

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2 MARCH 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 14/01325/FUL
OFFICER:	Julie Hayward
WARD:	Hawick and Hermitage
PROPOSAL:	Erection of 70m wind monitoring mast
SITE:	Land North East of 1 Old Braidlie Hawick
APPLICANT:	Infinis Energy Services Ltd
AGENT:	Jacobs

SITE DESCRIPTION

The site is situated approximately 4 km north west of Hermitage and 11 km north of Newcastleton on farmland at Braidlie. Braidlie is situated 2.5km to the south and Hermitage Castle is to the south east. The B6399 Hawick to Newcastleton road is to the east and the area is characterised by hills and conifer plantations.

PROPOSED DEVELOPMENT

The proposal is to erect a wind monitoring mast. This would be 70m high and 20cm in diameter. It would be a grey steel tube secured by a number of steel cables anchored to the ground. The proposal is to erect the mast for a 36 month period to collect wind data for the proposed Windy Edge wind farm proposal.

No restoration is required once the mast is removed and the site will revert to grazing land.

PLANNING HISTORY

13/00789/FUL: Wind farm development comprising of 9 No wind turbines up to 125m high to tip and associated infrastructure/buildings/access (revised scheme - eastern array removed, western array retained, turbine added to western array, tip heights all raised to 125m, access route changed). Land North East and North West of Farmhouse Braidlie (Windy Edge) Hawick. Pending consideration.

REPRESENTATION SUMMARY

Four representations have been received. These are available for Members to view on the Public Access System. The following planning issues have been raised:

- The proposed mast will be 70 metres high whereas the proposed turbines will be 125 meters high (55 meters higher). A mast of this height will not produce the correct data and will provide a misleading idea of what the proposed turbines will look like.

- Infinis concluded in June 2013 that such a mast is not required. The application for the wind farm was submitted and then amended without the need for a wind monitoring mast. The wind farm application should be withdrawn until it has been ascertained whether the site has potential for wind turbines and established what the wind resource is.
- The Windy Edge application is deficient as the information that would be gathered as a result of this mast being erected should have been submitted with the application. This mast application should be refused or suspended until the Windy Edge application has been determined. If the Windy Edge application is refused there would be no need for the mast application to proceed. If the Windy Edge application is approved, a new or revised wind mast application should then be filed for site specific data collection for identification of the appropriate model of wind turbine to be installed in keeping with whatever planning approval may have been given for Windy Edge.
- The mast would be in place for 36 months and the concern is that this would be used to collect data for the Windy Edge proposal and larger or different wind farm projects on the Braidlie lands. The data should be for Windy Edge and for no other purpose.
- If planning permission is granted for the mast it should be a condition that the mast be removed if the Windy Edge application is refused otherwise the mast could remain for 36 months, well past the decision on Windy Edge and there would be no need for further data collection.
- The MOD requires that the mast is fitted with aviation warning lighting. Any flashing red lighting would cause a significant distraction in a rural area; this lighting should be infra-red and invisible to human perception.

APPLICANTS' SUPPORTING INFORMATION

- The mast would be 70m in height and will operate on farmland at Braidlie, which is located approximately 4 km north west of Hermitage and 11 km north of Newcastleton. The application seeks permission to operate the mast for a period of up to 36 months, in order to provide an assessment of the potential for the site to accommodate wind turbines.
- The site is currently used for grazing. The site is surrounded by fields and blocks of commercial forestry. The site lies at an elevation of 320m AOD. The surrounding landscape includes a number of larger hills in the surrounding area which provide natural screening in all directions.
- The nearest residential property is at Braidliehope, approximately 940m from the proposed mast. The nearest residential area is Braidlie, approximately 2.5 km to the south.
- The mast location has been selected in order to allow accurate and representative measurements to inform the suitability of the site for wind turbine development.
- Existing agricultural activities will continue at the site with no other development at ground level being necessary.

- Relevant technical and safety aspects have been considered with respect to set-back distances from public roads, footpaths and buildings.
- No hedge removal or watercourse crossings are required. There is no surface water within the immediate area of the proposed development.
- No restoration will be required following removal of the wind monitoring mast from the site.
- The mast will be a temporary structure, designed as a single steel tube construction, up to 70 m in height, and less than 20 cm in diameter. The mast will be made of corrosion resistant material and will be a pale grey colour.
- The installation design requires the mast to be based on a 'floating' square plate laid on top of the existing level ground. This eliminates the need for the construction of any ground penetrating foundation support. The mast will be secured by a number of steel cables, leading to anchors up to 35m from the mast base. There will be up to six anchor points, depending on ground conditions.
- The height has been chosen for the mast as it allows collection of wind data (speed and direction) at heights that enable wind turbines to be identified that are appropriate for the proposed Windy Edge Wind Farm site (application submitted on 28th June 2013, reference number 13/00789/FUL).
- Anemometers and wind vanes will be attached to the mast to measure wind speeds and wind direction and will be mounted on steel booms between 0.75m and 2.1m long on the side of the mast.
- The mast is located more than topple height (77m) from any Public Right of Way, footpath, building or road. It will not be necessary to fence off the installation.
- Meteorological data will be downloaded remotely and analysed. Normal operation does not require the site to be attended, but there will be intermittent inspection and maintenance visits.
- After up to 36 months the mast will be removed and those limited areas of the site that were directly affected by the footprint of the mast will revert to their former use for grazing.
- Vehicular access to the site will be taken via the B3699 public highway and onto an existing farm track. Access to the site can be achieved via an existing field access. No access improvements and no new access tracks are proposed as part of the development.
- The mast will be transported to site using 4x4 all-terrain vehicles with trailers. No specialist vehicles, cranes or lifting equipment are required for the installation. It is expected that two vehicles will access the site per day during the installation. The operation of the mast will not give rise to any significant additional traffic.

- Access will also be required for the dismantling of the mast at the end of the temporary period. This will be carried out by similar vehicles to those used during installation.
- The mast is a lightweight structure of unobtrusive design and temporary nature required to establish the technical feasibility of this site to support a wind energy development. It will be situated in a rural location not subject to environmental designations or specific site constraints. This development will not result in significant adverse impact upon the amenity or natural conservation, landscape and historic environment of the surrounding area. The proposed mast is consistent with the development plan and national renewable energy planning policies.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Whilst I have no objections to this proposal, it should be noted that my support for this application does not indicate any support would be forthcoming for any further applications associated with this apparatus.

Ecology Officer: No response to date.

Archaeology Officer: There are no known implications for this proposal.

Statutory Consultees

Scottish Natural Heritage: In relation to the Langholm - Newcastleton Hills Special Protection Area (SPA), we do not consider that the mast is likely to have a significant effect on the qualifying interest of the site, breeding hen harrier. However, as a precautionary measure, we advise that the mitigation measures are put in place to avoid impacts on hen harrier, which would also benefit other species of bird.

Ministry of Defence: No safeguarding objections. The mast should be fitted with aviation lighting, in the interests of air safety. The height of the development would necessitate that aeronautical charts and mapping records are amended therefore a condition is required that certain information is submitted prior to the development commencing.

Upper Liddesdale and Hermitage Community Council:

- Infinis advised in June 2013 that such device was not necessary. The application should be postponed until clarity is sought.
- The data that would be collected by this mast would support the Windy Edge proposal, which was submitted three years ago. The data would be too little and too late. The fundamental, underlying rationale for this application is flawed and this application should be refused.
- The concern is that the real purpose of the wind mast is to collect data not only for Windy Edge but for some other larger/different wind turbine project on the Braidlie lands. The applicant should state that the data is being gathered solely for the current Windy Edge application and for no other purpose.

- The application should be suspended pending determination of the Windy Edge application. If the Windy edge application is refused there would be no need for the mast; if the Windy Edge application is approved a new or revised wind mast application should be filed for site specific data collection for identification of the appropriate model of wind turbine to be installed in keeping with whatever planning approval may have been given for Windy Edge.
- If the Windy Edge application is refused it should be a condition that the mast is then removed otherwise it could remain in place for 36 months and there would be no continued need for data collection.
- The MOD requires that the mast is fitted with aviation warning lighting. Any flashing red lighting would cause a significant distraction in a rural area; this lighting should be infra-red and invisible to human perception.
- The application for the wind farm was submitted and then amended without the need for a wind monitoring mast. Such a mast is therefore superfluous to the design of the wind farm. The Windy Edge application should be withdrawn until it has been ascertained whether the site has potential for wind turbines and established what the wind resource is.
- The proposed mast will be 70m high whereas the proposed turbines will be 125 meters high. A mast of this height will not produce the correct data and will provide a misleading idea of what the proposed turbines will look like.

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles
Policy 10: Sustainable Energy Technologies

Consolidated Scottish Borders Local Plan 2011

Scottish Borders Consolidated Local Plan Adopted 2011

Policy G1: Quality Standards for New Development
Policy BE1: Listed Buildings
Policy NE1: International Nature Conservation Sites
Policy NE3: Local Biodiversity
Policy H2: Protection of Residential Amenity
Policy D4: Renewable Energy Development

Proposed Local Development Plan 2013

Policy PMD2 Quality Standards
Policy EP7: Listed Buildings
Policy ED9: Renewable Energy Development
Policy HD3 Protection of Residential Amenity

Policy EP1: International Nature Conservation Sites and Protected Species
Policy EP3: Local Biodiversity

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance: Wind Energy May 2011
Supplementary Planning Guidance: Biodiversity December 2005

The Borders Landscape Assessment 1998

Briefing Note on Meteorological/Anemometer Masts (October 2012)

In considering this application, Members may wish to have regard to the Briefing Note presented to the Committee in October 2012, which provided some general background to applications of this type and which set out the following conclusions:

1. Any mast application must be considered on its own merits and that it is inappropriate for the Planning Authority to give any weight to the potential for the site to be developed subsequently for a wind farm or the erection of a wind turbine.
2. In the absence of any specific planning policy the general rural development and environment policies of the Development Plan should be applied to the consideration of any application. Officers will set out very clearly in the Committee report the policy context which Members should take into account when determining mast applications.
3. The assessment of the application should consider the specific policy criteria and the circumstances of the locus. It is legitimate to analyse in detail the potential impact the mast will have on any natural/built heritage assets and the visual and landscape qualities of the locality. Any application must be determined on its own merits and there will be circumstances, where it is appropriate to refuse planning permission due to those impacts. However, the recent appeal decisions by the Directorate of Environmental and Planning Appeals (DPEA) are a material consideration that Members must take account of.
4. Even in sensitive landscapes, where the mast has been visible to a wide range of receptors, decisions by the DPEA, Local Review Bodies and other planning Authorities have been influenced by the slender design of the structures and their temporary nature.
5. It is also legitimate to seek further information on the proposed development, its impacts and the justification for the mast in the particular locus applied for. However, it is inappropriate to seek a justification for the need for a mast. It is only in the limited situations where there is a specific policy requirement that the need can be questioned.

KEY PLANNING ISSUES:

- Whether the proposed wind monitoring mast would have an unacceptable impact on landscape character, the visual amenities of the area, residential amenities or nature conservation;

- Whether adequate access can be achieved.

ASSESSMENT OF APPLICATION:

Planning Policy

Policy D4 of the Local Plan sets out the criteria by which to assess wind energy development to safeguard the built environment, natural heritage, landscape, archaeological heritage, tourism and recreation.

There is no specific reference in policy D4 or the Council's Supplementary Planning Guidance: Wind Energy to the installation of wind monitoring masts associated with proposed wind energy developments and it would not be appropriate to assess the current application against this policy or the SPG. Rather, it is appropriate to consider whether the development is appropriate on its own planning merits.

Policy G1 of the Local Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Landscape and Visual Impact

The site is within farmland to the north of Newcastleton. The B6399 Hawick to the Newcastleton road is 3.5km to the east and the minor road between the B6399 and the A7, serving Hermitage Castle, is 2.5km to the south.

The Borders Landscape Assessment identifies this site as falling within Landscape Character Type No.4: Southern Uplands Type with Scattered Forest. The key characteristics of this uplands landscape are large scale, rolling heather and grassland covered hills with locally prominent, scattered, large coniferous plantations.

Due to the lightweight, slender nature of the proposed wind monitoring mast, despite its height, the visual impact is limited and such structures are difficult to see in the wider landscape, particularly from long range. Such masts, although they may be retained for a number of years, are by their construction and function, not designed to be permanent structures. At some stage, when the mast reaches the end of its useful life, it will be removed and the site reinstated to its former condition and use.

The site is not within any landscape designation. Although the mast would be visible in the immediate area it is considered that the mast does not have a significantly detrimental impact upon the landscape character of the wider surrounding area. The mast is not prominent when viewed from local roads, such as the B6399 and the minor road between the B6399 and the A7 to the south of Hermitage Castle, due to the distances involved, topography and the conifer plantations.

The single slender structure would only be visible in distant views and, as the development is reversible, there would be no lasting visual or landscape impact.

The purpose of the mast is to establish the suitability of the meteorological conditions at the site for the generation of energy from wind power and there is a current planning application to erect wind turbines at Windy Edge. The determination of this application is not an appropriate occasion at which to consider the merits or otherwise, of wind energy development in this area.

Residential Amenities

Policy H2 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The mast would be sited in an isolated rural area characterised by scattered houses and communities. The nearest residential property to the proposed mast is at Braidliehope, approximately 940m to south west of the site. Braidlie is approximately 2.5 km to the south.

It is considered that there are no residential properties in the immediate vicinity of the mast that would be affected by the proposal in terms of loss of light, privacy or outlook.

Natural Heritage

Policy NE1 of the Local Plan seeks to protect sites of international importance for nature conservation from development. Policy NE3 advises that the Council will seek to safeguard the integrity of habitats which are important for the maintenance and enhancement of local biodiversity.

Scottish Natural Heritage advises that the proposal would not affect the breeding hen harrier qualifying interest of the Langholm - Newcastleton Hills Special Protection Area (SPA), which is 2.5 km from the site, but request, as a precautionary measure, that mitigation measures are put in place to avoid impacts on hen harrier, which would also benefit other species of bird. This would be secured through a planning condition.

Whilst the installation of the mast would require some limited ground works for the anchors of the guy wires and base of the mast, it is considered that this work and the temporary presence of the mast would have no unacceptable impact upon the natural environment, provided that the site is restored to its former use at decommissioning and subject to conditions.

Access Issues

Vehicular access to the site would be via the B3699 onto an existing farm track and field access. No access improvements or new access tracks are proposed as part of the development. The mast will be transported to site using 4x4 all-terrain vehicles with trailers and no specialist vehicles, cranes or lifting equipment are required for the installation. During the operational phase of the mast, access will only be required intermittently for inspection and maintenance.

The Roads Planning Service has no objections to this proposal but advises that support for this application does not indicate any support would be forthcoming for any further applications associated with this apparatus.

Built Heritage and Archaeology

Policy BE1 states that Listed Buildings will be protected against works which would have a detrimental effect on their listed character, integrity or setting. Hermitage Castle is a category A Listed Building situated 3.5km from the proposed mast site. It is considered that the proposal would not adversely affect the setting of the castle due to the distance involved, topography and slim nature of the mast.

Policy BE2 seeks to protect Scheduled Ancient Monuments, nationally important sites not yet designated or any other archaeological or historic site. The Council's Archaeology Officer advises that there are no known implications for this proposal.

Aviation Lighting

The Ministry of Defence has request that masts of this height be fitted with aviation lighting with a minimum intensity 25 candela omni-directional red lighting or infra-red lighting at the highest practicable point.

Representations have been received in relation to the negative impact that the lights associated with the mast would have on the area. Therefore a condition will be placed upon the planning consent requiring aviation warning lighting to be fitted and an informative would ensure that this is infra-red lighting so that the lighting would not result in an unacceptable level of light pollution.

Other Issues

A number of representations have been received querying the need for a wind monitoring mast as the planning application for a wind farm at Windy Edge was submitted some time ago.

The agent has advised that the mast is required and the type proposed would provide accurate and representative measurements. The developer has erected a wind monitoring mast at Sundhope 3km to the north east of this current site (granted planning permission in June 2011 and renewed in August 2014), which provides data for the Windy Edge wind farm proposal. The function of the mast is not to indicate how high the proposed turbines would appear. Even if this application is approved, and there would then be two wind monitoring masts in the area, there would be no cumulative visual impact due to the distance between the two masts, the topography of the area and the slim, lightweight nature of the structures.

Although linked to the Windy Edge wind farm proposal, this application has to be assessed on its own planning merits. For the reasons outlined above, the proposal is considered to be acceptable, subject to a condition limiting the planning permission to a temporary period of 36 months. The decision on this application would have no bearing on the wind farm application. A period of 36 months is considered reasonable and in line with other wind monitoring masts elsewhere in the Borders. It would be unreasonable to defer determination of this application until a decision has been reached on the wind farm application. It would also be unreasonable to attach a condition to any planning permission for the mast that is has to be removed if the wind farm application is refused; the applicant has a right to appeal any such decision and may wish to retain the mast during this process.

CONCLUSION

The proposal to erect a wind monitoring mast in this location is considered to comply with policy G1 of the Scottish Borders Consolidated Local Plan Adopted 2011 in that the temporary mast would not have a significant long term impact on the landscape character of the area or the visual amenities of the wider area or on residential amenities. This conclusion should not be taken as an indication of the acceptability of a wind farm development on this site.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

I recommend the application is approved subject to the following conditions:

1. Approval is granted for a limited period of three years from the date of this consent and, unless application is made and consent obtained, the wind monitoring mast shall be removed and the ground reinstated to its original condition at the expiry of the three year period.
Reason: To safeguard the amenity of the area.
2. The reinstatement of the site to be completed within 6 months of the decommissioning of the wind monitoring mast.
Reason: To ensure the satisfactory restoration of the site.
3. Bird deflectors are to be located along the length of each guy wire at a minimum interval of 5m, with these arranged on adjacent wires such that the resulting pattern of deflectors is staggered to provide maximum visual impact to birds, upon the completion of each guy wire. The deflectors to be monitored regularly at suitable intervals and maintained throughout the lifetime of the structure.
Reason: To prevent adverse impacts on the Langholm - Newcastleton Hills Special Protection Area (SPA) and other bird species.
4. No development shall commence until the developer has first provided the Planning Authority with documentary evidence that the Defence Geographic Centre at the Ministry of Defence has received, and confirmed its acceptance of, the following details:
 - a. Precise location of development.
 - b. Date of commencement of construction.
 - c. Date of completion of construction.
 - d. The height above ground level of the tallest structure.
 - e. The maximum extension height of any construction equipment.
 - f. Details of aviation warning lighting fitted to the structure.
Reason: To allow the records of the Ministry of Defence to be amended and updated for safeguarding purposes.
5. Aviation warning lighting shall be fitted at the highest practicable point on the wind monitoring mast. The lighting device so installed shall be a minimum intensity 25 candela omni-directional infra-red light. It shall be maintained in good working order at all times and for the entire duration that the mast remains in situ.
Reason: Appropriate aviation warning lighting requires to be fitted to the wind monitoring mast in the interests of aircraft safety.

Informative:

In respect of condition 5, the developer is encouraged to install infra-red lighting so that the lighting would not result in an unacceptable level of light pollution.

DRAWING NUMBERS

- 1.1 Site Location
- 1.2 Site Layout
- 1.3 Indicative Elevation

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.

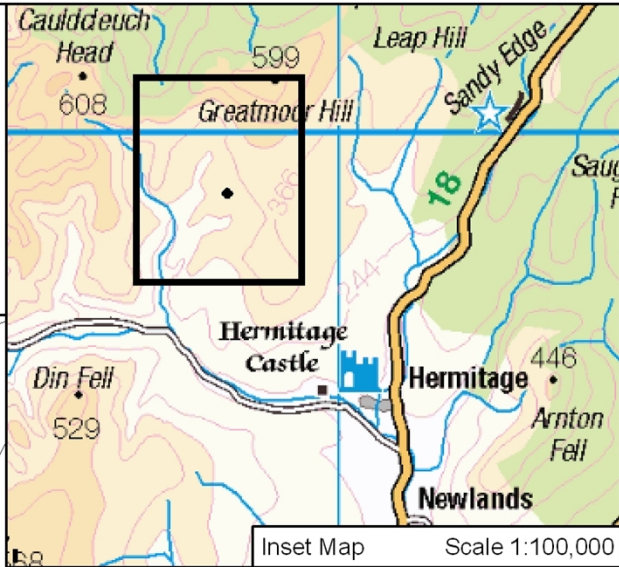
Author(s)

Name	Designation
Julie Hayward	Principal Planning Officer

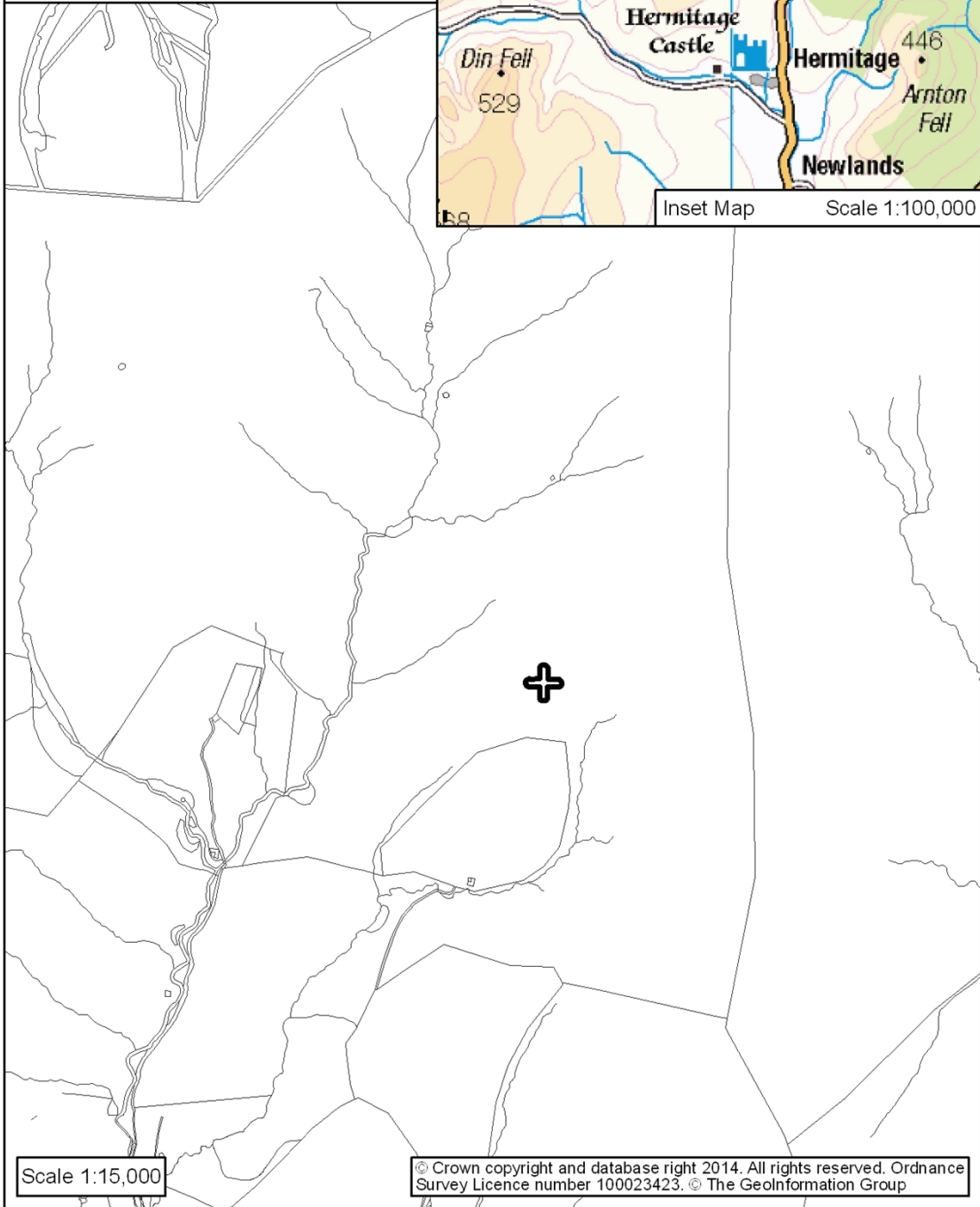


14/01325/FUL

Land North East Of
1 Old Braidlie
Hawick
Scottish Borders



Inset Map Scale 1:100,000



Scale 1:15,000

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