

6 October 2025

Attention: Midlothian Council  
Midlothian House,  
40-46 Buccleuch St,  
Dalkeith EH22 1DN2

SLR Project No.: 413.V01060.00XM2

Client Reference No.: Torfichen Wind Farm

ECU Reference No.: ECU00004661

**RE: MIDLOTHIAN COUNCIL REFERENCE 23/00795/S36 FOR THE PROPOSED  
TORFICHEN WIND FARM IN THE PLANNING AUTHORITY AREA OF  
MIDLOTHIAN COUNCIL**

This letter has been prepared, specifically with regards to terrestrial ecology and biodiversity, in response to Midlothian Council's committee report on the above noted application 23/00795/S36 for the proposed Torfichen Wind Farm.

A previous letter (dated 23 October 2024) covering some similar matters was prepared and submitted to Midlothian Council in response to questions raised within their interim response (dated 01 March 2024) to the above planning application. The response in that letter also remains relevant and is included again, for ease of reference, in Annex A below.

Since the interim response Further Environmental Information (FEI) has been provided by the Applicant. The FEI included a revised and expanded Outline Biodiversity Enhancement Management Plan (OBEMP) and revised Biodiversity Net Gain (BNG) assessment.

Further detail and clarification on terrestrial ecology and biodiversity enhancement matters raised in the committee report is provided below, along with updates to incorrect statements within the committee report due to the submission of FEI and updated information therein. In responding, this letter adopts the respective committee report paragraph numbers for ease of cross-referencing.

***Paragraph 8.57***

The committee report notes the biodiversity enhancement measures proposed in the OBEMP and their respective extents. It is stated the OBEMP includes peatland restoration/enhancement of an area of 36.69 ha. Within the revised OBEMP submitted as FEI, the peatland restoration/enhancement area now proposed is 56.32 ha. All other OBEMP measures and proposed extents remain the same between the OBEMP submitted with the EIAR and the OBEMP submitted with FEI.

***Paragraph 8.58***

It is stated the biodiversity enhancement measures proposed would deliver 11.8% biodiversity net gain. The updated BNG assessment undertaken as part of FEI incorporated the revised OBEMP proposals and was updated in line with the most recent guidance for the BNG toolkit used (which had been revised since the application submission). The revised BNG assessment included within the OBEMP submitted as FEI now predicts an area net gain of 32.5%, with significant linear net gain also due to proposed hedgerow creation.

### **Paragraph 8.60**

This paragraph states “...the Council has concerns that the impacts on vegetation along the abnormal indivisible load (AIL) route has not been scoped in. The Pell Frischman Transport Assessment (TA) as Appendix 11.1 refers to several instances of tree and vegetation removal. These have not been scoped into the net loss calculations adopted by the biodiversity net gain calculation. The TA does not provide any details of existing trees within the site of proposed works to accommodate AIL turning. This lack of information suggests that the net biodiversity gain is lower than that reported in the EIAR”.

Response: It is noted this has been raised previously within the council's interim response to the application. A detailed response has already been provided on this query within the letter provided 23 October 2024 (see Annex A). This same response, as outlined in Annex A, continues to apply here. In summary, the very minor scale of loss of small patches of generally low conservation value neutral grassland and weedy/ruderal road verge habitats is considered to be of negligible significance. Furthermore, the impact of such minor losses of these types of vegetation communities within the site-specific BNG assessment is of a trivial and negligible scale, particularly given the 32.5% area net gain for biodiversity predicted as a result of the Proposed Developments OBEMP proposals. By means of example, it would require the permanent loss of 1.2 ha of roadside neutral grassland for the BNG calculation to fall by just 0.5%, the scale of potential losses due to overrun along the AIL route will be significantly less than this (see Appendix 11.1 of the EIAR) and is predicted to be approximately 0.21 ha. Further information and proposed mitigation are included in Annex A.

### **Paragraph 8.61**

This paragraph conveys that the council believe some of the benefits associated with the OBEMP appear isolated from the proposal site, and that the council considers on-site works to be mitigation, rather than enhancement. The council also encourages a more connected series of enhancement measures that promote functional habitat connectivity with the wider area. It also suggests that the potential for meaningful enhancement has been missed.

Response: During the development of the OBEMP a wide range of possible biodiversity enhancement options were considered covering all the land available to the Applicant and in consultation with the relevant landowners, respecting their feedback and in-depth knowledge of the land, and to maintain a viable farming operation in tandem with biodiversity enhancement. Some the land available to the Applicant and suitable for biodiversity enhancement measures is located outwith the site boundary, such as Areas D and E, and this has been included in the biodiversity enhancement proposals, and it is appropriate to do so (see further discussion below).

The statement that the council considers on-site works to be mitigation, rather than enhancement, is incorrect and does not align with relevant policy or guidance. Enhancement can be delivered on-site, off-site, or both. For example, NFP4 Policy 3b) iv. notes biodiversity enhancements should be provided, and these should strengthen habitat connectivity within and beyond the development. The Scottish Government published Draft Planning Guidance on Biodiversity in November 2023<sup>1</sup> to clarify understanding of NPF4 Policy 3. Although labelled as ‘Draft Guidance’ it is intended that it should be used now to assist in implementation and delivery of Policy 3. Section 3 of the draft guidance sets out a number of core principles to help secure biodiversity enhancement and other wider policy objectives, one of these core principles is to ‘prioritise on-site enhancement before off-site delivery’. Section 3.10 of the guidance further states “*Wherever possible measures for enhancing*

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<sup>1</sup> <https://www.gov.scot/publications/scottish-government-draft-planning-guidance-biodiversity/>



*biodiversity should be provided within the development site, where the loss of, or damage to, biodiversity is taking place. This is an equitable approach, that seeks to ensure that areas of land do not become 'nature poor' as a consequence of development, to the detriment of both people and biodiversity. Where purely on-site enhancement is not possible, section 4.19 sets out further considerations for off-site delivery".* Therefore, on-site biodiversity proposals are appropriately considered to contribute to enhancement measures requirements, with on-site delivery preferential. With respect to off-site proposals, the guidance notes this could entail enhancing existing habitat or creating new habitats, strengthening the connectivity of nature networks, delivering larger landscape-scale benefits, and enhancing the resilience of key habitats and species identified as a priority for action.

The Proposed Development has primarily focussed on on-site enhancement measures in cognisance of the above guidance, however some off-site proposals are also included to expand the biodiversity enhancement offering that was possible and to increase the diversity of biodiversity enhancement proposals and measures (some of which would not have been feasible on-site).

The BNG metric assessment undertaken for the Proposed Development also considers all the proposals and has indicated that the OBEMP would mitigate and compensate for all habitat losses predicted and provide further enhancement on top of this to a value of 32.5% above the baseline and pre-development biodiversity value of the site.

In terms of the connectivity query raised in this paragraph. Biodiversity enhancement proposals are also greatly influenced by what is realistically and ecologically viable at a particular location and the likelihood of being successful in achieving the relevant aims and objectives of the proposals. Furthermore, the proposals and the locations of them, are also largely a function of the prevailing baseline conditions and habitat characteristics in respect to the aspirational target habitats and outcomes. In short, particular proposals will only work in certain areas where the conditions are suitable, and may not be ecologically possible or feasible in other parts of the site. This may give the impression that some proposals are isolated or lack wider connection, however this is not necessarily the case. For example, most sites, as is the proposal site, are a mosaic and patchwork of many different habitat types over distinctive land parcels, often with some transitional zones in between (for example see Figure 8.3 of the EIAR). Certain biodiversity enhancement proposals will only be viable on the respective associated suitable land parcels. In the simplest terms, using the Proposed Development proposals as an example, bracken control and management can only be undertaken in areas where there is bracken present, similarly peatland restoration can only be undertaken on suitable peatland habitat parcels where they exist and are suitable for restoration given the baseline conditions.

The specific proposals themselves should not be viewed in isolation and should be viewed in the wider context of adjoining habitat types and in some case those habitats further afield, as they may be creating connectivity or ecological stepping stones for species in other ways. In the case of the Proposed Development there are several examples, for instance, areas of bracken management are aimed restoring the local grassland habitats; the areas surrounding the proposed bracken management areas are largely patches of existing grassland, and therefore the management proposed will expand and connect existing grassland habitats. The broadleaved woodland creation proposals are based on the removal and subsequent replanting and restructuring of areas of current non-native conifer cover. Whilst the broadleaved woodland creation parcels themselves may initially seem relatively isolated they can become stepping stones in the wider relatively open landscape, or refuges, for relevant associated woodland species and which may facilitate movement or connectivity for mobile species and provide more linkages in the wider area, which have the potential to be enhanced further in the future. The creation of the species-rich meadow/grassland also has the potential to act as refuge or stepping stone for associated wildflower and invertebrate species in what is a largely intensive agricultural locale. This is a scarce and



declining habitat type, the creation of which would align with the Midlothian Council Biodiversity Action Plan (BAP) aim for the restoration and creation of flower rich habitats. The creation of such a habitat could also serve as a locus for other similar proposals nearby to connect with and create wider local connectivity. The hedgerow proposals will also expand and connect existing hedgerows locally.

The claim that the potential for meaningful enhancement has been missed is misplaced given the range of proposals included, their extent, and the overall gains predicted for biodiversity.

#### **Paragraph 8.62**

This paragraph states *“the Council requested that the Outline BEMP be reviewed to acknowledge these comments [i.e. those of paragraph 8.61] and aim towards a more significant, better-connected set of enhancement measures that is more commensurate with the scale and type of development”*.

Response: The OBEMP was reviewed and updated as part of FEI. The revised BNG assessment also indicates a significant 32.5% biodiversity net gain for area-based habitats due to the Proposed Development. Further context is provided in the response to paragraph 8.61 in the section above.

#### **Paragraph 8.63**

This paragraph notes concerns regarding the distance OBEMP Area D (i.e. species-rich meadow/grassland) is located from the Proposed Development site. The council further suggests that other opportunities are identified for alternative biodiversity enhancement measures instead of Area D in a location ecologically connected to, or closer to the site.

Response: Area D is considered a suitable location for the biodiversity enhancement proposal put forward for this area, despite its perceived distance to the site. Off-site proposals can help restore, conserve and connect biodiversity in the wider area. Relatively smaller or discrete areas of habitat can, and are widely recognised to, act as ecological stepping stones which can connect larger, isolated habitat areas, allowing wildlife to move between them and thus increasing overall ecological connectivity. Unlike continuous corridors, these patches can be smaller and discontinuous, but they can serve as key resting or transit points for species movement, facilitating longer distance dispersal and supporting biodiversity. However, the majority of proposals are to be delivered on-site and increase ecological connectivity and biodiversity value there, as further outlined in the response to paragraph 8.61 in the relevant section above. Significant biodiversity gain would be delivered on-site and as part of the Proposed Development regardless of the inclusion of Area D or not, were Area D to be removed from OBEMP proposals then the Proposed Development would still deliver 30% biodiversity net gain, and there would not be a requirement to find alternative proposals elsewhere.

#### **Paragraph 8.64**

The Council also query whether the potential for any additional adverse impacts on peat habitats has been considered with the proposed landscape masterplan for the Battery Energy Storage System (BESS).

Response: The proposed landscape masterplan for the BESS has been considered with respect to potential impacts on peatland and peatland habitats. No additional impacts are predicted. The areas identified for proposed rough grassland and proposed native tree planting as part of the landscape masterplan are sited outwith peatland habitats, being sited



on marshy grassland, semi-improved acid grassland and semi-improved neutral grassland, with soil depths recorded here and in the surrounding area all being less than 0.25 m in depth.

### ***Paragraph 8.65***

This paragraph notes the information supporting an application must be sufficient to allow for a full consideration of potential impacts prior to the determination of the application. It is also recommended that further development of the OBMEP and Transport Appraisal is undertaken to address concerns regarding OBEMP Area D, and the impact of the BESS and the AIL route.

Response: It is considered that the ecology information presented in the EIA and FEI is sufficient to allow for a full consideration of potential impacts prior to the determination of the application in line with relevant legislation and policy guidance and standards. Furthermore, queries around the OBEMP, and ecology aspects of the Transport Appraisal and BESS have been addressed, explained further or clarified in the FEI, the previous letter in response to the council interim response (Annex A), and the discussion presented above in this letter.

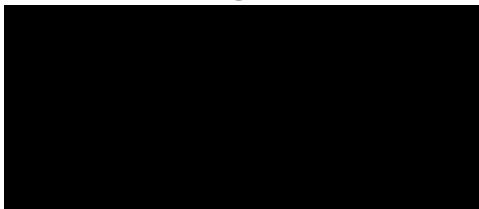
### ***Paragraphs 9.3 and 9.4***

In the recommendation section of the committee report, paragraph 9.3 recommends that details in the Transport Assessment regarding the AIL route should be reviewed and updated, inclusive of a tree survey for locations on the route where tree works or removal will be required, to gather information on the extent of impacts on trees and woodland; and additionally at paragraph 9.4 that the biodiversity net-gain should be reviewed and re-calculated to consider of all the trees and vegetation to be removed. Paragraph 9.4 also again suggests the identification of opportunities for alternative biodiversity enhancement measures instead OBEMP Area D.

Responses have already been presented above in the Section 8 paragraphs which also address the recommendation in Section 9.

Yours faithfully,

**SLR Consulting Limited**



Brian Henry, Technical Director – Ecology & Biodiversity

Office phone  
Email



Attachments     Annex A – Letter in response to Midlothian Council interim response on application reference 23/00795/S36.



## Annex A



E-mail: [REDACTED]

Date: Wednesday, 23 October 2024

Midlothian Council Reference: 23/00795/S36

ECU Reference: ECU00004661

Dear Martin,

**MIDLOTHIAN COUNCIL REFERENCE 23/00795/S36 FOR THE PROPOSED TORFICHEN WIND FARM IN THE PLANNING AUTHORITY AREA OF MIDLOTHIAN COUNCIL.**

Thank you for your interim response (dated 1 March 2024) to the above planning application. I am writing to provide further detail and clarification on ecology and biodiversity enhancement matters raised in your response, adopting the respective queries unique identifiers for ease of referencing.

***Query #BEMP1 – 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).***

***Query #BEMP2 – the applicant is invited to amend the oBEMP to signal their intent to pursue more substantial enhancement opportunities. These can then be secured by condition, requiring the engagement with statutory bodies and examining the potential for significant enhancement measures resulting from development.***

Response to Query #BEMP1 and Query #BEMP2

The OBEMP is undergoing review and a revised and updated OBEMP with associated revised Biodiversity Net Gain (BNG) Metric will be submitted along with Further Environmental Information (FEI) for the Proposed Development in due course.

***Query #BEMP3 – 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.***

Response to Query #BEMP3

The interim response states that potential for tree and vegetation removal along the abnormal indivisible load delivery route has not been picked up in the ecology chapter of the EIAR. This results in a miscalculation of the net biodiversity gain, the extent and significance of this is unknown.

The transport assessment in Appendix 11.1 of the EIAR has been reviewed from an ecology perspective. A limited number of areas are predicted to be subject to a small amount of vegetation trimming or clearance, these are all very narrow verge areas immediately flanking the existing public carriageway (generally from around Pathhead and along the minor roads to the site), as show in the respective drawings in Appendix 11.1. Photographs of several of these areas are also provided in Appendix 11.1. Vegetation trimming in road verge habitats such as this is not expected, or predicted, to have any notable effects on ecology. Vegetation clearance may take the form of verge habitat removal and/or tree removal. Verge habitats along roads such as these, and as can be seen in several photographs and aerial/Streetview imagery of the potential minor land-take locations, primarily contain low conservation value habitats; predominately neutral grasslands and weedy/ruderal communities, which are also likely subject to negative impacts from traffic and road run-off and spray. The minor scale of land-take impacts on these low value verge habitats from the Proposed Development is considered negligible/minor and not significant. The transport assessment also indicates that some limited tree removal may be required in a few locations. Trees will only be removed where necessary, and ecological checks of any trees identified for removal will be conducted prior to any works, being managed through the presence of an Ecological Clerk of Works (ECoW) and application of the Species Protection Plan (SPP; outline provided in Appendix 8.5 of the EIAR). With such standard mitigation in place, no significant effects are predicted.

The losses of lower value verge habitats as discussed above is of such a scale as to have a negligible impact on the BNG calculations. The OBEMP as it stands, and as highlighted through the BNG metric, already fully mitigates/compensates for habitat losses associated with Proposed Development and provides further enhancement of 11.8% above the pre-development baseline value. Any additional minor loss associated with the abnormal indivisible load delivery route does not affect the delivery of significant biodiversity enhancement at the site. Furthermore, as noted above, a revised and updated OBEMP will also be present with the FEI.

Yours sincerely,

Brian Henry,



Principal Ecologist

MacArthur Green is helping to combat the climate crisis through working within a carbon concious and biodiversity positive business model. Read more at [www.macarthurgreen.com](http://www.macarthurgreen.com).

