

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

29th JUNE 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 13/00789/FUL
OFFICER:	John Hiscox
WARD:	Hawick and Hermitage
PROPOSAL:	Wind farm development comprising of 9 wind turbines and associated infrastructure/buildings/access (further revised scheme - tip heights of Turbines 1, 2 and 4 reduced to 110m - all others to remain at 125m)
SITE:	Land North East and North West of Farmhouse Braidlie, nr Hermitage, Hawick – Windy Edge Wind Farm
APPLICANT:	Infinis UK
AGENT:	Jones Lang Lasalle

SITE DESCRIPTION:

The site is situated on grazed upland grassland just north of Hermitage Castle in Liddesdale. It is situated adjacent to Braidlie Burn, a small watercourse which runs southwards from Starcleuch Edge and Greatmoor Hill to the Hermitage Water. The core of the development would be north-west of Hermitage Hill, which itself forms the northerly backdrop to Hermitage Castle, a well-known heritage site owned and managed by Historic Scotland.

The village of Hermitage, including its castle is situated a little over 2km to the south-east of the nearest turbine. Newcastleton lies just under 10km to the south, whereas the outskirts of Hawick are around 13km to the north of the nearest turbine.

The site lies west of (and would be accessed from) the B6399 road that connects Newcastleton to Hawick; to the south is situated the valley road of the Hermitage Water, which connects Hermitage village to the A7 south of Mosspaul and which passes Hermitage Castle. The access is proposed from near Whitrope, a little north of the Whitrope Heritage Centre.

Broadly to the north, north-east and east forestry plantations occupy a large area of the landscape. To the west and south are more open moorland/fells akin to the site itself.

The authority boundary with Dumfries and Galloway is situated around 5km west of the nearest turbines, whereas the national boundary with England and the counties of Northumberland and Cumbria are within 11km and 13km respectively, to the south-east.

Landscape Character:

The site is situated in an upland Landscape Character Type (LCT) known as 'Southern Uplands with Scattered Forest', in between hills such as Greatmoor Hill, Hermitage Hill and Swire Knowe. More prominent and slightly further afield are

Maiden Paps and Cauldcleugh Head. These are situated within the Cauldcleugh Head Landscape Character Unit (LCU). The LCT is described within the 1998 Scottish Borders Landscape Character Assessment as “An upland landscape characterised by large-scale, rolling, heather and grassland covered hills.” Its key characteristics are described on Page 61 as:

- Large-scale rolling landform with higher dome or cone-shaped summits
- Significant areas of peatland and heather moorland
- Mosaic of grassland, bracken and rushes on lower ground
- Locally-prominent scattered large coniferous plantations

On Page 62 under the title ‘Landscape Experience’, the following commentary relating to the overall LCT is provided:

“This is a dramatic large scale landscape, open and exposed on the hills and often strongly enclosed within valleys. Views from high ground are distant and panoramic, often including adjoining landscape types. The highest summits have a grand and remote character which is rare elsewhere on the Border Hills. The typical seasonal grassland and moorland colours are augmented by patches of orange-brown bracken through the winter. The coniferous forests are predominantly dark green and coarse in texture, contrasting with the grassland and moorland vegetation. In some areas larch and broadleaf woodland are prominent, their bright green summer foliage often contrasting with a backdrop of darker spruce or pine forest. In autumn and winter these provide further colour diversity.”

On Page 62 the following attributes of this LCT are described:

“Positive Attributes:

- distinctive smooth rolling landform creates strong identity;
- assemblages of glacially-sculpted landforms in high attitude areas give additional local distinctiveness;
- degree of remoteness, 'wildland' quality, and grandeur of scale unique within region;
- presence of valley reservoirs and lochs increase visual appeal;
- significant areas of semi-natural vegetation communities;
- high scenic and environmental quality recognised by multiple designations;
- drystone dykes and sheep stells.

Negative Attributes:

- relative absence of visual screening features;
- high visual sensitivity;
- relatively low diversity of landscape elements and features;
- semi-natural land cover types vulnerable to pressure from grazing, forest expansion, and visitor pressure;
- heather moorland dependent on economic stability of grouse moor management;
- localised visual intrusion e .g . forest edges, pylons.”

The River Valley LCT (Upland Valley with Pastoral Floor) relating to Hermitage and Liddesdale Waters is situated to the south and includes Hermitage Castle. It has a strong relationship with the adjacent upland areas. In terms of its landscape experience, the description on Page 150 is as follows:

“The character of this landscape type is dominated by the surrounding uplands. The valley floor typically has an intimate enclosed quality with views confined to a narrow corridor, and occasional glimpses of tributary valleys. Long views may be gained along straighter, more open sections. Elsewhere visual horizons are formed by steep interlocking spurs, woodland blocks and tree lines. The sense of enclosure and intimacy may be accentuated in places by conifer plantations on the valley sides, and wooded river bluffs. A distinctive feature of this landscape type is the contrast between the regular pattern of smooth green improved pastures on the valley floor and the coarse textured mosaic of unimproved grassland and heather on the valley sides and surrounding uplands. Buildings in this landscape generally fit well into the landform, often adding texture and variety to the landscape.”

Landscape Designations:

The site is not subject to any formal landscape designations. The nearest designated landscape is the Langholm Hills Regional Scenic Area, within Dumfries and Galloway, approximately 5km west and south-west of the turbine group.

Within Borders the nearest landscape designation is the Teviot Valleys Special Landscape Area, which is situated approximately 15km north-east of the nearest turbine.

PROPOSED DEVELOPMENT:

Current Scheme:

A wind farm comprising 9 turbines and associated infrastructure is proposed for an initial period of 25 years. The development would have a maximum generating capacity of 22.5MW. 6 of the turbines would have a maximum blade tip height of 125m and a hub height of 80m (blade length = 45m), whereas the remainder T1, T2 and T4 would have a maximum tip height of 110m and a hub height of 65m. In addition to the turbines and their foundations, the following would be implemented:

- hardstanding area for crane (crane pads) per turbine
- electrical transformer and related switchgear per turbine
- trenches for electricity cables to be undergrounded
- control building and compound
- substation and compound
- a lattice tower wind speed measuring mast
- a temporary construction compound
- 2 borrow pits for the excavation of hardcore material to be used in track/pad construction
- 2 laydown areas for depositing of components during construction
- an on-site batching plant for preparation of material excavated from borrow pits
- a total of 8 watercourse crossings
- upgraded access off the B6399 and an estimated 10.446km of site access track, the majority of which is new track

The locations of those above ground items are shown on the submitted Revised Site Layout plan ref. A2.1 within the 2014 FEI to the ES.

A micro-siting allowance of 50m for all development components is requested to enable minor changes to be made to layout in response to ground constraints encountered during construction.

A lifespan of 25 years is proposed for the wind farm, at the end of which it would be decommissioned and the land restored to an agreed condition, unless further consent to extend the wind farm's life or to re-develop it ('re-powering') is obtained.

Infrastructure relating to grid connection (overhead/underground cable connection to an appropriate electricity station) would be the subject of a separate application to Scottish Government via Section 37 of the Electricity Act of 1989.

The proposed haulage route to the site approaches from Port of Grangemouth via the A720 and A68, then following the A698 from the junction a little south of Ancrum until it meets the A6088 north-east of Hawick. The route would follow the A6088 in a south-easterly direction to the junction with an unclassified road just north-west of Bonchester Bridge. The route would follow the unclassified road until it meets with the B6399 a little north of South Berryfell Farm, turning south onto the B6399 until it reaches the Whitrope Heritage Centre junction.

The ES includes within Volume 3 (10.1) an Abnormal Load Route Assessment, which identifies all the modifications to the route required to facilitate transportation of the large turbine components.

Original Scheme:

The scheme was first revised in 2014 and then again in April 2015, with the revisions portrayed in Further Environmental Information. The changes were intended primarily to address objections and concerns relating to landscape and visual impact, including heritage impacts associated with Hermitage Castle. They were also made to respond to the observations of SEPA in respect of impact on the ground and water environment.

Originally the scheme included two arrays of turbines and associated infrastructure, totalling 17 turbines of varying height between 111.5m and 121.5m. The applicant summarises the changes made to the scheme on Page 1-3 of the FEI Volume 1 (Main Text) as follows:

- Removal of the nine turbines that formed the eastern array of the wind farm (turbine numbers T9 to T17);
- Revision of the turbine layout for the western array;
- Addition of one further turbine into the western array;
- Increase of the height of the turbines to 125m blade tip (80m hub height and 90m rotor diameter), from the previously proposed tip heights of 111.5m and 121.5m;
- Relocation of the anemometry mast in the western array;
- Relocation of Borrow Pit A (in the west of the site) to a position slightly south of the previous location; and
- Alterations to the infrastructure

Development Visibility:

The ZTV material submitted as part of the ES (see, for example, Figure 6.7b 'Blade Tip ZTV and Viewpoints' forming part of the FEI) shows that the turbines are strongly

visible within the 2-2.5km radius. Beyond this range visibility is very limited to the north and east. It has a concentration out to around 7.5km in the southern quadrant on higher ground above Dinley and Hartsgarth Burns.

To the east between 2km and 6km is a substantial area of potential visibility east of the B6399, mainly within or adjacent to forestry plantations. To the south-east in the Newcastleton & Newcastleton Forest area is a strong area with potential for visibility; this includes ground lying east above Newcastleton Village and further south into Liddesdale.

The range of viewpoints utilised in the ES and FEI are considered to provide a good representation of the likely landscape and visual effects that would be encountered. These may also be seen on the aforementioned Figure 6.7b.

The ZTV demonstrates that theoretical visibility of the scheme is relatively limited in terms of the broader landscape, and that concentration of visibility relates to closer locations within 5km. Beyond 5km, much of the potential visibility would occur from substantial forestry sites or from smaller zones of land east of the valley floor.

NEIGHBOURING SITES/SCHEMES RELEVANT TO CONSIDERATION OF CURRENT PROPOSAL:

Operational:

The nearest operational scheme is **Craik**, approximately 20km to the south-west, on hills west of Langholm. This comprises 4 very large turbines (over 100m). Within Borders, there are no operational schemes within 35km.

Under Construction:

The nearest wind farm under construction of relevance here is the **Langhope Rig Wind Farm**, a scheme of 10 turbines up to 121m tip height approximately 5km west of Ashkirk (near Roberton) and around 21km north north-west of the Windy Edge scheme. The turbines are all built but as yet the site is not operational.

Application Stage:

Two relevant schemes are the subject of current applications in Borders. The first of these is **Birneyknowe**, a Section 36 scheme currently comprising 15 turbines of up to 132m tip height. The applicants are in the process of reviewing the scheme, with an eye to submission of a new application of under 50MW; therefore it would be a major application rather than a Section 36. Birneyknowe is sited within 12km north north-east of the Windy Edge scheme, south of Hawick. It is not presently known when this application will be presented to Committee, although it has been indicated to the applicants that no earlier committee is available than October 2015.

The second is **Cummings Hill**, a proposal for 7 turbines with a tip height of 125m on land approximately 20km north-east of Windy Edge, and near to the village of Chesters. This is a major application (up to 21MW) for which it is anticipated that revisions will be presented via Further Environmental Information in the next few months. It is presently intended that the application will be presented at the September 2015 Committee. It should be noted that the applicant for Cummings Hill is also **Infinis**.

Scoping & Pre-Application schemes:

A Scoping Response has been issued by the Energy Consents and Deployment Unit (ECDU) in respect of a proposal to build a wind farm consisting of up to 37 turbines with a tip height of up to 150m on a site called **Highlee Hill**, near Chesters. This proposed site is situated approximately 14km to the north-east of the Windy Edge turbines, and is just to the east of the B6399 in the north of Wauchope Forest. SBC made its contribution to the scoping process further to consultation with specialist internal consultees.

Since the official Scoping Response was issued by ECDU in March 2014, the potential applicants have not progressed the project any further. Although there has been no significant dialogue since the Scoping, the potential developers have advised that it is still a potential live scheme, so it must be acknowledged as such.

SBC is also aware of a scheme in early stages of development that presently includes a potential 90 turbines spread over 3 sites and which, if progressed, would be set out in 3 groups; one in Newcastleton Forest, one in the north-east of Wauchope Forest and one in the north-west of Wauchope Forest.

The applicant for Windy Edge has acknowledged the potential of each of these sites to be relevant considerations within the ES, although with Newcastleton & Wauchope at an early (and to some extent confidential) stage of development, their inclusion within the ES does not fully reflect the potential layouts. There has been no formal Scoping Opinion request to date on this grouping of sites.

Other Schemes worthy of mention:

All within Dumfries and Galloway, the following schemes are further to the south-west of the aforementioned Craik Wind Farm but are mentioned as they effectively form a group with Craik (a broad cluster):

Minsca – 16 turbines (operational)
Ewe Hill – 22 turbines (consented)
Solwaybank – 15 turbines (consented)

PLANNING HISTORY:

There are no planning applications for any related development on the site. This is the first application for any turbines on the site.

REPRESENTATION SUMMARY:

At the time of checking this section of the report (17 June 2015) an approximate total of 368 letters of objection have been received. Around 262 of these were received in response to the original scheme, 73 of these were received following submission of the first revision in 2014, and around 23 were received in response to the April 2015 revision. It must be noted that the total of 368 would include more than one letter from a number of households and/or interest groups and that it also includes one petition with multiple signatures.

At the same time of writing, a total of 103 letters of support have also been received, and it should again be noted that multiples may originate from same households. Around 16 of these were received in response to the original scheme, 8 in response to the first revision and around 89 in response to the current proposal.

It should be noted that all original submissions still stand, whether or not the contributors added multiple submissions. Unless representations are specifically withdrawn, each stands and is relevant at the time of recommendation.

A summary of the matters of relevance raised in the letters of objection would be as follows:

- overriding adverse visual impact on the setting/surroundings of Hermitage Castle, including on access routes to the Castle
- adverse impacts on other cultural sites including the White Dyke adjacent to Hermitage Castle, Hermitage Chapel, the Nine Stane Rig Stone Circle and the Queen's Mire/right of way
- overriding environmental impacts on the landscape of the area more generally, which includes characteristics of wildland and is a historic landscape
- adverse visual impacts when turbines are viewed from Northumberland National Park, plus at night due to turbine red-lighting
- adverse visual impacts on residential amenity of a number of properties including those at Whitrope and Gorrenberry (2014 revision increases visual impacts on 3 no. houses at Gorrenberry and Upper Dinley Cottage)
- adverse landscape and visual impacts relating to the path network and accessible areas including hilltops, through which Hermitage Castle is a walkers/cyclists' destination; The Scottish Watershed specifically mentioned
- in terms of landscape and visual impacts, the site does not compare favourably to other wind farm sites
- potential for this site to act as precedent for other developments, whereas presently there is no wind farm development and the area remains wind-farm-free, unlike other stated areas of the Borders (Lammermuirs)
- requirement for proposals to be considered as to whether the sites are suitable in perpetuity (as per 2014 Scottish Planning Policy) therefore affects case made by applicants that development is temporary and reversible
- requirement for further wind energy developments not as relevant as it was when the original application was made – Scottish Government data reflects this
- ES underplays magnitude of landscape and visual impacts of the turbines and therefore does not present accurate analysis
- increase in turbine heights and changes to layout (2014) worsen landscape and visual effects and increase visibility from roads – changes not overcoming overall concerns (concerns not allayed by 2015 further revisions)
- felling of forestry areas during lifetime of windfarm would increase visibility through loss of screening
- requirement to connect to electricity grid substantial due to remoteness of site
- cumulative landscape impacts of Windy Edge with Cummings Hill, significantly on the Teviot Valleys Special Landscape Area
- cumulative landscape and visual impacts of wind farms in Borders more broadly
- adverse impacts on wilderness, tranquillity, beauty and remoteness found locally in the area caused by presence of development
- development not in accord with SBC spatial strategy
- potential to harm water supplies to dwellings and water supplies more generally in the area
- disruption to local road network during construction due to commercial vehicle movements

- likelihood that vehicle movements incompatible with road network capacity – will the transportation routes be capable of taking the abnormal loads? Plus concerns about physical impacts on traditional bridges and hedgerows that would need to be altered – concerns remain despite revised route within 2014 FEI
- noise pollution during construction/concern relating to construction working hours
- noise impacts on residential amenity during operation of wind farm from turbines
- concern that noise assessment is inaccurate and therefore conclusions are incorrect
- light pollution during operational period of wind farm
- concern that batching plant is on a flood plain, adjacent to private dwellings and has no access to any mains services; construction compound inappropriately located near to residences – issue not addressed via revised scheme
- disturbance to recreational users and tourists during construction/associated traffic movement
- development would cause adverse effects on tourism (economy) during operational period, primarily due to presence of turbines in relation to local assets and settings (NB – relationship with tourist accommodation repeatedly cited)
- high level of peat loss due to track and turbine placement, contrary to Scottish Government carbon and greenhouse gas emissions targets;
- adverse impacts on water resource resulting from peat displacement/potential for increased risk of flooding
- potential adverse impacts on private water supplies – uncertainty about how the development would impact
- potential adverse impact on wildlife and habitat (including protected species) including hen harrier (note impacts relating to Langholm Hills Special Protection Area), other species of birds, bats, fish, insects, hare, red squirrel, deer, fox, badger, butterflies, trees, blanket bog and wet heathland
- concern that hen harrier studies presented within the 2014 FEI are based on out of date data – increase in hen harrier numbers during 2014 after conclusion of studies
- aviation issues identified in objections by MoD and NATS preclude support of the proposal due to absence of mitigation
- concern relating to what happens at the end of the turbines' lifespan – uncertainty regarding decommissioning and long-lasting effects of remaining infrastructure
- inefficiency of onshore wind due to inability store energy produced

A summary of the matters of relevance raised in the letters of support would be:

- development would make valuable contribution to Scottish Government renewable energy targets and help combat climate change
- wind turbines preferred to alternative of forestry, in terms of landscape impacts
- no overriding adverse landscape effects (landscape not designated and are not as sensitive as described in some objections)
- simple landscape ideal setting for wind farm due to lack of potential for visual confusion, scale comparisons – scale of landscape would dominate turbine scale, not the other way around

- development well designed and fits in with the local landscape – good topographical containment (within bowl that is Braidlie and Sundhope)
- turbines would be well contained by landscape (hidden and remote location, well away from residences)
- visual impacts caused by the turbines would be minimal, including those relating to the setting of Hermitage Castle and approaches to the Castle
- adequate separation distance from dwellings
- noise impact would be minimal
- would provide employment opportunities in the area, support local businesses and enable local farms to diversify
- site would provide an excellent wind resource
- wind farms developments are reversible and can be removed at the end of their life leaving little evidence of their existence
- wind farms provide much needed alternative supply of electricity – essential for future sustainability
- belief that wind farms are not a deterrent to potential tourists; landscape able to accommodate without turbines being incongruous
- disruption during construction/transportation short-term inconvenience prior to long-term benefit
- development has potential to enhance environment and wildlife

Members are asked also to note that matters of ‘grants’ to the community, otherwise known as community funding or community benefits, are not considered as part of the planning process and are not material planning considerations. Although reference is made to this in a number of letters of representation, it is not a matter for planning and therefore not influential to the recommendation.

APPLICANTS’ SUPPORTING INFORMATION:

The application is supported by a full Environmental Statement, which comprises the following components (all received on 4 July 2013):

Volume 1: Main Text
 Volume 2: Figures
 Volume 3: Technical Appendices
 Pre-Application Consultation Report
 Design and Access Statement
 Planning Support Statement
 Non-Technical Summary
 Confidential Appendices (biodiversity)

It is also accompanied by Further Environmental Information (Addendum) all received on 24 October 2014 relating to the first revision to the scheme, which comprises the following items:

Planning Supporting Statement Update
 Volume 1: Main Text
 Volume 2: Figures
 Volume 3: Annexes

It is now also supported by a further comprehensive document, dated April 2015 and giving coverage to the 2nd revision (height reduction of T1, T2 and T4, and entitled ‘Further Environmental Information Report’.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees:

Flood Risk Officer:

No objection, subject to conditions relating to watercourse crossing design details, management of surface and waste water and installation of silt traps.

Outdoor Access Officer:

25.7.13: In relation to the original 2013 scheme, this consultee **did not support the application** due to the proximity of Turbine 10 to Public Right of Way BR102. It appeared that T10 would be on the line of BR102. Conditions were recommended which would have required realignment of the public path if planning permission were granted, and which would have required minimum separation distances between turbines and paths.

18.11.14: In the light of removal of the eastern array and the removal of the impact on right of way BR102, **the objection was withdrawn** via this response.

In addition to proposed conditions mentioned in 2013, the consultee requires in this response that developer contributions be provided to maintain and improve the public path network.

30.4.15: No further comment to make.

Environmental Health Officer:

31.7.13: Lack of certainty relating to assessment of residential properties, and requiring full noise assessment to be undertaken due to proximity of development to identified residence within 1.5km. At the time, in the absence of full and clear information, **the response was neither stated as an objection or no objection**.

27.11.14: Despite submission of an updated noise chapter within the 2014 Addendum, and despite no longer requiring full noise assessment, the consultee identifies a range of matters (technical information) that require to be addressed prior to determination of the application. It was still not indicated whether the application could be supported.

15.5.15: Acknowledges submission of further noise information in the April 2015 FEI and in a document referred to as Additional Noise Information dated 8th January 2015, and **now confirms agreement with the application in principle**, subject to conditions. These conditions and associated tables are included in the response, and give coverage to:

- 1 limitation of wind turbine noise at identified noise sensitive properties
- 2 response to/management of noise complaints received by the council
- 3 mitigation/action where turbine sound pressure level exceeds those levels referred to in the table forming part of the 1st of these three conditions

Roads Planning Service:

9.9.13: Identified **no objection in principle**, but concerns regarding certain parts of the submission – this was a holding response.

18.12.13: Provided detailed response which identified **no objection** in principle, but listed a range of issues requiring further attention. These were:

- use of bridge at south end of Bonchester Bridge for abnormal loads and question of what works might be required to facilitate usage of this route
- absence of appropriate adequate information in relation to same
- potential for works at Chesters to facilitate abnormal loads to cause significant disruption to lighting in that area
- uncertainty relating to potential cumulative usage of this route (i.e. with other wind farm developments)
- lack of clarity relating to proposed vehicle movements (and inability to confirm whether number of movements is acceptable)

Response requires submission of further information to address these queries.

15.12.14: Indicates, in relation to the revised proposal, that although it would **not result in an objection in principle**, there are concerns relating to:

- uncertainty relating to abnormal load delivery (impacts on route due to physical effects)
- uncertainty relating to ability of road network to facilitate movement of rotor blades – swept-path analysis required
- potential effects on road network of multiple schemes
- potential for mitigation works on land outwith public road boundary

Requires further information prior to a formal recommendation being made.

26.5.15: Generally the position not to object in principle is maintained in this latest response, although it is specifically mentioned that concerns remain about *“the junction of the A6088 and the minor road between it and the B6399. This junction is not suitable for large vehicles and careful consideration will have to be given as to how any large vehicles are to navigate this junction should approval be forthcoming.”*

Archaeology Officer:

6.9.13: Recommends that the application should be refused in line with the recommendation of Historic Scotland, in respect of the original scheme. The recommendation related principally to the indirect effects on settings of heritage assets, i.e. Hermitage Castle.

Further potential indirect impacts on the castle are examined including those more related to the experience encountered and the relationship of the castle with the surrounding landscape.

Potential for thorough investigation of direct impacts also described, but potentially mitigatable via conditions requiring detailed archaeological evaluation.

Further potential for mitigation to be required in respect of the Nine Stanes Circle, a separate scheduled monument; and in relation to cultural landscape (neither promoting overriding reason to refuse but nonetheless significant enough to warrant offset mitigation).

7.5.15: Revises position and **no longer recommends refusal** on the basis that the revisions have mitigated impacts on the setting of Hermitage Castle so that they are now acceptable, by substantially reducing indirect impacts on this asset. Otherwise, does not adopt a different position in respect of issues listed in the original response.

NB – this consultation response was provided prior to that of Historic Scotland and makes reference to the significance of HS' position at the time. It is suggested that if HS were still to object to the latest scheme it would remain potentially in conflict with planning policy.

Ecology Officer:

4.10.13: Indicated that at that stage, and in relation to the original scheme, the planning application could not be determined as there was insufficient information to conclude an Appropriate Assessment. Advised in respect of a range of matters as follows:

- substandard quality of survey material presented
- impacts/mitigation relating to protected species – assessment of ES and advice on pertinent matters
- conditions required relating to species and habitats (plus forestry and engagement of an ECoW)
- serious concerns relating to placement of turbines and infrastructure in respect of ecosystems and habitats.

7.4.15: In respect of the December 2014 FEI, the Ecology Officer advises as follows:

- serious concerns relating to impacts on blanket bog habitat remain
- requires micro-siting of 4 turbines and alternative routes for 3 sections of track to avoid blanket bog
- Habitat Management Plan should include areas within site further from the turbines and potentially off-site to benefit Hen Harrier
- despite range of consultee responses from other specialists satisfied in relation to Hen Harrier impacts, the Langholm Moor Demonstration Project should be approached by SBC for additional material, for the avoidance of doubt.

15.6.15: In respect of the current scheme, and further to the undertaking of an Appropriate Assessment required due to the qualifying interest of the Special Protection Area (being breeding Hen Harrier):

- confirms positions of all other specialist consultees giving advice relating to protected species
- discusses steps taken to access detailed data (partially unsuccessful) via Langholm Moor Demonstration Project/Natural England/SNH
- confirms that Appropriate Assessment can be concluded on the basis of information and advice received to date
- concludes that the proposal would not adversely affect the integrity of the SPA site
- discusses significance of hen harrier in relation to legislation and given the very small number of known roosts in Scottish Borders
- suggests condition required if permission is granted to enhance habitats for hen harrier

- provides detailed Habitat Regulations Appraisal to accompany the consultation response

Landscape Architect:

18.12.13: This consultee indicated in respect of the original scheme that it **should be refused** on landscape and visual impact grounds. A useful summary is provided to conclude the response, which reads:

“The application satisfies some policy criteria but has visually intrusive effects on parts of the Liddel Water valley particularly to the south and east of the site. In particular these effects would severely impair the distinctive setting of The Hermitage, one of the Borders most iconic landscape features. It is therefore concluded that the application would be damaging to the enjoyment of the landscape resource and should be refused.”

The consultation reply clearly indicates that the development was primarily assessed against Policy D4 of the 2011 Consolidated Local Plan (criteria by criteria).

18.12.14: The revised development is again assessed against D4 criteria, and this time concludes that, given the changes of effects which are now significantly less and therefore less harmful to the setting of Hermitage Castle, **no objection** is raised.

This is caveated in that it is proposed that T1 be deleted from the scheme, as it stands out from the rest of the layout in a number of viewpoints. It should be noted that although the landscape architect has indicated that the proposals meet, or partially meet most of the criteria within Policy D4, it is not in accord with Criterion 5 relating to visual impacts on land having remote qualities. The landscape character of the site and environs is said to include a significant degree of wildness.

Statutory Consultees

Scottish Environmental Protection Agency (SEPA):

2.8.13: The consultee stated an **objection** to the original scheme unless modifications described could be accommodated. Potential conditions were also described for use in the event of permission being granted. A summary of those matters causing the objection would be:

- certain turbines, a batching plant and borrow pits identified as occupying land areas with groundwater dependent terrestrial ecosystems (GWDTEs) – would need to mitigate, preferably by relocation onto less sensitive habitats, but identified this as being difficult in many circumstances due to sensitivities of surrounding ground
- lack of information on the re-use and disposal of excavated peat
- requirement for clarification on whether tracks through forested area are existing or to be created

2.10.14: This updated response does **not constitute an objection**. Further advice is given about potential conditions (repeating original advice in that regard). The material submitted as part of the addendum has enabled SEPA to remove its objection.

12.5.15: Makes no further comment.

Scottish Natural Heritage (SNH):

6.9.13: This response to the original scheme, in respect of natural heritage issues of national interest, was stated as an **objection**. The objection related to the potential impacts of development on Hen Harrier, in the context of the Langholm-Newcastleton Special Protection Area. The need for an Appropriate Assessment by SBC was identified, in view of the site's conservation objectives for its qualifying interest (Hen Harrier). It was identified that further information in this respect would be necessary.

In terms of landscape and visual impacts, SNH identified key landscape and visual issues arising, particularly in terms of the inter-related impacts the proposal might have on:

- the composition of the wide open views that can be experienced locally;
- the overall and relative sense of remoteness/wildness in the immediate area of the site; and
- the wider landscape setting of Hermitage Castle

Detailed advice was submitted in an Appendix to the main response, relating to these landscape and visual effects. The advice identified that the eastern cluster of turbines ('Sundhope array') was causing greater and more significant effects due to placement in relation to topography, and that removal of the eastern array combined with height reduction on the remaining western array could substantially reduce landscape and visual effects.

It should also be noted that the wind-farm free nature of the wider locality was identified, and that the emerging patterns of wind farm placement throughout southern Scotland potentially renders wind-farm free areas as strategically important, as they have managed to buck the trend elsewhere that sees wind farms becoming 'a unifying characteristic of the landscape in multiple areas'.

Further advice was given about potential adverse impacts arising from placement of borrow pits, and a requirement to relocate to avoid blanket bog habitat. Intentions for habitat management for Black Grouse were supported in principle.

26.3.15: This second response, relating to the revised scheme from December 2014, provides detailed advice relating to biodiversity but does not give an update on landscape and visual impacts. This is because the consultee anticipated further revisions (which have now been received) and wished to wait for the final version before providing its landscape and visual impact analysis.

In respect of biodiversity, SNH within this response **withdrew its objection**. This was based on consideration of material submitted with the 2014 FEI.

4.6.15: This response gives coverage to the landscape and visual impacts relating to the current scheme. In effect, it completes the second response received on 26.3.15, which referred only to non-landscape matters and cross-refers to the original response.

The response acknowledges that the revisions from the original 17-turbine scheme have reduced the level of landscape and visual impacts and have addressed important aspects of their previous concerns. It goes on as follows, however: "*We do...highlight for further consideration the adverse nature of the impacts that remain,*

particularly the potential erosion of the sense of relative wildness in the area but also with regards some residual impacts in relation to the effects of the proposal on the overall composition of open views and to a some extent in relation to the appreciation of the wider setting of Hermitage Castle”.

It goes on to discuss these effects in an appendix. In terms of the effects of the proposal on the composition of open views, it is recognised that due to the nature of the revised scheme these have been reduced in terms of landscape and visual impact. It is also recognised that the revisions have made a substantial difference to the level of effects experienced from the B6399 (main approach routes to Hermitage from north and south).

In respect of the effects of the proposal on the overall and relative sense of remoteness/wildness in the immediate area of the site, the response states: *“Acknowledging that the revised proposal has in overall terms reduced the scale and magnitude of landscape and visual effects, we consider it will nonetheless have adverse effects on the sense of remoteness and the appreciation of relative wildness in the immediate area of the site.”*

It continues to explain this approach in detail, describing the notion of ‘relative wildness’ in the context of this landscape (despite not being within a formally recognised Area of Wild Land it displays relative wildland qualities). The appraisal contains within it reference not only to turbines, but also to associated infrastructure.

Detailed explanation is also given in relation to the user/visitor experience in relation to Hermitage Castle, in terms of its position in the relatively wild landscape setting. Although the changes to the scheme have reduced the potential impacts, significant adverse effects remain.

Lastly the response focuses on potential effects on the landscape setting of Hermitage Castle. While acknowledging that the direct visual interplay between receptors and the castle setting are reduced and potentially not overriding, and similarly in relation to visual impacts on approach roads, it clearly indicates that the impacts on receptors experiencing the castle’s environs (including recreational access areas/paths) remain substantially adverse, although it is acknowledged that these effects are likely to be experienced by a relatively low level of public users.

Ministry of Defence:

26.9.13: The MoD submitted an **objection** to the original proposals on the basis that the turbines would:

- adversely affect the operations of the ATC radar at RAF Spadeadam (Deadwater Fell)
- interfere with low-flying training areas
- cause an unacceptable level of interference via noise vibrations to the operations of Eskdalemuir Seismological Recording Station
- potentially interfere with RAF threat radar operation

A condition relating to turbine lighting was proposed to be used if planning permission were granted.

9.12.13: In a supplementary response the MoD explained that it had reconsidered its position in the light of further information provided. Whilst this did not lead to

withdrawal of the entire objection, the updated response no longer included reference to low-flying areas or threat radar interference.

11.6.14: The MoD advised that its **objection relating to the noise vibration** interference with Eskdalemuir was **withdrawn** further to findings of the Eskdalemuir Working Group.

It was confirmed that the **objection on the grounds of radar interference** (Deadwater Fell) was **not withdrawn and still stands**.

Historic Scotland:

2.9.13: Objects to the original proposal on the following grounds:

- proposals give rise to issues of national significance, in terms of the adverse landscape and visual impacts associated with Hermitage Castle and Chapel

A detailed analysis of the potential effects is provided. The analysis discusses the cultural and historic significance of the Castle and its environs, and the value of it as a highly cherished and well-known scheduled monument, which is also an important visitor attraction.

It may be noted that in this response, the consultee identified potential for mitigation to address issues of national importance identified. It identified that changes would be required involving location and height of turbines.

18.12.14: Maintains its objection due to adverse visual impacts on setting of Hermitage Castle, despite acknowledging that revisions have been significant and are welcomed. Indicates that deletion of T1 may assist in mitigating the effect of the windfarm on the Castle to a meaningful degree for its interests.

14.5.15: Removes its objection on the basis that the adverse effects now occurring, following the changes to the scheme, are not overriding in terms of their impact on the setting of Hermitage Castle, a national asset and the primary focus of the consultation at this stage. A detailed assessment is provided in an annex to the response. Highlights from this would be as follows:

“Hermitage Castle has an extremely important setting which is very susceptible to change and is a key factor contributing towards the monument’s high cultural significance. The castle is of national importance due to its spectacular location, well preserved remains and key relationships with the other surviving medieval elements in the landscape. Therefore it is particularly important that it remains possible to appreciate the dominant nature of the monument and its key relationships.

Specifically, we are concerned that the proposed development may impact on two important aspects of the setting of the site: the dominance of the turbines against the relationship of the castle and the wider medieval remains on Hermitage Hill; and the prominence of turbines in the key eastern approach to the castle.”

“The Eastern Approach

The eastern approach provides the best opportunity to view Hermitage and appreciate the setting of the monument. It is from this approach that we can begin to understand the monument and its role in the landscape. From here it is possible to appreciate why the castle was located in this valley, close to the head of Liddesdale, to emphasise this power. The landscape setting of the castle is among its most

significant qualities and it forms an important part of our appreciation of the site and its significance.

From the information provided, the present layout with a reduced height of wind turbines appears not to be visible from the eastern approach. We, therefore, consider that there will not be a significant impact on the setting of the asset in these views.

Tofts Knowe

This is one of the best locations to understand and appreciate the setting of Hermitage and its relationships with the other medieval elements in the landscape is from the south along the ridgeline of Tofts Knowe.

The original fifteen turbine scheme introduced turbines in the Sundhope Rig area which would have projected above the skyline and would have appeared at the central point of the key vistas from the south of the castle. The revised layout on which we were consulted in November 2014 had been reduced to a single cluster of turbines, some of which remained visible. Whilst that modification went some way to mitigating the impact upon Hermitage Castle it was not sufficient for us to remove our objection.

However, the current layout with reduced height of wind turbines will be no longer visible from Tofts Knowe viewpoint (viewpoint 26). We note that turbines are prominent in viewpoint 28, along the public right of way at Dinley. At this viewpoint, however, we consider that the development has a sufficient degree of separation in the landscape from the key relationship of the castle and the medieval remains on Hermitage Hill. Consequently, we consider there will not be a significant impact on the setting of the monument.”

The updated response goes on to describe potential for improvements to be made by re-evaluating the impacts of certain turbines to see if it possible to mitigate visual effects on wider views.

Scottish Wildlife Trust:

16.9.13: The consultation response **constitutes an objection**, describing concerns relating to two subjects – Hen Harrier and Blanket Bog impacts, but objects only in relation to the former “*until clarifying, additional data is submitted by the applicant*”. In the case of the former, it was advised that further clarifying data would be required to enable a full assessment. In relation to the latter, the Trust advises that turbines and infrastructure would be better located off blanket bog/deep peat.

16.12.14: In this second response, SWT indicates it wishes to **uphold its objection** (note that original does not constitute an objection). Grounds are as follows:

- turbines and infrastructure remain on Blanket Bog – priority habitat to be avoided (one turbine on deep peat)
- concerns remain in respect of impacts on Hen Harrier, in particular with large increase in fledging numbers at Langholm Moor nearby

Dumfries and Galloway Council:

25.9.13: This consultee confirmed that it raised **no objection** to the original proposals. The scheme had been presented to the authority’s planning applications committee with a formal planning report prior to this response. The response by the

authority's committee aligned with that of the planning case officer for Dumfries and Galloway's planning department.

Focus was given primarily to landscape and visual impacts in the planning report, although potential impacts on the Langholm-Newcastleton Special Protection Area was also discussed (impacts on Hen Harrier).

24.12.14: The position was maintained.

Northumberland National Park Authority:

No objection to the original scheme or to the revised scheme.

Minto Hills Preservation Group:

19.7.13: This consultee **objected** to the original 2013 scheme for the following reasons:

- proposed development fails to maintain landscape character
- would give rise to unacceptable adverse impacts on heritage sites i.e. Hermitage Castle & Nine Stanes Circle – benefits of scheme do not outweigh adverse heritage impacts
- mitigation of effects on heritage assets not possible in terms of archaeological evaluation
- proposed development would harm tourism due to adverse impacts on visitor attractions i.e. Hermitage Castle, Whitrope Heritage Centre
- unacceptable lack of certainty relating to proposed haul route for heavy/abnormal loads
- adverse visual amenity impacts on public path network/users
- inappropriateness of community benefit approach
- concern about nature of impacts on amenity of residents within 2.5km of turbines
- objections of specialist consultees relating to Eskdalemuir and Radar relevant and endorsed
- concern relating to absence of photomontage from Rubers Law
- concern relating to the impact of development on Hen Harriers

26.7.13: This consultee submitted a supplementary item addressing the change in policy from Structure Plan to SESplan.

Hobkirk Community Council:

28.7.13: This consultation reply to the original scheme is **not stated as an objection** and may be considered to describe concerns, primarily relating to potential impacts on the local economy and tourism, arising from implementation of the wind farm and impact on the road network. Detailed concerns relating to potential road safety and amenity impacts are described. These discuss potential adverse impacts on the village of Southdean, Bonchester Bridge (in particular effects on bridge itself) and Hawthornside (in particular impacts on mature trees)

The consultee advises that the minimum separation distance from all residential properties should be 2km.

Concern relating to the potential cumulative impacts are also described (with Cummings Hill and Birneyknowe Wind Farms, for example).

1.12.14: Again, the response is **not stated as an objection**, although it is indicated on several occasions that **certain items give rise to opposition**. The following concerns are described in relation to the revised scheme:

- potential cumulative effects on landscape for local residents, including through traffic impacts
- likelihood that national targets for renewable energy will be met therefore merits of further development questioned
- need to consider potential permanency of development in light of national policy update
- reduction in turbine number welcomed, but caveated by increase in turbine height which could exacerbate landscape effects
- indicates opposition to the scale of development, in relation to effects on landscape and residential amenity (visual)
- revised traffic route an improvement but still problematic, in particular with tree felling required – mitigation relating to tree felling unclear and therefore leading the CC to oppose the development on these grounds
- uncertainty about potential impacts on Hen Harrier on Langholm Moor – further surveys/analysis required
- potential impacts on tourism locally due to disruption (traffic) and visual impact of turbines
- language used within the ES, which appears to be an argument for the development

29.4.15: The response acknowledges the lessening of effects on the landscape and on Hermitage Castle, but lists concerns raised previously as still remaining in relation to:

- the cumulative effect of wind farms proposed for this area
- the unsuitability of the proposed transport route
- the felling of trees on the proposed route
- the likelihood of two windfarms using the same route at the same time
- the effect of multiple turbine movements on the village of Denholm
- the lack of updated ornithological surveys; hen harriers are a particular concern
- effect on tourism
- effect on residential amenity for properties which are not financial beneficiaries

Southdean Community Council:

30.7.13: This consultee **objected** to the original scheme for the following reasons:

- lack of certainty relating to potential traffic and access impacts (in particular, refers to Chesters crossroads, Bonchester Bridge corner and Hawthornside)
- cumulative traffic impacts with potentially 6 wind farms requiring traffic movement over similar period (Cummings Hill, Birneyknowe, Highlee Hill, Barrel Law & Whitton)
- concern about potential reduction in turbine power capacity resulting from limitations imposed by noise limitation and inability to bring largest components to the site (what happened at Langhope Rig is cited)

- landscape and visual impacts (including cultural heritage), having particular regard to effects relating to Hermitage Castle

13.11.14: This CC **continued to object** to the proposals as revised. Issues raised in this second response are a little different and are summarised as follows:

- potential cumulative landscape, visual and traffic impacts relating to Windy Edge plus other schemes at Cummings Hill, Birneyknowe, Highlee Hill, Newcastleton Forest and Wauchope Forest
- having regard to SPP paragraph 170, in terms of cumulative impacts the site is not suitable for use as a wind farm in perpetuity
- potential adverse impacts on tourism locally due to effects of this development and cumulatively with others
- notes changes to abnormal load and HGV routes – welcomed given the unsuitability of previous route; however
- concerns relating to physical impacts of the new route on trees, walls, verges
- uncertainty relating to ability to secure required changes along traffic routes due to third party landowner involvement
- overstatement of benefits in terms of contribution to economy
- energy required through renewables has reached target – diminishes apparent value of further contributions
- concerns about accuracy of certain sections of ES (for example, ornithology and ecology)

Upper Teviotdale and Borthwick Water Community Council:

4.9.13: This response to the original scheme was **not stated as on objection**, but identified concerns relating to the following matters:

- impact on local heritage, in particular in terms of visitor experience of Hermitage Castle and its approaches
- potential for greater effects on ecology than stated – Greylag Geese specifically mentioned
- concern about potential impacts upon/disruption to road network

31.12.14: This response relating to the revised scheme **is an objection**. A summary of the grounds would be:

- potential to set precedent for other developments to come forward on the back of Windy Edge
- potential difficulties in terms of the revised transportation route – uncertain that turbines will get through Denholm
- development would give rise to significant disruption to local residents in terms of traffic impact during construction
- value of scheme in terms of energy production/national targets questioned due to Barrel Law appeal decision
- question significance of contribution to local employment
- increase in numbers of Hen Harrier cannot be ignored by developer

25.5.15: The consultee **maintains its objection** for the reasons set out in greater detail in earlier objections.

Newcastleton and District Community Council:

5.9.13: In its response to the original scheme, this CC did **not state the response as an objection**, but did identify areas of concern and observations, as follows:

- impact on the road network with more heavy traffic on roads not purpose built and with physical constraints – requires recompense through developer to offset road damage
- impact on tourism unclear – requires independent tourism impact assessment of more local focus
- impact on water environment & requirement for developer to offset any environmental damage caused

17.11.13: In a supplementary response, this CC augmented its comments via a letter written on behalf of a group of residents within the CC area. This additional material identified further significant concerns relating to:

- potential impacts on residential amenity due to turbine noise, disruption from compound and development traffic
- potential impacts on water environment notwithstanding what may be offered in mitigation/compensation
- potential for adverse effects on local tourism
- adverse landscape and visual impacts, in particular in relation to Hermitage Castle
- adverse impact upon the natural heritage and the Langholm Moor Hen Harrier initiative

Upper Liddesdale and Hermitage Community Council:

2.2.15: Note that this CC did not exist at the time of the original consultation; these are the first comments of the CC.

The consultee has submitted a detailed response which is **neither in objection or support** – it collates individual views of participants from the CC area; and while the following is a basic summary of the issues raised, it does not reflect every aspect of the response, which must be read in full to appreciate its full intentions:

- questionable whether development is necessary, taking into consideration the level of energy it would produce and potential for national renewable energy targets to already have been reached
- if approved, would set precedent for addition of further turbines and potentially for other developments that would have cumulative impacts with it
- site must be suited to development in perpetuity, as per paragraph 170 of SPP
- impacts on amenity and safety due to transportation issues and noise during construction
- adverse impacts on landscape
- adverse impacts on residential amenity at named dwelling due to visual impacts
- visual harm and impacts on residential amenity caused by MoD requirements for red-lighting of turbines at night
- impact on locality due to turbine noise during operation
- negative impact on tourism due to presence of wind farm in relation to nearby walking trails and the path network more generally (which contains many viewpoints), visitor attractions (Hermitage Castle in particular), holiday

accommodation properties, local landscape beauty and connectivity of attractions with others and with the new Borders railway

- potential disruption to water supplies
- potential negative visual impact arising from grid connection
- loss of peat, impact on wildlife
- adverse impact on setting of Hermitage Castle and related environs from cultural heritage point of view

Note: concerns relating to the nature of community benefits via funding are not material planning concerns, therefore are not relayed under this heading.

RSPB:

5.9.13: This response to the original scheme, and based on the material that supported, promoted an **objection** by RSPB. This was, to a great extent, a holding objection based on perceived lack of accurate information on Hen Harriers, and proximity to the Langholm and Newcastleton Hills Special Protection Area.

19.12.14: This response, in respect of the revised scheme, confirmed **withdrawal of the objection**. This was on the basis that the impact on Hen Harrier would not warrant an objection on the basis of disturbance, displacement or collision risk.

Further advice is given in respect of Black Grouse and other species, but there are no substantial concerns in their regards.

Advice is also given in relation to peat as habitat, and a requirement to ensure that if consent is granted, impacts on deep peat are minimised.

14.5.15: Describes a potential increased risk to birds flying at a height that was previously underneath the rotor sweep (with the height of 3 turbines being reduced). However, confirms that the revisions are unlikely to materially affect the risk to birds of conservation concern and therefore maintains its previous position of **no objection**.

Transport Scotland:

No objection.

Edinburgh Airport:

No objection.

Scotways (Scottish Rights of Way and Access Society):

30.8.13: In respect of the original scheme, this consultee stated an **objection**, for the following reasons:

- the proposed diversion of Right of Way BR102 which enables construction damage to its historic line is unacceptable
- the proposed adverse impacts on amenity of path users, in particular in respect of BR99 (Thieves Road) which is well-known as the way Mary Queen of Scots visited Bothwell at Hermitage Castle

19.3.14: A supplementary response was submitted further to receipt of a letter submitted on the applicants' behalf. The applicants' letter had sought to give clarification on its proposals in relation to public paths.

The supplementary response itself provided greater detail about how the consultee assessed whether a proposed diversion would be acceptable. It further justified its views on the impacts of the development on the public path network. Advice is given on potential action/mitigation in the event of planning permission being granted.

However, the overall position is maintained as one of **objection**.

10.2.15: This response related to the 2014 re-consultation on the revised scheme, and supplements the original comment rather than replacing it. In essence, this response gives coverage to the following matters:

- significant changes are acknowledged and remove majority of physical effects on BR102
- other concerns relating to adverse visual impacts on the paths network remain.

The objection is maintained.

14.5.15: April 2015 revisions do not alter the consultee's position – **the objection is maintained**.

Forestry Commission Scotland:

21.4.15 – Note that this is the first time in the process that FCS has responded, on this occasion in respect of the 3rd consultation on the scheme. The consultee required that clarification is provided in respect of impacts of the access track where it passes through Forestry.

The request was forwarded to the developer, who indicated that such clarification will be provided. Clarifying material was provided in this regard on 10 June 2015, to which the following response by Forestry Commission Scotland was given on 12th June:

“Having now seen this clarification I am content that the extent of woodland impacts has been identified and am also content that the scale of woodland creation activity being proposed in the HMP will more than offset these losses.”

Joint Radio Council:

No objection.

National Air Traffic Services (NERL):

8.7.13: Raises safeguarding **objection** in relation to management of en route air traffic. Detailed appraisal provided.

11.11.14: Position maintained – the revisions did not overcome the reason for objection.

Association for the Protection of Rural Scotland:

18.12.14: This consultee **objects** on the grounds that the proposed development:

- Would be located in an area identified as having moderate constraints in Scottish Borders Council's Wind Energy Supplementary Planning Guidance Spatial Strategy map;
- Would generate significant adverse impacts on the landscape setting of and approach to Hermitage Castle, a Scheduled Ancient Monument and A-listed building;
- Would damage the valued qualities of wildness widely present in the area, in particular due to the sheer size of the proposed turbines and access roads;
- Risks damaging the integrity of the internationally significant Langholm Special Protection Area and in particular its important hen harrier population;
- Would generate damaging levels of heavy traffic on a local road network largely unsuited to this purpose, including narrow, single-track roads and hump-backed bridges;
- Would generate unknown additional levels of environmental impact arising from the inevitable electricity transmission grid connection, details of which have not been provided.

Note that the APRS did not respond to the planning consultation on the original scheme in 2013.

Scottish Water:

No objection.

Scottish Badgers:

6.5.15: No objection.

Other responses:

No consultation responses have been received from the SBC Principal Conservation Officer.

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013:

Policy 10 – Sustainable Energy Technologies

Consolidated Scottish Borders Local Plan 2011:

Policy G1 – Quality Standards for New Development

Policy G4 – Flooding

Policy G5 – Developer Contributions

Policy BE1 – Listed Buildings

Policy BE2 – Archaeological Sites and Ancient Monuments

Policy BE3 – Gardens and Designed Landscapes

Policy NE1 – International Nature Conservation Sites

Policy NE3 – Local Biodiversity

Policy NE4 – Trees, Woodlands and Hedgerows
Policy NE5 – Development Affecting the Water Environment
Policy H2 – Protection of Residential Amenity
Policy Inf2 – Protection of Access Routes
Policy Inf6 – Sustainable Drainage
Policy D4 – Renewable Energy Development

Emerging Scottish Borders Local Development Plan:

Members are advised that the LDP should not be material to the consideration of the proposal, if those policies proposed are to be the subject of Examination by Scottish Ministers. Until the LDP has been the subject of an Inquiry and the result of the Inquiry is published, its overall status will not change. The primary local policy document relevant to the application remains the adopted 2011 Local Plan.

However, it may be noted that the following Policies within the LDP that are not the subject of objection and therefore not requiring to be examined are as follows:

Policy BE2 – Archaeological Sites and Ancient Monuments
Policy Inf2 – Protection of Access Routes
Policy EP1 – International Nature Conservation Sites and Protected Species

OTHER PLANNING CONSIDERATIONS:

Adopted SBC Supplementary Planning Guidance (SPG) and other documents:

- Renewable Energy (2007)
- Wind Energy (2011)
- Biodiversity (2005)
- Local Landscape Designations (2012)

Scottish Government Policy and Guidance:

Scottish Planning Policy (SPP) (June 2014)
National Planning Framework for Scotland (3) (June 2014)

Scottish Government On-line Renewables Advice:

Circular 3/2011 Environmental Impact Assessment (S) Regulations 2011
PAN 60 Planning for Natural Heritage 2008
PAN 51 Planning, Environmental Protection and Regulation
PAN 1/2011 Planning and Noise
PAN 2/2011 Planning and Archaeology
PAN 1/2013 Environmental Impact Assessment

Historic Scotland Publications:

Scottish Historic Environment Policy (2011)

SNH Publications:

Siting and designing windfarms in the landscape (2014)
Assessing the cumulative impact of onshore wind energy developments

KEY PLANNING ISSUES:

- land use planning policy principle
- economic benefits attributable to the scheme
- benefits arising in terms of renewable energy provision
- landscape and visual impacts including residential amenity visual impacts, arising from turbines and infrastructure
- cumulative landscape and visual impacts with other wind energy developments
- physical and setting impacts on cultural heritage assets
- noise impacts
- ecological, ornithological and habitat effects (including impacts on peat and groundwater resource)
- impact on road safety and the road network
- developer contributions

ASSESSMENT OF APPLICATION:

Land Use Planning Policy Principle:

It remains clear that national, regional and local planning policy promote, favourably and positively, the delivery of renewable energy development via implementation of on-shore wind farms. Unless there are overriding environmental effects, support should be given for well located and designed wind farms, in particular if mitigation measures are in place to address environmental effects.

Consideration must be given to the suitability of a site in perpetuity rather than temporarily; the new SPP published in 2014 confirms this. This will acknowledge the potential to re-power sites as they reach the end of their intended operational life.

This site is on upland farmland/moorland, is not within a National Scenic Area and has no other designations that would prevent the principle being considered. It is not designated as a Special Landscape Area within the SBC Supplementary Guidance on Local Landscape Designations.

Economic Benefits:

The renewable energy industry is important nationally, leads to employment and investment during construction and during the lifespan of the development.

It is likely that the level of employment activity in particular during implementation would be significant. This would have the potential to promote use of local facilities and services including accommodation, shopping and recreation. Following implementation of development, it would be likely that a relatively low level of employee activity would occur on a day-to-day basis; whereas at decommissioning stage there would again be a high level of activity.

It may therefore be concluded that in terms of economic benefits, there would be some mentionable gain, but not so much as to be a major determining factor.

Impacts on Tourism:

Whether the implementation of wind farms promotes disbenefits to local economies (or, indeed national economies) in terms of potential to harm tourism and visitation is

a matter still under scrutiny by many. The Scottish Borders is visited because of its attractiveness and for the recreational opportunities it offers. Whether the implementation of wind farms is harming, or has harmed Borders' tourism economy is not proven. It would be true to state, however, that their implementation divides opinion – the presence of wind farms causes some to be deterred, some to be ambivalent and some to respond positively. At the present time, there is no authoritative position regarding potential tourism effects that would be material to the consideration of an application of this type.

The principal visitor attraction affected by the proposed development is undoubtedly Hermitage Castle. Potential effects on this receptor are discussed in detail later in the report.

The proposed site access shares the access to the Whiterope Heritage Centre, a visitor attraction relating to the history of the area in terms of the railways, and how they served the area. During development there would clearly be disturbance to the operations of the centre. This attraction is arguably of lesser status as a visitor attraction than Hermitage Castle, although a valuable visitor and educational resource.

If the principle of the development is to be accepted on the basis that it would have this shared access, to a great extent disruption to the centre would have to be accepted.

Benefits arising in terms of renewable energy provision:

The proposed wind farm would provide an output of up to 22.5MW on the basis that each turbine would have the potential to generate 2.5MW.

This proposed additional generating capacity might be described as a modest contribution to national targets.

There is significant debate about whether current targets for renewable energy provision identified by Government have been reached, or if not reached then near to fulfilment due to the number of extant planning permissions and undetermined applications within the planning system. Many of these relate to wind energy development projects.

The Scottish Government has not indicated that additional generation through wind farms is unnecessary. It is clear from the SPP that the principle of acquiring more on-shore wind energy is still viewed positively and is encouraged in the right places.

However, and this is reflected in the decision on Barrel Law wind farm (DPEA ref. PPA-140-2046 and in terms of size and output very similar to Windy Edge), wherein the Reporter advises as follows in his deliberations prior to dismissing the appeal:

“37. Barrel Law would have an installed capacity of up to 24 megawatts. The Scottish Government target for renewable electricity generation is for renewables to generate the equivalent of 100 per cent of gross annual consumption by 2020, with an interim target of 50 per cent by 2015. The latest statistics published in June 2014 indicate that in 2013, around 46.6 per cent of Scotland's electricity needs came from renewables. The 100 per cent target roughly equates to 16 gigawatts of installed capacity (all technologies, onshore and marine), of which the Barrel Law turbines could contribute 0.15%. This would be a small but useful contribution.

38. However, the recent statistics indicate that 6.8 gigawatts of capacity was operational in March 2014, with a further 6.5 gigawatts under construction or consented, giving a total of 13.3 gigawatts and leaving only an additional 2.7 gigawatts required by 2020 to meet the target. Against that, proposals for 7.2 gigawatts were in planning, more than two and a half times the amount needed to close the gap. I accept that some of these proposals will be at an early stage and might not be capable of completion by 2020, and that some will fail to win approval. However, others have been approved since March. I also accept that the target is not a cap, and that any additional capacity will help to reduce the UK's carbon emissions. However, the rate of progress and the availability of alternatives suggest that the weight that should be given to Barrel Law's contribution is not as great as it would have been with a larger shortfall against the target, or a lack of other schemes."

It is therefore appropriate to consider the balance of impacts against usefulness in terms of energy provision i.e. is it worth accepting the environmental impacts (with mitigation) for the sake of a development which ultimately would only make a modest contribution to energy production?

Landscape and visual impacts

The ES is supported by a range of graphical material intended to portray the potential landscape and visual impacts of the development from a range of areas and/or receptors, represented by photomontaged information taken from 29 viewpoints, in total.

Consideration should be given to the following observations, which relate to viewpoints which identify significant matters:

Viewpoint 1: Queen's Mire Right of Way:

The viewpoint is situated approximately 1km to the north-west of the nearest turbine, on public right of way BR99, a fairly long path that runs north-south and ends up meeting the public road near Braidlie. The viewpoint is at the edge of woodland near the summit of Swire Knowe. The path has connections with history, it being supposedly the route Mary Queen of Scots took when visiting Hermitage Castle on royal business. This is explained in the 2013 consultation reply of the SBC Archaeology Officer, who suggests that the Queen's Mire forms part of the setting to Hermitage Castle.

This viewpoint has always related principally to the western array of turbines, which feature prominently in the scene, and which would do so for path users over a distance of nearly 2km; those travelling south would be affected substantially as the development would be prominent as soon as the path exits the woodland near the viewpoint, and then for the next 2km to a great degree.

Path users would experience a sense of tranquillity and remoteness, plus a panoramic view across upland landscapes presently free from turbines and electrical infrastructure. The latter is a characteristic of the Liddesdale landscape. The sense of remoteness combines with a level of barrenness due to the absence of settlement and infrastructure. Users of this path would, on clear days, benefit from an attractive outlook.

Introduction of the turbine array changes the scene substantially, with turbines and infrastructure at ground level adding a strong new visual dynamic to an otherwise

simplistic view. Turbines 4, 6, 8 and 9 breach the skyline (with hubs in the case of T8 and T9).

From here the revisions to the scheme are significant. The original western array was formed by two simple lines of 4 turbines. The introduction of what is now T1 plus the relocation of what is now T2 has disrupted the original flow within the array, so that T1 appears as something of an outlier to the remainder of the group and T2 sits between the two rows. The outlying of T1 is the most noticeable characteristic of this view and begins to identify that turbine as being inconsistent with the overall design.

In this picture, changes to heights from original to second to third version are evident, but are not a major consideration. Height increases and reductions do not make any noteworthy changes to potential landscape and visual impacts.

Viewpoint 2: Sundhope Right of Way:

This viewpoint is located a little over 1km from the nearest turbine on public right of way BR102, which ends at Whitropefoot to the south and then which passes through the site northwards and north-westwards through the area that was occupied by the eastern array (but is now occupied only by ground level infrastructure).

Greatmoor Hill is central to the view. Indeed, Greatmoor Hill features prominently in quite a few of the views because it is between the western and eastern array areas.

It is not necessary to discuss the appearance of the original wind farm from this location in detail, although all 9 turbines within the former eastern array featured prominently and were not well served by topography.

The current proposal for 9 turbines in the western area gives rise to visibility of at least part of all of them, with the hubs of 4 turbines projecting above the horizon at a distance of a little under 2km. Recent changes to the scheme have led to the tip of T1 all but disappearing from the view, whereas other changes have not been major.

Taking Greatmoor Hill as a scale reference enables it to be seen that the turbines would not dominate this view. Although they would breach the skyline, they would allow Greatmoor to continue as the primary feature in the landscape. In this type of view and from this receptor (the RoW), the potential landscape and visual impacts are not in themselves overbearing or harmful to landscape character. The array has a degree of rhythm and balance and does not jar with its visual environs.

Viewpoint 5: Toft's Knowe:

Potential visual effects relating to this viewpoint have stimulated interest and debate about the significance of the viewpoint and its relationship with the Hermitage. Some explanation to its appropriateness and relevance as a viewpoint is included in the consultation reply of the Archaeology Officer:

“The viewpoint is immediately adjacent to the site of a known late medieval and post-medieval farmstead...The Toft's Knowe farmstead adds to the contextual understanding of Hermitage Castle as the dominant structure within a settled late and post medieval landscape. From this perspective, and contrary to the ES, the viewpoint is culturally significant and an appropriate location for a viewpoint from which the setting of Hermitage Castle can be appreciated.”

Whatever the case, it was useful to see the castle in its setting and the backdrop of turbines behind Hermitage Hill in the original scheme. Most agreed that this effect was unacceptable and avoidable.

The current scheme shows no visibility from the viewpoint. Removal of the eastern array has removed all visibility. A new viewpoint has been added further along and within an associated area with potential visibility (VP26) which will be discussed later in this section.

Viewpoint 7: B6399 South of Whiteropefoot:

This viewpoint is located approximately 1km north of Hermitage village (junction) and is relevant as it depicts visibility for travellers heading north towards Hawick. Revisions to the scheme have removed visibility of the entire scheme from public view in this stretch of road. It is therefore no longer required to consider landscape and visual effects in relation to this locale.

Viewpoint 9: B6399 South of Toftholm:

This viewpoint is further back southwards along the B6399 than VP7, approximately 2km south of Hermitage village. As a result of revisions the development is no longer visible. Prior to reduction in height of T1, T2 and T4 the tips of those three turbines would have been visible sweeping over the skyline of Hermitage Hill. This revision is welcomed and is significant, given the association of Hermitage Hill to the castle.

Viewpoint 11: Nine Stones Circle:

This viewpoint is located a little over 3km to the south-east of the proposed development. It occupies the site of a scheduled monument and gives very good visibility towards the development area since the forestry surrounding it has been felled. Greatmoor Hill again appears as the dominant landscape feature of the picture. Originally the turbine arrays were to the left and right of the hill – the eastern array appeared quite prominently in the picture by comparison to the western array.

The revisions have rendered the scheme more in-keeping with the overall picture. While the turbines protrude above their first skyline, the substantial hill beyond (probably Skelfhill) provides a backcloth and provides the scheme with most of the topographical containment it requires to offset skylining effects. The scale of that backcloth hill and its comparison with Greatmoor Hill enable the scale of the turbines to be understood. In this picture, the landscape and visual impacts are reasonable and not overbearing.

Viewpoint 12: Right of Way near Saughtree:

This time from a little over 6km away, the effects mentioned in relation to VP11 are repeated, although lessened as the elevation allows Skelfhill to provide a better and more containing backcloth to the remaining array. The turbines appear to sit within a bowl.

Viewpoint 13: Hartsgarth Fell:

At around 5.5km south-west of the nearest turbine, this viewpoint is in an elevated position at a summit relatively well-known by recreational users (walkers) on an established pathway. It gives excellent visibility of the site, its local topography and the panorama beyond.

There is a real sense of barrenness from up here. The landscape and landform are simple with smooth hills and valleys evident coloured by browns and purples of vegetation.

On one hand, the turbine cluster appears to be well contained by topography and situated within a shallow bowl with Greatmoor Hill as the backcloth that offsets visual impact. On the other hand, the cluster looks highly out of place in relation to its surrounding environs. Placement of development of an industrial nature (with moving rotors) on an otherwise smooth and plain panorama conflicts with the sense of isolation and remoteness otherwise portrayed in the picture. In other words, why would there be a wind farm out here? It does not appear to belong in the picture.

Viewpoint 14: Steele Road Bench:

Despite having lost its main reason for inclusion, with the deletion of the eastern array and therefore greatly reduced impacts, this is still a useful viewpoint. At approximately 6km south-east of the nearest turbine, it shows a positive view of the landscape – an attractive range of hills including Hermitage Hill and Greatmoor Hill. The top of Hermitage Castle is just visible at the foot of Hermitage Hill (although difficult to pick up if not scrutinising the picture).

What remains of the visibility of turbines is limited to 6 tips and blades. These would be visible over Hermitage Hill. A tight cluster formed by T4, T6, T8 and T9 would be visible and to the left T2 and T1 as individuals. Despite the revisions, visibility of these turbines is still significant and a persisting issue. Visibility has increased with the layout revision – T1 and T2 spread the visual effects along the hill whereas in the original scheme the aforementioned cluster was very narrowly defined.

At this distance, the moving blades would be noticeable and in certain conditions would have the potential to be eye-catching. The visual association with Hermitage Castle and Hill is worthy of mention although is not a standout concern from this distance, direction and elevation. However, bearing in mind the relative absence of any above ground industrial infrastructure in the locality, the moving blades would introduce a noticeable new component in the landscape.

Viewpoint 17: Newcastleton – minor road to east:

At 10km to the south and giving a clear view along the valley, this viewpoint is useful to gauge longer distance effects where the turbines can be seen.

In this instance, they can be seen clearly but with a strong backdrop provided by Greatmoor Hill. The broad picture and scale of topography combine to demonstrate that from this distance, although easily viewed the wind farm would not be a dominant new component of the view. The landscape absorbs the development well and is not significantly harmed by its presence.

Viewpoint 24: Near Dinley:

This viewpoint was introduced in the December 2014 FEI to show new effects arising due to revisions to the scheme. It is located on the minor road that runs west from Hermitage to the A7, approximately 2.4km from the nearest turbine (looking almost directly north).

Generally users of this route in this section would be facing east or west on the road, and would need to turn to look through the line of trees to observe the single rotor blade remaining following revisions in April 2015. T1 is visible above the fringes of Hermitage Hill, albeit only the sweeping blade of the turbine with the hub height having been dropped below the horizon.

It is unfortunate that one of the rotors would be visible from this route, in particular as it is out of context, being the only turbine visible and with almost the entire blade being visible. However, although it would be better not to see any of the wind farm from this route, the presence of one sweeping blade is not overbearing and not a dominant new component in the picture.

Viewpoint 25: Gorrenberry:

This is another new viewpoint, situated near to a sharp bend in the A7-Hermitage road and giving an impression of the potential effects experienced by residents at Gorrenberry as well as road users. It is 1.8km from the nearest turbine, which is T1. Only T1, T2 and T4 are visible from this VP.

For road users, the effects would be very short-lived in passing west-east and potentially not apparent travelling east-west. The effects are significant, in respect of T1 and T2 in particular because the entire sweeping blade of T2 and the hub and blades of T1 would be visible above the skyline, and are close enough to the VP (and uphill from it) to cause the turbines to mildly encroach the locality. However, the foreground is occupied by fairly substantial vegetation which does help to offset the presence of the turbines to some extent. It is unlikely that the visual impacts occurring in relation to Gorrenberry would be overbearing or unacceptable.

Viewpoint 26: Near Tofts Knowe (relocated):

This viewpoint was revisited following removal of visibility from VP5. In the December 2014 FEI one blade tip showed in the picture; it has now been removed via height reduction.

The viewpoint is useful to enable a truer assessment of the potential effects on the setting of Hermitage Castle – the picture shows a highly attractive view of the Castle in its setting with Hermitage Hill, and although it has been somewhat contrived to enable minor effects to be shown (this is not a natural location for users of the landscape – not an identifiable ‘receptor location’ as such) the picture is undoubtedly representative of how the Castle is perceived in terms of its relationship with its landscape.

Hermitage Hill acts in this picture as a separating piece of topography, giving containment to the wind farm behind. In certain circumstances this containment is valid and successful where the overall context does not show the hill to be part of the Castle setting. However, in others it appears more precariously as a separating feature because it can be seen in context with both the wind farm and the Castle (see comments on VP28 and VP29 below).

Viewpoint 27: B6399 near Whiteropefoot:

This is another new viewpoint necessary because the revisions in December 2014 gave rise to new visibility (height increases, layout changes).

The VP is situated approximately 2.5km from the nearest turbine, and looks east toward the development over the fringes of Hermitage Hill.

Adverse effects were identified in relation to the December 2014 FEI as being potentially mitigatable and undesirable. Reduction in height of T1, T2 and T4 has led to a row of three turbines being visible above the skyline, these being T2, T4 and T6. It appears from the photowire montage in the April 2015 FEI that a little less than half of each blade would be seen sweeping above the skyline.

Given how little visibility there is remaining from local roads, to have the 3 turbines protrude in this way is distracting and disappointing. In usual circumstances it might not be worthy of mention but here, with so much care having been taken to minimise visibility from approach routes to Hermitage Castle, the effects of the remaining glimpse of the 3 blades are accentuated to some extent.

Viewpoint 28: Dinley Right of Way:

This viewpoint is situated approximately 3km south of the nearest turbine on a designated public right of way. Although this is not a popular or well waymarked RoW it nonetheless provides a very useful view of the site and its interplay with Hermitage Hill (as containment landform and as setting of Hermitage Castle). The view across the valley includes Greatmoor Hill behind Hermitage Hill and the Castle off to the right of the picture.

To some extent, Hermitage Hill visually separates the Castle from the turbines; they are visibly in a bowl on the other side of the summit. With Greatmoor Hill as a backcloth, the cluster is well served by topographical containment in a broader sense from here. However, the open flank of Hermitage Hill, running down to the Castle is strongly associated with the Castle and forms part of its setting. The Castle was sited in this valley because of the good containment the landscape offered. It is not logical to disassociate the Castle from the Hill, and therefore in any circumstance such as this, the potential for adverse visual impacts are heightened by visual sensitivities of the Castle setting, making judgement of effects more complex.

What is striking about this picture is that although the turbine cluster is situated behind Hermitage Hill, it is prominent and open on this side to visibility (all 9 turbines). They would be the most eye-catching component of the view.

Viewpoint 29: Steele Right of Way:

This last viewpoint is very close to VP14, but is on higher ground and is on a public right of way. Although the RoW is not likely to be particularly well-used and is not well signposted, it begins to represent an area from where recreational users will be able to have views which include the development and Hermitage Castle together.

Again, there is visual interplay between the Castle, Hermitage Hill and the turbines. Due to the sensitivity of the Castle's setting, any visual interplay gives rise to potential concerns.

The distance to the nearest turbine from here is just under 6km. The Castle is easily viewed although only its upper sections. 3 hubs in a narrow cluster and two blades appear along the brow of Hermitage Hill. They all breach the skyline, including hubs for T4, T8, T6 and T9.

The setting of the Castle is so sensitive that even this low level of visibility is considered to be adverse and undesirable. The Castle's character is in part derived by its location in amongst the hills and its enclosure by topography including Hermitage Hill. To have any turbines competing with the Castle and its setting is unfortunate. However, perhaps from this distance and location (not a popular or sensitive identifiable receptor) the effects may be tolerable.

Conclusion in respect of Landscape and Visual Impacts (not including residential amenity and cultural heritage):

Further to the revisions made in October 2014 and April 2015, the development is not considered to be highly visible in the broader sense. Its visibility range is fairly limited to some of the areas represented by the viewpoints considered above.

In terms of landscape character impact, from viewpoints such as Queen's Mire and Hartsgarth Fell the development exhibits landscape character impacts by becoming the new and prominent component of an otherwise simple landscape.

The landscape is not designated as a Special Landscape Area but is nonetheless recognisably of some quality. It displays characteristics of wilderness and barrenness and is not fettered by electrical infrastructure. The proposed wind farm looks so out of place from the aforementioned viewpoints that it might be described as anachronistic. There are no other wind farms in the locality with which Windy Edge could be referenced. Cumulatively, there are no coincident landscape and visual effects, therefore the resultant effects relate only to the presence of this project.

Although instinctively it seems as if the presence of a wind farm and its infrastructure is not logical in this remote and fairly isolated location, in other respects (notwithstanding issues relating to Hermitage Castle, which shall be addressed later) it is well served by topography, with the landscape being of sufficient scale to accommodate the array with only moderate landscape and visual impacts occurring. The range of visualisations represents potential landscape and visual impacts well, and confirms that overall the scheme would not be overtly prominent or dominant.

However, areas free from the influence of wind-farms are becoming harder to find in Borders and throughout Scotland. Despite not being designated for landscape qualities, quality does exist and the experience of Liddesdale is that one may find a level of tranquillity and peacefulness 'off the beaten track'. The landscape has remoteness and wilderness qualities and one would not expect to find a wind farm in the locality.

For these reasons, it is important to consider whether the area can accommodate a windfarm or whether the areas intrinsic characteristics should be preserved and thereby the principle of Windy Edge Wind Farm be questioned, especially as Windy Edge would only promote a modest level of energy provision. Is it worth allowing a development with a significant level of impact on the landscape in an area that is presently free from windfarm development, when the benefits arising are at best modest?

This question must be considered in the light of the presence of Hermitage Castle (a more focussed appraisal will follow in the Cultural Heritage section). Impact on landscape cannot be fully separated out from impact on the Castle's setting, as the two are intertwined.

Consideration must also be given to the potential landscape and visual impacts arising from construction of the access track, which (following deletion of the eastern array) is around 6km of track winding convolutedly to reach the remaining array. It attempts to follow contours and therefore would relate fairly well to topography, but inevitably the track would be visible from some elevated vantage points.

Visualisations show infrastructure and none have shown new tracks to be prominent in the pictures, but they may not contain all the detail and because the focus of the montages is on the turbines it is possible that tracks would be visible from places not represented by viewpoints. It is not possible to fully assess the visual impacts of the tracks from all locations.

Visual Impacts Relating to Residential Amenity:

The 2014 FEI contains a Residential Visual Amenity Survey, which is found in Volume 3 and numbered Annex 4.1. The survey reflects matters relating to the 9-turbine scheme where all turbines are still at 125m tip height.

The survey identifies 2 no. properties with theoretical visibility of the development within 1.5km of the nearest turbine, a further 2 no. between 1.5km and 2km and a further 3 no. within 3km.

The survey identifies significant and adverse visual impacts in relation to two properties, both at Old Braidlie and both within 1.5km of the nearest turbine. It confirms that this is likely to occur due to 'elevation and lack of vegetation'. However, both the properties are confirmed as being 'financially involved' with the development, presumably because the land upon which the wind farm is proposed is within the control of Old Braidlie. While it is still significant and undesirable to introduce what it likely to be a strong new component to the environs of Old Braidlie, as both are financially involved it is unlikely that an objection would be sustainable on visual impact grounds.

In relation to all other residential properties, due to the way they are positioned in relation to the development and the contribution made by vegetation and landform, and due to separation distances, the turbines and infrastructure in and around the remaining array would not result in such a high level of harm to residential amenity that it would be unacceptable. The site is sufficiently separated from houses and settlements, by distance, topography and landform, for this not to be an overriding issue.

It should be noted that although the survey identifies there as being no theoretical visibility at Gorrenberry, where there are 3 no. properties within 2km of the nearest turbines. However, main Viewpoint 25 is located close to Gorrenberry properties and shows that there would be visibility of three particular turbines (T1, T2 and T4) with the hub of T1 still situated above the skyline and a substantial blade section of T2 still with a sweep above the skyline. Although this viewpoint is situated within the broader environs of Gorrenberry and should not be referred to as 'curtilage', it provides an understanding of the likely effects that would be experienced as residents or users move around those environs. However, although the effects are undesirable (and would be substantially mitigated if T1 were not present), the adverse effects are not considered to be overriding. In the overall balance, they would not promote a reason to refuse the application.

Effects of traffic associated with implementation of the wind farm are discussed later in the report.

Visual Impacts Relating to Cultural Heritage:

The issue of visual impact on heritage settings is discussed in detail within the consultation responses of Historic Scotland and the SBC Archaeology Officer.

The project would be sited in a cultural landscape that contains a range of heritage assets. Visual impacts on settings of monuments and the landscape are identified as being acceptable, other than in relation to Hermitage Castle. This type of impact features heavily in representations submitted by the public and is the main focus of responses by Historic Scotland and the SBC Archaeology Officer.

Hermitage Castle is one of Borders' most well-known and cherished heritage assets. It is a popular visitor attraction and is in the care of Historic Scotland. It is located remotely from settlements and main roads and is approached along twisting roads through sparsely populated landscapes. Part of the Hermitage Castle experience is the journey to the setting, whereupon the Castle reveals itself at the last moment in its valley-bottom location.

The Castle is distinctive and recognisable due to its stark architecture and open localised setting without physical boundaries close-by. It is often photographed in its setting, with Hermitage Hill forming the protecting backdrop to the building. The landscape that surrounds has strong associative links with the Castle. The wind farm, or in some cases several of the turbines, feature in views of the Castle. The immediate associated landscape (principally, Hermitage Hill) provides some containment to, and is adjacent to the array. Despite all efforts to remove visibility from the Castle itself and from most of the vantage points that include the Castle, there still remains a significant interplay between the Castle, its setting and the development. The broader landscape interlinked with the Castle is visually impacted by the turbines. This is particularly noticeable in visualisations for Viewpoints 28 and 29, and also potentially from Arnton Fell, a summit with trig point providing clear views of the Castle, its environs plus the turbines. (Note: Arnton Fell is not a viewpoint adopted within the ES, but it is referred to in the consultation reply of at least one Community Council, along with a montage prepared on behalf of that CC). Figure A7.3 within the December 2014 FEI shows areas where the Castle and development would theoretically be visible together. Examples of other locations from where combined visibility may be achievable are Din Fell, Dinley Fell and Dod Hill, all within 3.5km of the Castle and turbines.

It might be argued that this type of visibility is limited to places away from main vantage points associated with the Castle and its setting, and that relatively few users of recreational areas/paths would experience significant effects. The nature of the environs surrounding the Castle, however, is such that it will be possible to be able to appreciate the setting from a range of elevated locations. From some of these, the Castle is not seen in isolation. Rather it is seen in context with other human interventions such as settlement and plantations.

A purist view would be to consider that there should be absolutely no visual interplay between Hermitage Castle, its setting and the development. The reason for this might be that the current position is that the Castle is the single most defining feature within the landscape and that, despite its inconspicuous position in a broader landscape sense, it is the primary element of that landscape and therefore its precarious dominance should remain unchallenged. Such is the beauty and status of the Castle that this view is valid.

But in planning terms it would not be reasonable to take this view. The project is designed and sited so that the interplay between the Hermitage setting and the turbines is appreciable only if an effort is made to seek it. Those areas from which the Castle is most often appreciated are hardly disturbed, visually. Visitors to the Castle approaching on the road from the north, south or west would not be subjected to a high, or even moderate level of visibility of the turbines.

This does not mean that the visual impacts on the setting of Hermitage Castle are insignificant. Because the Castle is of such importance as a heritage asset (and receptor) any visual impacts are undesirable and therefore should be avoided or minimised. It is believed that a good level of mitigation has been achieved through revision to the scheme, with the exception of T1 (although concerns about that turbine relate mainly to landscape effects/development appearance).

Physical Impacts on Cultural Heritage:

The consultation response of the SBC Archaeology Officer confirms that the site is archaeologically sensitive and therefore requires that a range of conditions be imposed to ensure proper recording and/or evaluation if the development goes ahead. There are no overriding concerns relating to physical impacts upon standing or subterranean archaeology.

Impacts on Residential Amenity Arising from Noise:

In this respect the planning department takes its specialist advice from the Environmental Health Officer. Until recently, there have outstanding matters which the consultee advised should be addressed prior to determination. With the most recent submissions having provided the clarification sought by the EHO, there is no longer uncertainty relating to noise and there is no objection as it has been demonstrated that noise is mitigatable in accordance with ETSU R-97 guidelines.

Aviation Matters:

Public Safety/Ministry of Defence:

The Ministry of Defence is a statutory consultee and has raised an objection to the development on the grounds that it would compromise the ability of one of its installations to operate properly, this being the Deadwater Fell Air Traffic Control Radar (ATC) serving RAF Spadeadam.

The MoD has made its position clear on matters relating to public safety interests. Matters of safety are so significant that the MoD will not risk addressing matters through suspensive conditions. In effect, therefore, any attempts by planning authorities to transgress this mode of operation would give rise to conditions that simply cannot be discharged.

For these reasons, in relation to the MoD objection and in the interests of public safety at a national level, the application cannot currently be supported in that specific context.

NATS/NERL En Route Air Traffic Remit:

It is rare to receive an objection from this body, but on this occasion, despite revisions made to the scheme the consultee giving specialist advice on non-military aviation matters has identified and maintained an objection. In essence, the objection

relates to a conflict with safeguarding criteria. This conflict is based upon an identified technical impact on operation of the Air Traffic Control Radar at Great Dun Fell, relating to Prestwick Centre Air Traffic Control.

Similarly to consideration of MoD aviation concerns by the planning authority, the Council does not have a specialist available internally to assess separately the type of impacts deemed to be objectionable by NATS.

For similar reasons to those pertaining to MoD concerns, in the interests of public safety at a national level, the application cannot currently be supported.

Ecological, Ornithological and Habitat Effects (Including on peat and groundwater resource):

There are significant and important matters arising in relation to natural heritage and the peat/groundwater resource. These have been appraised carefully by specialist consultees, those being:

- SBC Ecology Officer
- Scottish Natural Heritage
- Scottish Environmental Protection Agency
- Scottish Wildlife Trust
- RSPB Scotland

Although many of the issues relating to the ground environment, biodiversity and habitat have either been addressed or are mitigatable potentially through conditions/legal obligations, there are matters outstanding.

Impact on Hen Harrier – Langholm Moor Demonstration Project/Newcastleton-Langholm Special Protection Area:

Hen Harrier is a protected and vulnerable species under monitoring and management along with its habitat, to ensure a healthy population is successfully sustained. The aforementioned Special Protection Area (SPA) is home to a number of breeding pairs and specific project work is being undertaken regularly to monitor and protect the birds.

Although the development site is not within the SPA, it has a relationship with the SPA and the birds are known to use the application site in their hunting and flying activities. The development could, therefore, have a significant effect on the species if impacts on habitat or safety of the birds are harmfully adverse.

The developers have submitted adequate material to enable a reasonable assessment to be made up to a certain level of detail, which has caused both SNH and RSPB to remove their objections, but not Scottish Wildlife Trust. The updated position of RSPB and SNH indicates that although there could be an adverse impact on habitat and the birds themselves, any such impact is acceptable and not overridingly prejudicial. The position of SWT is that there is still doubt and concern about potential impacts.

The position currently adopted by the SBC Ecology Officer is that although it will be possible to conclude all assessments on the potential impacts on Hen Harrier on the basis of information already available, it would have been helpful to have access to the data and interpretation used by the Langholm Moor Demonstration Project. A

request for this information has not been fruitful – the information requested is so sensitive (i.e. its release could prejudice Hen Harrier) that at this time the data has not been released.

Taking into consideration the position adopted by both SNH and RSPB, impacts on Hen Harrier will be acceptable. This is confirmed in the most recent submission by the SBC Ecology Officer which confirms (by undertaking an Appropriate Assessment) that there are no overriding concerns relating to species impacts. It would therefore be appropriate to address any outstanding matters (such as assistance with ongoing project work) via conditions or legal obligations, if planning permission is granted.

Impact on Habitat – Blanket Bog/Peat:

Blanket bog is a peat-related habitat and is considered to be sensitive to change and damage. On this particular site, it is a component of the hydrological make-up of the ground. The consultation responses of SNH, RSPB, SEPA and the Ecology Officer all identify concerns that turbines and infrastructure are sited on the bog habitat, which is also important to the water resource. The Ecology Officer recommends that changes to the layout are made to locate all turbines outwith any intact blanket bog habitat, and also that alternative routes for access tracks are considered in 3/4 locations. Turbine 6 is identified as being in an area of deep peat, which is undesirable and does not accord with the Government's acknowledgement of the importance of peat (i.e. SPP Table 1, 2014).

At present, there is no evidence to suggest that the developer is considering redesign to take account of advice contained within these specialist consultation responses. In terms of the turbines, from the advice received it would appear that micro-siting would enable them to be shifted off blanket bog onto less sensitive habitat. This would be a logical and achievable action and would accord with any planning permission obtained. In terms of the tracks, the developer may not have the same ability to micro-site, although is likely to have the opportunity to mitigate by alternative modes of track construction. This might include floating tracks supported by piles which could minimise damage to habitat. In any event, although it is far from ideal to have uncertainty relating to impacts on bog habitat, if suitable conditions are applied it would be appropriate to deal with outstanding concerns in this way. There are no overriding concerns in this regard that would promote a reason for refusal.

Impact on Road Safety and the Road Network:

In the October 2014 revision to the scheme, the developer identified a new route for delivery of abnormal loads to site. The route might be described as convoluted, as a result of the remote location of the site which is only reachable via long sections of minor roads, certainly from Hawthornside on the A6088 to the site via the unclassified road and then the B6399, and to some extent on the A6088 itself between Hawick and Bonchester Bridge.

The principal consultees advising on whether routes are appropriate in terms of their ability to accommodate the loads have both indicated no objection to the route in principle (Transport Scotland and the SBC Roads Planning Manager). The latter has not formally advised on the proposed route due to a requirement for further information, which the developer has opted not to provide within the April 2014 FEI. This leaves uncertainty relating to the proposed route, and taking into consideration the nature of the route along roads that do not obviously lend themselves to taking

abnormal loads, this is an outstanding concern that may influence the planning recommendation.

Development Contributions:

Having regard to the nature of the development and its predominantly occurring effects, i.e. those which are most significant to the recommendation of the application, it is considered that it would be appropriate to seek development contributions in respect of the following matters, in the event of consent being granted:

- financial contribution towards the upkeep and maintenance of the public path network and areas of public access in particular where those paths/areas relate to important walking destinations and are most impacted by the development
- financial contribution towards the archaeological analysis of the historic landscape at and adjacent to the Windy Edge site, potentially through LiDAR aerial surveying

CONCLUSION:

In relation to national, regional and local planning policy, applications for onshore wind development are to be supported unless there are overriding reasons to refuse. There is no cap to the amount of energy that may be produced by wind generation in mainland Scotland, therefore if this scheme does not give rise to overwhelmingly harmful environmental impacts it can be supported despite it being a relatively low energy producer. 22.5MW is relatively little compared to the potential output of many of the wind farms operational or approved in Borders, but it would be commensurate with outputs from the like of the operational Drone Hill and Glenkerie schemes. It is acknowledged that implementation, operation and decommissioning of the development would give rise to significant employment and investment.

The scheme itself would be built in a location which does not lend itself naturally to accommodating a wind farm. It is sensitive due to:

- the sensitivity of the landscape from a heritage point of view, in particular because of the presence of Hermitage Castle, with which the landscape has strong associations – there is a real sense of place associated with the castle
- the simplicity of the receiving landscape, which has visual quality, barren, remote and wild qualities and which is currently free from wind turbines and electrical infrastructure
- opportunities to appreciate these qualities exist from public paths and accessible areas including summits promoted as recreational destinations

It is clear from SPP that development must be appropriate to its receiving environs – ‘the right development in the right place’ and suited to a development in perpetuity. Even if this were a marginal scheme it would be important to take this into consideration. Scotland’s landscapes are an important asset therefore great care must be taken to ensure only the highest quality and most suitable wind energy developments are accepted.

Placement of a commercial wind farm at this location would relate reasonably well to the presence and scale of surrounding landform, insofar as there are backcloths and

screening available which show the development not to protrude excessively over skylines and not to be dominant in relation to the broader landscape scale. However, where the wind farm is largely visible from accessible areas and paths it appears totally out of keeping with the simplistic form of the land and makes visual reference to no other landscape components – including other turbines.

Areas free from windfarms are becoming increasingly scarce, with arguably all the best sites already developed and being considered for augmentation to accord with a 'cluster and space' approach which takes advantage of the consented wind farm baseline and allows existing spaces between to be maintained. The location chosen for Windy Edge is situated within one of these remaining unaffected areas and would therefore to some extent become an anachronism because it would not relate to any other industrial man-made large-scale items in the landscape – not even pylons.

This, combined with the heightened sensitivity of the local landscape due to its associations with the much cherished Hermitage Castle, bring a high level of doubt about the ability of the locality to absorb landscape impacts without causing overriding visual harm, and overriding harm to landscape character. Fundamental characteristics of the landscape include its relative emptiness and tranquillity. Other than the Castle, there is not much by way of strong man-made components in the locality of this part of the Liddesdale Valley impacting on the apparent timelessness of the place.

In terms of impact on the actual, tangible and experienced setting of the Castle as a historic asset, it would not be reasonable to argue that impacts specifically relating to the setting are justified as overridingly adverse, for reasons mentioned earlier. However, that experience of the Castle's environs lends status to the landscape and heightens its sensitivity.

A very important consideration is whether the Windy Edge site is suitable in perpetuity. It would become a wind production site of a commercial nature, bearing no relation to the nature and character of its environs. If there was an association with other comparable or related components of the landscape, or any other sense that the site could be utilised for a wind farm, it would have to be on the basis that it would return to its previous condition after a temporary period. Its isolation, sensitivity and separation from other infrastructure development in a very out-of-the-way location do not logically promote the site as suited to industry in perpetuity.

Furthermore, aviation objections are critical to the recommendation, as both relate to public safety that would be prejudiced by the inability of specialist bodies to manage air traffic with all risks minimised. The situation as it relates to the ATC Radar at Spadeadam is highly similar to that at Barrel Law, which was dismissed in the absence of any acceptable form of mitigation being produced. In making his decision on Barrel Law, the Reporter made it clear that unless he could be absolutely convinced that all aviation safety matters had been addressed, he would not find it reasonable to overturn the planning recommendation in that regard.

When the objection relating to all other en-route air traffic is added to the equation, it becomes clear that these outstanding matters are overriding and would promote a reason for refusal.

For these reasons, the application is recommended for refusal.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

I recommend the application is refused for the following reasons:

1. The proposed development would be contrary to Policies G1 and D4 of the Scottish Borders 2011 Local Plan, in that the development would unacceptably harm the Borders landscape due to:

- (i) overwhelmingly adverse impacts on landscape character arising from placement of turbines and infrastructure on a sensitive and distinct landscape with grandeur, historical, remoteness and wilderness qualities, which can be observed and experienced from a range of public paths and recreational access areas;
- (ii) the introduction of an array of large commercial turbines into a locality which is significantly remote from main settlements and road networks and where no logical reference can be made to any other similar man-made interventions (including noticeable electrical infrastructure) or settlement, which is characterised by simplistic landforms with which the development does not harmonise; thereby the development would appear as an incongruous and anachronistic new item; and
- (iii) the introduction of a medium-sized commercial wind farm in an area which is presently free from wind farm development and which provides a spatial separation between areas occupied by wind farms in Borders.

2. The development conflicts with Policy D4 of the Consolidated Scottish Borders 2011 Local Plan, in that by virtue of its adverse impact on:

- (i) the Ministry of Defence operations at Deadwater Fell ATC Radar at RAF Spadeadam, and
- (ii) the ability of National Air Traffic Services to safely manage en route non-military air traffic due to impacts on the Great Dun Fell radar serving Prestwick Airport;
it would be incompatible with Ministry of Defence and other national objectives relating to protection of public safety at a UK level and the obligations set out in international treaties.

INFORMATIVE:

There remains uncertainty in respect of two matters that are not referenced in the reasons for refusal, as the Council considers that they may be mitigatable if further information is provided. Therefore, in connection with this refusal of planning permission, the applicant is advised that further material will be needed in any re-submission to enable the Council and its consultees to fully appreciate the implications of the development in terms of:

- ability of the local road network to accommodate the abnormal loads along the proposed haulage route (as per planning consultation responses of the SBC Roads Planning Manager)
- potential impacts on the peat resource and strategy for micro-siting and track design to ensure all turbines and infrastructure including borrow pits are sited and constructed appropriately in relation to the ground environment/habitat

DRAWING NUMBERS

Figure 1.2 (March 2015)	Application Boundary
Figure 1.4 (March 2015)	October 2014 Site Layout

- Figure 1.5a (March 2015) Typical Wind Turbine (Turbines 3, 5-9)
 Figure 1.5b (March 2015) Typical Wind Turbine (Turbines 1, 2 and 4)
 Figure A2.3 (October 2014) Typical Wind Turbine Foundations
 Figure A2.4 (October 2014) Typical Crane Hardstanding Layout
 Figure A2.5 (October 2014) Indicative Cable Trench Details
 Figure A2.6 (October 2014) Indicative Infinis Control Building Plan and Elevations
 Figure A2.7 (October 2014) Indicative Substation and Substation Compound
 Figure A2.8 (October 2014) Typical Anemometry Mast
 Figure A2.9 (October 2014) Indicative Construction Compound
 Figure A2.10 (October 2014) Cross Section of Typical Access Tracks

Approved by

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

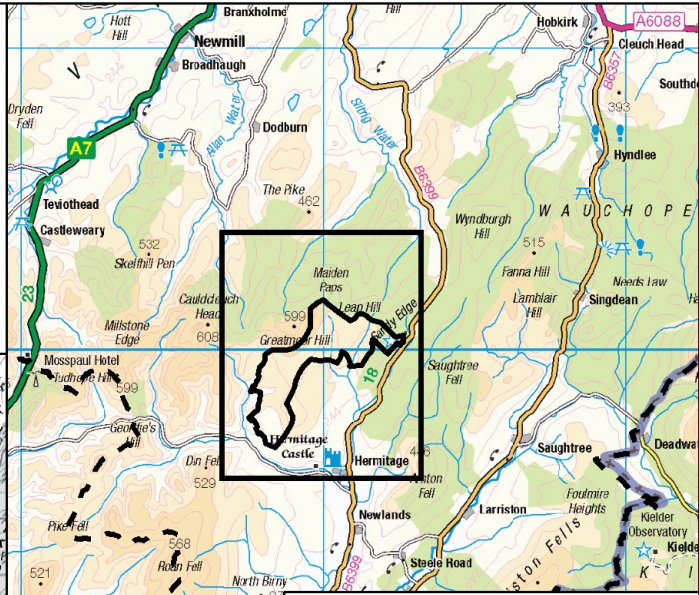
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

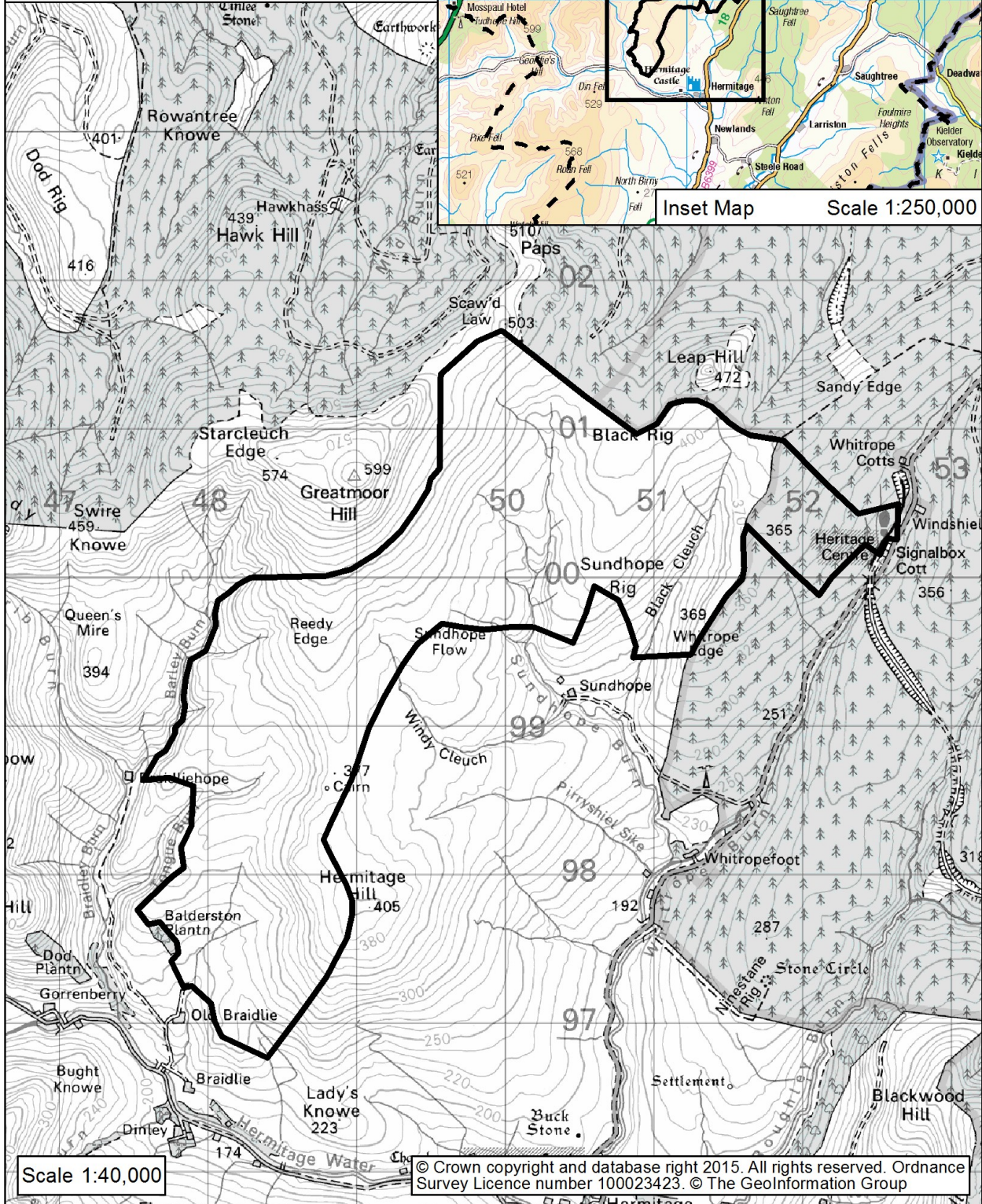
Name	Designation
John Hiscox	Planning Officer (Major/Wind Energy Development)



13/00789/FUL
 Land North East And North West Of
 Farmhouse Braidlie (Windy Edge)
 Hawick
 Scottish Borders



Inset Map Scale 1:250,000



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