

List of Policies

Local Review Reference: 15/00018/RREF

Planning Application Reference: 15/00179/FUL

Development Proposal: Erection of wind turbine 34.4m high to tip and associated infrastructure

Location: Land south west of Clackmae Farmhouse, Earlston

Applicant: Mr A Wilson

SESPLan 2013:

POLICY 10 - SUSTAINABLE ENERGY TECHNOLOGIES

The Strategic Development Plan seeks to promote sustainable energy sources. Local Development Plans will:

- a. Support the future development and associated infrastructure requirements of Longannet and Cockenzie power stations in relation to their role as non-nuclear baseload capacity generators and the reuse of waste heat from these developments. Support Energy Park Fife at Methil and developments connected with offshore renewable energy at Leith and Rosyth; and
- b. Set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks.

POLICY 1B - THE SPATIAL STRATEGY: DEVELOPMENT PRINCIPLES

Local Development Plans will:

- Ensure that there are no significant adverse impacts on the integrity of international, national and local designations and classifications, in particular National Scenic Areas, Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest and Areas of Great Landscape Value and any other Phase 1 Habitats or European Protected Species;
- Ensure that there are no significant adverse impacts on the integrity of international and national built or cultural heritage sites in particular World Heritage Sites, Scheduled Ancient Monuments, Listed Buildings, Royal Parks and Sites listed in The Inventory of Gardens and Designed Landscapes;
- Have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live;
- Contribute to the response to climate change, through mitigation and adaptation; and
- Have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

Consolidated Scottish Borders Local Plan 2011:

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

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1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

POLICY BE1 - LISTED BUILDINGS

1. The Council will support development proposals that protect, maintain, and enhance active use and conservation of Listed Buildings.
2. All Listed Buildings contained in the statutory list of Buildings of Special Architectural or Historic Interest will be protected against all works which would have a detrimental effect on their listed character, integrity or setting.
3. Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:
 - i) must be of the highest quality,

- ii) must respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design,
 - iii) must maintain, and should preferably enhance, the special architectural or historic quality of the building,
 - iv) must demonstrate an understanding of the building's significance.
- Applications for Listed Building Consent or applications affecting the setting of Listed Buildings may be required to be supported by Design Statements.
- 4. New development that adversely affects the setting of a Listed Building will not be permitted.
 - 5. The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.
 - 6. Decisions on proposals for any alterations or demolition of a Listed Building will be made in accordance with the advice contained within the Scottish Historic Environment Policy (SHEP) produced by Historic Scotland and in consultation with the appropriate heritage bodies.

POLICY BE2 - ARCHAEOLOGICAL SITES and ANCIENT MONUMENTS

Where development proposals impact on a Scheduled Ancient Monument, other nationally important sites not yet scheduled, or any other archaeological or historical site, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policies N14, N15 and N16.

Structure Plan Policy N14

Development proposals, which would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments or other nationally important sites not yet scheduled will not be permitted unless:

- (i) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site,
- (ii) there are no reasonable alternative means of meeting that development need, and
- (iii) the proposal includes a mitigation strategy acceptable to the Council.

Structure Plan Policy N15

Development proposals which will adversely affect an archaeological site of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the archaeological value of the site or feature.

Structure Plan Policy N16

Where there is reasonable evidence of the existence of archaeological remains, but their nature and extent are unknown, the Council may require an Archaeological Evaluation to provide clarification of the potential impact of a development before a planning decision is reached. Where development is approved which would damage an archaeological site or feature, the Council will require that such development is carried out in accordance with a strategy designed to minimise the impact of development upon the archaeology and to ensure that a complete record is made of any remains which would otherwise be damaged by the development. Such a strategy might include some or all of the following:

- (i) the preservation of remains in situ and in an appropriate setting,

- (ii) surface or geophysical survey,
- (iii) archaeological excavation,
- (iv) study of the excavated evidence and publication of the results.

The preferred solution will be influenced by the value of the site in national, regional or local terms.

POLICY BE3 – GARDENS AND DESIGNED LANDSCAPES

Development will be refused where it has an unacceptable adverse impact on the landscape features, character or setting of:

1. sites listed in the Inventory of Gardens and Designed Landscapes,
2. any additional sites that may be included in any revised Inventory in course of preparation by Historic Scotland or other designator bodies, or
3. historic gardens and designed landscapes recorded in the Council's Sites and Monuments Record.

Where development is approved, it should enhance the design and setting of the garden or designed landscape. All development should be carefully sited, of the highest standards of design using appropriate finishing materials and planting, to fit in with the existing landscape structure and boundary enclosures.

POLICY BE4 – CONSERVATION AREAS

1. Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.
2. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.
3. Conservation Area consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:
 - i) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
 - ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and
 - iii) the proposal will preserve or enhance the Conservation area, either individually or as part of the townscape.In cases i) to iii) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.
4. Full consideration will be given to the guidance given in the Scottish Historic Environment Policy (SHEP) in the assessment of any application relating to development within a Conservation Area.
5. The Council may require applications for full, as opposed to outline, consent. In instances where outline applications are submitted, the Council will require a 'Design Statement' to be submitted at the same time, which should explain and illustrate the design principles and design concepts of the proposals. Design Statements will also be required for any applications for major alterations or extensions, or for demolition and replacement.

POLICY NE1 – INTERNATIONAL NATURE CONSERVATION SITES

Sites of international importance for nature conservation will be afforded the highest level of protection from development. Development proposals that impact on an internationally important wildlife site must comply with Structure Plan Policy N2.

Structure Plan Policy N2

Development proposals which will have a significant effect on a designated or proposed Natura 2000 site, or a listed or proposed Ramsar site, and are not directly connected with or necessary to the conservation management for that site, will be subject to an assessment of the implications on the site's conservation objectives. The development will only be permitted where the assessment demonstrates that:

- (i) there are no alternative means of meeting that development need, and
- (ii) there are imperative reasons of overriding public interest, including those of a social or economic nature that clearly outweigh the international nature conservation value of the site.

POLICY NE4 – TREES, WOODLANDS AND HEDGEROWS

The Council supports the maintenance and management of trees, woodlands, including ancient woodlands and ancient woodland pastures, and hedgerows, (hereafter referred to as the 'woodland resource') and requires developers to incorporate, wherever feasible, the existing woodland resource into their schemes.

1. Development that would cause the loss of, or serious damage to the woodland resource, will be refused unless the public benefits of the development at the local level clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Decision making will be informed by the Scottish Borders Woodland Strategy, expert advice from external agencies, the existing condition of the woodland resource and BS5837: Trees in Relation to Construction;
2. The siting and design of the development should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability;
3. Where there is an unavoidable loss of the woodland resource, appropriate replacement planting will normally be a condition of planning permission. In some locations planning agreements will be sought to enhance the woodland resource;
4. Development proposals should demonstrate how the protection of the woodland resource will be carried out during construction, adopting British Standard 5837.

POLICY EP1 – NATIONAL SCENIC AREAS

Where development proposals impact on a National Scenic Area, developers will be required to comply with Structure Plan policy N10.

Structure Plan Policy N10

Development in National Scenic Areas will only be permitted where:

(i) the objectives of designation and the overall landscape value of the site will not be compromised, or

any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

POLICY EP2 – AREAS OF GREAT LANDSCAPE VALUE

Where development proposals impact on an Area of Great Landscape Value (AGLV), developers will be required to comply with Structure Plan policy N11.

Structure Plan Policy N11

In assessing proposals for development in Areas of Great Landscape Value, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development. Proposals that have a significant adverse impact will only be permitted where the impact is clearly outweighed by social or economic benefits of national or local importance.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY Inf2 – PROTECTION OF ACCESS ROUTES

1. When determining planning applications and preparing development briefs and in accordance with the Scottish Borders Access Strategy, the Council will seek to uphold access rights by protecting existing access routes including: statutorily designated long distance routes; Rights of Way; walking paths; cycle ways; equestrian routes; waterways; identified Safe Routes to School and in due course, Core Paths.

2. Where development would have a significant adverse effect on the continued access to or enjoyment of an access route or asserted Right of Way, alternative access provision will be sought at the developer's cost either by diverting the route or incorporating it into the proposed development in a way that is no less attractive and is safe and convenient for public use. Unless such appropriate provision can be made, the development will be refused

POLICY Inf4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY Inf6 – SUSTAINABLE URBAN DRAINAGE

1. Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on Sustainable Urban Drainage Systems (SUDS) to the satisfaction of the Council, Scottish Environment Protection Agency, Scottish Natural Heritage and other interested parties.
2. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses.
3. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

POLICY D4 – RENEWABLE ENERGY DEVELOPMENT

The Council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology and solar power where they can be accommodated without unacceptable impacts on the environment. The siting and design of all renewable energy developments should take account of the social, economic and environmental context.

Renewable energy developments will be approved provided that,

1. there are no unacceptable adverse impacts on the natural heritage including the water environment, landscape, biodiversity, built environment and archaeological heritage, or that any adverse impacts can be satisfactorily mitigated;
2. there are no unacceptable adverse impacts on recreation and tourism, including access routes, or that any adverse impacts can be satisfactorily mitigated.

If there are judged to be significant adverse impacts that cannot be mitigated, the development will only be approved if the Council is satisfied that the contribution to wider economic and environmental benefits outweigh the potential damage to the environment or to tourism and recreation.

Commercial Wind Farms

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1. Commercial wind farm development will normally be more acceptable in locations within 'preferred areas' outwith environmental designations as set out in Structure Plan Policy I19. As noted in the justification of the local plan policy on Areas of Great Landscape Value (page 60), the Council proposes to carry out a review of the whole Council area with a view to adding additional areas which merit safeguarding under Policy EP2. The results of that review will also be taken into account in assessing the suitability of locations for commercial wind farms.
2. Locations within large scale landscape settings defined as Upland type in the Landscape Classification hierarchy (contained within the Borders Landscape Assessment) will normally be more acceptable than other landscape character types subject to detailed assessment of the fragility of the area to change.
3. Locations where there is surrounding landform that minimises the external visibility of the development, where there is no interference with prominent skylines or where there is no conflict with sensitive habitats will be looked on more favourably than other locations.
4. In assessing the landscape impacts of windfarm developments, particular attention will be given to the effects on high sensitivity receptors including major tourist routes and important landscape viewpoints.
5. In addition to the general provisions for assessment as set out in paragraph 2 of this Policy, proposals for commercial wind farms will be assessed against the following criteria and will be approved where the overall impact is judged acceptable:
 - (i) Impact on landscape character and areas exhibiting remote qualities as guided by expert advice and relevant research including the *Scottish Borders Landscape Assessment 1995*;
 - (ii) Views of the turbines and associated transmission lines, tracks, plant and buildings from 'sensitive receptors' that include residential properties, important landscape features, prominent landmarks, major tourist routes and popular public viewpoints, including those outwith the Scottish Borders boundary;
 - (iii) Visual impact assessment will include cumulative impact, shadow flicker and the potential for driver distraction, and take account of the distance of the facility from receptors and screening. Decision-making will be guided by expert advice and relevant research.
 - (iv) Generation of noise;
 - (v) Traffic generation, including access during construction;
 - (vi) Ecology and ornithology, particularly statutorily protected species and habitats, species and habitats of conservation concern or species vulnerable to wind farms by virtue of their behaviour. Assessment of cumulative impacts on regional populations of birds will be required as appropriate.
 - (vii) Interference with radio telecommunications and aviation;
 - (viii) Provisions for decommissioning, land restoration, after care and after use;
 - (ix) Cumulative impact of wind farm development, including developments in adjoining local authority areas. Unacceptable cumulative impact may restrict development potential in otherwise appropriate areas. In assessing potential cumulative impact, account will be taken of the effect of perceived visual impact.
6. Reference should be made to Scottish Planning Policy (SPP) and PAN 45 Renewable Energy Technologies (revised 2002) in respect of assessing visual and other impacts of wind farm proposals, giving consideration to the size and the number of proposed turbines, the position and number of receptors affected and the distance of the receptors from the turbines.

Developers must demonstrate that they have considered options for minimising the operational impact of the development including:

1. Positioning of the wind farm in relation to landscape character, surrounding landform, wind farms and power lines;

2. Positioning of the wind farm in relation to the biodiversity interest of the site and surrounding area;
3. Siting and design of tracks and ancillary development;
4. Turbine positioning and separation from residential properties and radio telecommunications;
5. Turbine specification and technical controls, including consideration of predicted noise levels at specific properties closest to the wind farm at wind speeds corresponding to cut-in, full rated power and maximum operational wind speed, along with background noise levels and wind speeds;
6. Colours and finishes;
7. Routeing and timing of construction traffic;
8. Road access and improvements, taking account of constraints posed by wetland and upland habitats.

Other Renewable Energy Development

Small scale or domestic renewable energy developments including community schemes, single turbines and micro-scale photovoltaic/solar panels will be encouraged where they can be satisfactorily accommodated into their surroundings in accordance with the protection of residential amenity and the historic and natural environment.

Renewable technologies that require a countryside location such as the development of biofuels, short rotation coppice, 'biomass' or small scale hydro-power will be assessed against the relevant environmental protection policies.

Waste to energy schemes involving human, farm and domestic waste will be assessed against Policy Inf7 Waste Management Facilities.

Other Material Considerations

Supplementary Guidance on Wind Energy 2011

Supplementary Planning Guidance on Landscape and Development 2008
Supplementary Planning Guidance on Renewable Energy 2007

Border Landscape Assessment ASH Consulting Group 1998

Scottish Borders Proposed Local Development Plan 2013

Scottish Planning Policy 2014

National Planning Framework 2014

Planning Advice Note 51: Planning, Environmental Protection and Regulation 2006

Planning Advice Note 60: Planning for Natural Heritage 2008

Planning Advice Note 73: Rural Diversification 2005

Planning Advice Note 1/2011 Planning and Noise 2011

Planning Advice Note 2/2011 Planning and Archaeology 2011

Scottish Government On-line Renewables Advice: Onshore Wind Farms

Siting and Designing Wind Farms in the Landscape - Scottish Natural Heritage 2014