

List of Policies

Local Review Reference: 15/00021/RREF

Planning Application Reference: 15/00616/FUL

Development Proposal: Installation of 16no solar photovoltaic (PV) panels to roof

Location: Raebank, Chapel Street, Selkirk

Applicant: Mr G Chamberlain

SESPlan

None applicable.

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:

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'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

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 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 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

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 Planning Guidance on Renewable Energy 2007

Supplementary Planning Guidance - Placemaking and Design 2010

Historic Scotland's Managing Change in the Historic Environment "Micro Renewables" 2010

Historic Scotland's Micro-renewables in the Historic Environment 2014

Scottish Historic Environment Policy 2011

Scottish Planning Policy

Scottish Borders Proposed Local Development Plan 2013