6 has been provided to the Community Councils alongside the submission of this Report.

Midlothian Council

Midlothian Council provided their interim response dated 12th March 2024. With regard to landscape and visual matters, the response sets out a series of five queries, from #LVA1 to #LVA 5, each of which are discussed in turn below.

Query #LVA1 - We note that the Council state that they agree with the findings of the LVIA regarding the 22 viewpoints in terms of daytime effects, other than with regard to VP9 where they suggest that the effect would be ‘major’, rather than ‘major/moderate’. However, the LVIA does identify a ‘major’ effect for the daytime period for VP9 (refer to Table 6.6), so we are in agreement with the Council. The ‘major/moderate’ effect at VP9 relates to the night-time assessment, not the daytime assessment, and that may be where the confusion has occurred.

Query #LVA2 - The Council go on to state that with regard to the residential visual amenity assessment that ‘Property 10: White Cottage shares broadly the same view of the site as Viewpoint 9 above’ and suggest that ‘the level of effect would be more likely to be moderate significant due to the extent of view available within the gardens and at the main garden gate entrance and access road’.

Although the property does lie relatively close to Viewpoint 9, the residential visual amenity assessment identifies that the property has notable boundary hedges, which in combination with the grassed bank running up to the reservoir would serve to restrict views from the property. This hedge can be seen in the photograph of the property which was included in the residential visual amenity assessment (reproduced for reference below). The effect on the property would therefore be less than that for VP9, which has a much more open view.



Photograph of Property 10: White Cottage - as provided in the residential visual amenity assessment.

Query #LVA3 - The Council set out that they are ‘concerned the applicant’s design process has not been fully successful in mitigating the landscape and visual impacts of the development’. In particular they note that ‘The developer is invited to review the design iteration process and investigate the placement of turbines T1, T2 and T3 relative to the grouping of the remaining turbines’.

The design of the wind farm was developed through an iterative process which combined various technical and environmental factors, including consideration of potential visual effects. Full detail of this was set out in the planning application submission and is not repeated in full here. It is noted that the Council refer specifically to T1-T3 and suggest that they ‘*do appear as outliers in certain views*’. It is acknowledged that these turbines are located towards the edge of the array in certain views, but it is not considered that they form inappropriate outliers to the rest of the turbines, such that further design work should have been undertaken.

Query #LVA4 - This query states ‘Can the applicant clarify that it is their position that the landscape effects of the proposal are localised? Or do they accept that the landscape effects are regional in effect, but this is justified as a departure from [NPF4] Policy 11 e) ii) in this instance, given the benefits of the proposal as highlighted in other sections of the Planning Statement?’

This query regarding whether or not the landscape effects of the proposal are localised is addressed in detail in the updated Planning and Sustainable Place Statement provided alongside this Report.

Query #LVA5 - This query relates to the battery energy storage system (BESS) and states ‘the applicant is invited to provide an assessment of the landscape and visual impacts of the battery energy storage system. Specifically, the EIA must provide clarity on the methods of screening examined at design stage to mitigate the effects of this scale of electrical infrastructure development on the landscape’.

The LVIA does consider the potential effects of the BESS amongst its judgements of the effects of the Proposed Development as a whole. For most receptors however the BESS would either not be visible, or would form a very minor component of the view when compared to the turbines. This is due to its location within a part of the Site which is well set back from the nearest residential properties, roads and rights of way. Indeed, there are no views of any note of the BESS from any of the LVIA viewpoints. Separate visualisations have therefore been prepared to illustrate the BESS, in order to enable a further understanding of where this would be located within the Site. These visualisations are provided at **Appendix 1** to this Report. They illustrate the view from a location on the B7007 to the south of the Site, further to the north-east from Viewpoint 2, both at Year 1 and Year 15 after the mitigation planting proposals around the BESS have established. These planting proposals are in turn illustrated on a plan at **Appendix 1**.

3.2 Archaeology and Cultural Heritage

Following comments received from Midlothian Council and HES, the Applicant commissioned SLR Consulting to update the Archaeology and Cultural Heritage assessment for Torfichen Wind Farm. The revised assessment is attached as **Appendix 2**. A further three photomontages have been produced showing HES’s requested views through ‘The Wilderness’ and are included in **Appendix 3**.

The revised assessment sets out clarifications and updates in response to comments by HES and ELCAS on behalf of Midlothian Council and updates the assessments of potential impacts as a result of the Proposed Development on Arniston House

(LB808), Arniston Inventory Garden and Designed Landscape (GDL00029), Crichton Castle (SM13585) and Borthwick and Crichton Conservation Area (CA343).

In addition, the revised assessment has updated the archaeological baseline of the Site, in order to aid in a more accurate appraisal of the archaeological potential of the Site and update the potential for direct impacts on heritage assets. An updated mitigation methodology has been suggested and will be negotiated with ELCAS on behalf of Midlothian Council. Furthermore, a series of comments have been clarified with regards to the methodology of the EIA Report, assessment of some Category B Listed Buildings, and further assets which warranted clarification.

Revisions to the assessment have not resulted in any further significant impacts above those already identified in Volume 1 Chapter 7: Archaeology and Cultural Heritage.

3.3 Ecology

The Applicant's ecologists, MacArthur Green, are engaging in ongoing discussions with NatureScot, providing further detail and clarification of their proposed approach and to gain further guidance on the issues raised specifically regarding peatland and biodiversity.

As part of this process, **Appendix 5** includes a consultation response to NatureScot which contains clarifications on the quality and conditions of peatland at the Site and details further measures relating to restoration and enhancement. A subsequent response from NatureScot to the Applicant's ecologists is also provided.

The oBEMP has been revised in consideration of consultee feedback and changes to policy and guidance since the submission of the original application and is included as **Appendix 5**. This OBEMP supersedes the originally submitted oBEMP (Technical Appendix 8.6 in Volume 4 of the EIA Report).

The key updates to the oBEMP include:

- an increase in the extent of the peatland restoration/enhancement proposal;
- collation of further baseline information in relation to grazing pressure and livestock stocking densities;
- updates to management prescriptions, where applicable; and
- a revised BNG assessment following updates to relevant BNG metric toolkits and supporting guidance since the original application was submitted.

The oBEMP proposes an extensive suite of habitat and biodiversity compensation and enhancement measures on and around the Site, for a variety of habitat types and includes peatland restoration/enhancement, native broadleaved woodland creation, grassland creation and restoration, bracken control, and creation of native species-rich hedgerows. All of these biodiversity creation and enhancement measures will benefit local flora and fauna and result in significant net gains for biodiversity of +33% for area-based habitats and +1540% for linear habitats during the operational period of the Proposed Development. The +33% net gain marks an increase of 21.2% from the area net gain of 11.8% reported in the original oBEMP.

3.4 Ornithology

Following comments received by RSPB and NatureScot, the Applicant commissioned Ecology Consulting to update the ornithology assessment undertaken for the Proposed Development. The revised assessment is attached as **Appendix 6**.

The revised assessment addresses consultee concerns (as outlined in **Table 2.2**) and provides further information as requested, including more detail on the evidence base for the conclusions reached. Enhanced mitigation measures for curlew and black grouse are also proposed.

It is maintained that overall, there are not likely to be any significant impacts on ornithology as a result of the Proposed Development. In relation to the key NatureScot wider countryside test, the Proposed Development would not affect the favourable conservation status of any bird species of conservation importance within the Natural Heritage Zone, either alone or in combination with other schemes. It would also not result in any adverse effects on the integrity of any Special Protection Area qualifying interests, nor would it result in any breach of the Habitats Regulations.

Breeding Bird Protection Plan

Further to the revised assessment, an updated Breeding Bird Protection Plan (BBPP) has been provided in **Appendix 7**. This BBPP incorporates NatureScot's recommendation to apply a 750 m buffer from black grouse leks where construction activity (including vehicle movement along tracks) will be prohibited before 9am.

3.5 Geology, Hydrology, Hydrogeology and Peat

The Applicant has commissioned SLR Consulting to undertake updates to various aspects of the geology, hydrology, hydrogeology and peat assessment following comments received from SEPA and NatureScot (see **Table 2.2**). These updates are outlined below.

Peat Management Plan

An error in the documented excavated volumes of peat and peaty soils in the Peat Management Plan (Volume 4, Technical Appendix 10.2: Peat Management Plan) has been corrected. The comparison between the previously submitted peat volumes and the updated version is detailed in **Appendix 8**.

The revised assessment concludes that this error resulted in a net balance difference of 253m³ and that this difference does not result in any significant change to the overall recommendations and conclusions of the Peat Management Plan originally submitted in support of the application.

Private Water Supply Risk Assessment

The Applicant has engaged with SEPA regarding their request to relocate the south-westerly borrow pit search area and has reviewed the specific concerns in relation to the proximity of combined abstraction/collection features to the proposed works (see **Table 2.2**).

A review of the British Geological Survey (BGS) onshore GEOINDEX indicates that the group of abstraction points follows a feature line where the permeable superficial deposits upslope meets clay deposits downslope creating a series of springs or issuances. These are then aggregated at the feature identified as a reservoir to the east of the proposed work. Three of the identified abstraction points lie less than 250 m from the proposed works with the closest being approximately 130 m from the works. Seven of the abstraction points are more than 250 m from the proposed works and not considered further. Similarly, all pipe or conduits transporting water to the reservoir are thought to be upslope of the proposed works and would be unaffected. The abstraction points in question are 10 to 15 m higher in elevation than the proposed works. The slope below the abstraction points and above the proposed works is bisected by the cutting of the B7007 road and its associated cuttings and drainage.

The Applicant acknowledges that given the proximity, it is prudent to consider the potential for pollution/contamination (direct and diffuse) and for potential to dewater or reduce supply to these abstraction points.

Given the underlying geology, it is unlikely that there will be any significant hydrological connectivity between the abstraction points and the works, except as surface flows moving downslope towards the proposed works. Given the depth of drainage ditches upslope of the B7007, it is unlikely that such flows would reach the proposed works and as such it's likely the proposed works are hydrologically disconnected from the PWS. There is very little likelihood of direct or diffuse

pollution migrating upslope and likewise it is unlikely that excavations in the clay layer downslope would lead to significant dewatering upslope. The Applicant has therefore suggested to SEPA that it would be appropriate to take mitigation measures normally applied to where works are greater than 250 m from the source, as originally set out in the PWS risk assessment included in Volume 4 of the EIA Report as Technical Appendix 10.4: Private Water Supply Risk Assessment.

SEPA responded to the Applicant via email in November 2024 noting agreement in that the risk of pollution impacts on the springs is very low, given that they are upgradient from the proposed access track. A request for confirmation of the depths of the excavations for proposed access track construction was also sought, noting that if it is the case that these excavations will be less than 1 m deep, SEPA would agree that the risk of any quantitative impacts on the springs would be low, given that the springs appear to be outwith the required 100 m buffer zone.

The Applicant has since commissioned SLR Consulting to undertake updates to the PWSRA following the comments received from SEPA (see **Table 2.2**), which has been provided in **Appendix 9**. This provides additional information on PWS sources and includes further commitments for the proposed water monitoring and reporting plan.

The Applicant will be unable to confirm exact excavation depth requirements until Site Investigation (SI) works have been undertaken. Given SEPA's agreement with the Applicant's position that the pollution risk is very low due to gradients and topography; it is considered that this can be dealt with through discharge of a suitably worded condition relating to SI works.

Appendix 1 - BESS Landscape Masterplan & Visualisations

Appendix 2 - Revised Archaeology and Cultural Heritage Assessment

Appendix 3 - Additional Cultural Heritage Wirelines and Photomontages

Appendix 4 - Midlothian Council & NatureScot Response

Appendix 5 - Revised Outline Biodiversity Enhancement Management Plan

Appendix 6 - Revised Ornithology Assessment

Appendix 7 - Revised Breeding Bird Protection Plan

Appendix 8 - Revised Peat Management Plan

Appendix 9 - Revised Private Water Supply Risk Assessment