

PLANNING AND BUILDING STANDARDS COMMITTEE

5th October 2015

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

2.1 Planning Applications

Reference: 14/00738/FUL

Proposal: Construction of wind farm consisting of 8 No turbines up to 100m high to tip with associated external transformers, tracking, new site entrance off A701, borrow pit, underground cabling, substation and compound and temporary construction compound.

Site: Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge

Appellant: Stevenson Hill Wind Energy Ltd

Reason for Refusal: 1. The proposed development would be contrary to Policies G1, BE2 and D4 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) and the Council's Supplementary Planning Guidance on Wind Energy in that the development would unacceptably harm the Borders landscape including Historic Landscape due to: (i) the prominence of the application site and the ability of the turbines to be seen as highly prominent and poorly contained new components of the landscape from a wide area, as represented by viewpoints and ZTV information within the ES. (ii) the unacceptable vertical scale of the turbines in relation to the scale of the receiving landscape and absence of good topographical containment, causing the underlying landscape/landform to be overwhelmed. (iii) the impacts on landscape character arising from a high level of intervisibility between several landscape character areas/types with recognised landscape quality (including the Upper Tweeddale National Scenic Area). (iv) the appearance of the development resulting from its placement on a line of hills ridges, linear layout design, its scale in relation to other wind energy development with which it has cumulative landscape effects and the potential visual confusion caused by the proximity of the proposed Cloich Wind Farm to Hag Law, there being no visual coherence between the two windfarms. (v) the siting and prominence in a Historic

Landscape, within which the development would appear as an incongruous and anachronistic new item; and (vi) the introduction of a large commercial wind farm in an area which does not have the capacity to absorb it without causing overriding harm, and which is presently wind farm free. 2. The proposed development would be contrary to Policies G1, D4, BE2 and H2 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) and the Council's Supplementary Planning Guidance on Wind Energy in that the development would give rise to unacceptable visual and residential amenity effects due to: (i) the high level of visibility of the development and lack of good topographical containment. (ii) the adverse effects experienced by users of the public path network, in particular the Scottish National Trail, and areas generally used for recreational access (including vehicular access routes to such areas) (iii) the potentially unacceptable level of visual impact caused by the design of the development, in particular the dominance of the turbines in proximity to sensitive receptors (residences, school, public buildings), within the settlements at Romannobridge/Halmyre, Mountain Cross and West Linton (iv) the lack of certainty relating to the application of noise limitations in relation to certain noise sensitive receptors, in particular because it has not been demonstrated that it is possible to meet recommendations within ETSU-R-97 due to the potential cumulative noise effects from Hag Law and Cloich Wind Farms; and (v) the overriding harmful visual impacts relating to settings of a range of scheduled monuments within a culturally rich landscape.

Grounds of Appeal: The Proposed Development is well-designed and sensitively sited. The 'in principle' objection of the Council is not supported by the development plan or any material considerations. The objection from HS is overly cautious and does not withstand careful scrutiny. The majority of the statutory consultees including SNH, SEPA, the MoD, Transport Scotland, Edinburgh Airport, NATS (En Route) PLC, and RSPB Scotland are content that the Proposed Development be consented.

Method of Appeal: Written Representations

- 2.1.1 Reference: 14/01081/FUL
Proposal: Wind farm development comprising 7 No wind turbines 110m high to tip with ancillary equipment, access track and associated works
Site: Land West of Muircleugh Farmhouse, Lauder
Appellant: Airvolution Energy Ltd
Reason for Refusal: 1. The development would result in unacceptable individual and cumulative impacts (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) on the landscape character of the surrounding area, most notably the Lauder Common, contrary to Policies G1 and D4 of the Consolidated Local Plan 2011, by virtue of the location and scale of the development. 2. The development would result in unacceptable individual and cumulative impacts (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) on visual receptors, including the Lauder Common, B6362, A68 and A697, the Southern Upland Way, Girthgate route, Eildon Hills and Thirlestane Castle, which combine to conflict with Policies G1 and D4 of the Consolidated Local Plan 2011 by virtue of the location and scale of the development. 3. There would be an unacceptable cumulative impact (combined with Girthgate) on the setting of the Cathpair Scheduled Monument, contrary to Policies D4 and BE2 of the Consolidated Local Plan 2011. 4. Inadequate evidence has been provided to demonstrate that the development will not lead to

unacceptable impacts on residential receptors as a result of noise both individually and cumulatively (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) contrary to Policy D4 of the Consolidated Local Plan 2011. 5. The development would contribute to loss of wader habitat as a result of the siting of Turbine 6, contrary to Policies D4, NE3 and NE5 of the Consolidated Local Plan 2011.

Grounds for Appeal: 1. The international legislative framework places significant weight behind the reduction in CO2 emissions and the subsequent requirement for deriving electricity from renewable means. This has been translated at a United Kingdom and Scottish level through ambitious targets. The 2020 Routemap target is for the equivalent of 100% of Scotland's electricity demand to be met by renewable sources by 2020. 2. The proposed development is predicted to have an annual output of 51,509 MWh per annum, based on a load factor of 28% as published by Energy Trends 2010. It is estimated that enough electricity could be generated by the proposed development to supply the equivalent of approximately 12,420 households. Based on current figures, this could potentially displace the equivalent of up to approximately 22,149 tonnes of CO2 emissions per year from conventional forms of electricity generation. 3. The proposed development will make an important contribution to national renewable energy targets. There is very strong Government support of the development of further renewable energy projects, and the valuable contribution the proposed development makes towards this should be given appropriate weight in the determination of the application. 4. The principle in favour of renewable development is reiterated in planning policy at a national level by the NPF3, which recognises the importance of maintaining focus on delivering wind energy projects. NPF3 accepts that constraints can exist and reiterates that in general wind energy development should avoid internationally protected areas. 5. The SPP maintains the support for renewable energy development in principle, and includes guidance for local authorities in the preparation of planning policy and spatial strategies relating to wind energy development. 6. The development plan at a local level consists of the SESPlan and the Scottish Borders Consolidated Local Plan. The detailed policies in each of these have been assessed in this statement. The key policy for consideration is Policy D4 of the Local Plan. 7. This policy states that the Council will support proposals for both large scale and community scale renewable energy development, including commercial windfarms where they can be accommodated without unacceptable impacts on the environment. The policy makes clear that where significant adverse impacts are identified, the Council is required to balance these with the benefits of the proposal when assessing its acceptability. The presence of significant adverse impacts is not enough on its own to justify the refusal of an application. 8. The proposed development will make a notable contribution to the ambitious national renewable energy targets. It would also promote local employment and provide community benefit for communities in the local area. 9. A detailed Environmental Impact Assessment has been undertaken, the findings of which are set out in the ES which accompanies the application. This has identified relatively few significant impacts, predominantly in relation to localised landscape and visual impacts. 10. It is therefore considered that, on balance, the application is consistent with the applicable national and local planning policies.

Method of Appeal: Written Representations

2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

4.1 There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 23rd September 2015. This relates to sites at:

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| <ul style="list-style-type: none">Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge | <ul style="list-style-type: none">Land West of Muircleugh Farmhouse, Lauder |
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5 REVIEW REQUESTS RECEIVED

5.1 Reference: 15/00504/FUL
Proposal: External alterations and erection of 4 No flagpoles
Site: Office West Grove, Waverley Road, Melrose
Appellant: Rural Renaissance Ltd

Reasons for Refusal: 1. The proposed development is contrary to Adopted Local Plan Policy G1, in that the erection of the four no flagpoles, would not be compatible with, or respectful of, the character of the surrounding area and neighbouring built form. 2. The proposed development is contrary to Adopted Local Plan Policy BE4 in that the erection of the four no flagpoles would have an unacceptable adverse impact upon the character and appearance of the Conservation Area as a consequence of the unusual character of this aspect of the development; its siting immediately adjacent to the Conservation Area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated.

5.2 Reference: 14/00996/PPP
Proposal: Erection of dwellinghouse
Site: Plot A Chirside Station, Chirside
Appellant: G Drummond

Reason for Refusal: 1. The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications

14/00997/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside. 2. The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013.

Reason: To protect general rights of responsible access.

6 REVIEWS DETERMINED

6.1

7 REVIEWS OUTSTANDING

7.1 There remained 5 reviews previously reported on which decisions were still awaited when this report was prepared on 23rd September 2015. This relates to sites at:

• Raebank, Chapel Street, Selkirk	• Land South West of Clackmae Farmhouse, Earlston
• Land South West Pyatshaw Schoolhouse, Lauder	• Land South of Riding Centre, Newlands, Sunnyside, Reston
• 12 Todburn Way, Clovenfords, Galashiels	•

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

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Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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