

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 DECEMBER 2022

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 22/01309/FUL

OFFICER: Carlos Clarke
WARD: Hawick and Hermitage
PROPOSAL: Installation of two temporary meteorological masts up to 120 metres in height
SITE: Teviot Wind Farm Land East Of Priestthaugh
Hawick
APPLICANT: Teviot WF Limited
AGENT: Muirhall Energy

SITE DESCRIPTION

The development would comprise two met masts, Mast A and Mast B, to be located approximately 11km and 14km south-west of Hawick respectively, with Mast A proposed closest to the A7 to the west, at approximately 2.3km distant. Mast A would be on an area of commercial forestry, and Mast B on an area of open grassland.

PROPOSED DEVELOPMENT

This application seeks full Planning Permission for a temporary period of five years for the erection of the two lattice met masts, supported by guys, indicatively illustrated in submitted elevation drawings at 120 metres in height. No access tracks are proposed.

PLANNING HISTORY

The masts are proposed within the site of the proposed Teviot Wind Farm, which is a proposed development of 62 wind turbines subject to a Section 36 (Electricity Act 1989) application to the Scottish Government's Energy Consents Unit. The application is currently undetermined.

REPRESENTATION SUMMARY

Nine representations have been received in response to the application. All are available to view in full on *Public Access*. A summary of the key issues/objections raised is provided below:

- Lack of need
- They would have a profoundly adverse visual impact, and be totally at odds with their surroundings due to their size and nature, and would impact on viewpoints such as the Riddell Monument, Hizzy Cairn and sites for the Teviothead Dark Sky project
- Impacts on ornithology

- Archaeological impacts
- Noise
- Peat impacts
- Geohydrology impacts
- Lighting would affect dark skies

APPLICANT'S SUPPORTING INFORMATION

During the processing of the application, the applicants were asked by this service to respond to several issues, including those raised by archaeology and ecology consultees, and they responded by letter (15th November), and included ZTV maps for the masts (individual and cumulative impacts); photomontages (from the Hizzy Cairn; the A7; and Penchrise Pen); and, maps showing the likely route for construction traffic to each site.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD2 – Quality standards

EP1 – International nature conservation sites and protected species

EP2 – National nature conservation sites and protected species

EP3 – Local biodiversity

EP8 – Archaeology

EP13 – Trees, woodlands and hedgerows

EP15 – Development affecting the water environment

ED9 - Renewable Energy Development

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Trees and Development (2020)

Renewable Energy (2018)

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: No objections

Outdoor Access Officer: No reply

Ecology Officer: Initially, the Ecology Officer noted that no information was provided on how the locations for the masts were chosen, and whether collision risk modelling had been carried out. Also, not all of the access route would be via existing tracks. Therefore, concerns were raised regarding potential impacts on the River Tweed Special Area of Conservation (SAC) for which Appropriate Assessment would be required; on ornithology (due to bird collision risks); and, on peat (as Mast B is located on Class 1 peat soil).

In response to further information provided by the applicants in the following regards:

- The access route will be over existing tracks and no new tracks will need to be constructed

- The equipment shall be delivered and installed using a Hagglund (or similar ATV) and a Low Ground Pressure Excavator.
- To anchor the mast, some peat will have to be temporarily removed to fit the anchor sheets but will be replaced afterwards.
- No peat will be removed from the site
- The guy-wires will be fitted with bird diverters to reduce collisions

The Ecology Officer now advises that the development is unlikely to have significant impacts on the SAC, and an Appropriate Assessment is not required.

Archaeology Officer: Originally commented that, for Mast A, routing the access tracks for the installation of this mast will be the best way of avoiding the requirements for any archaeological work. Confirmation of the access track route would, therefore, be required. For Mast B, no archaeological sites are recorded in the area of this mast. However, it is possible even here that archaeological finds and materials might be found during the course of any groundworks associated with the erection of the mast and creation of the access tracks. Again confirmation of the access track routes should be indicated. An Informative Note was recommended to be attached to the consent, if granted.

Following submission of information from the applicants as regards access routes (and that no tracks are required), the Archaeology Officer advises that the route for Mast A mostly uses existing routes. Having read through the applicant's letter, any ground-based impacts would be limited. Where the existing routes pass through the likes of the enclosure earthworks then there shouldn't be any deviation from them to create any fresh breaks in the circuit, but otherwise ground impacts will be limited. For Mast B's access this also follows existing access routes for the most part and where this passes through earthworks then existing breaks should be used. He confirms that his originally recommended Informative Note could cover any undiscovered archaeology that might be found, though it appears only a slight chance there may be anything encountered.

Statutory Consultees

Upper Teviotdale and Borthwick Water Community Council: No reply

Ministry Of Defence: Have no safeguarding objections to the proposals. However, in the interests of air safety, the masts should be fitted with an omni-directional flashing light or equivalent infra-red light at the highest practicable point. A condition is also requested that requires the developer provide notification before work starts in order that aeronautical charts and mapping records are amended.

KEY PLANNING ISSUES:

The key planning issues are whether the proposed development would comply with Policy ED9 of the Local Development Plan 2016 and related policies, principally as regards landscape and visual impacts, and impacts on ecology and archaeology

ASSESSMENT OF APPLICATION:

Principle

The masts are proposed temporarily for the intention of collecting sufficient data on wind conditions at the site, to support the Teviot Wind Farm project. Local Development Plan 2016 Policy ED9 does not refer to meteorological masts, and nor

does Supplementary Guidance. However, both generally support renewables that are environmentally acceptable, and there is no requirement to demonstrate need. Nor does a determination of this application have any material effect on the Government's consideration of the proposed wind farm under Section 36 of the Electricity Act. The key issues here are whether the environmental impacts of the development are acceptable in their own right and, if not, whether other material considerations, including mitigation measures, can override any impacts.

Planning Permission is sought for a period of five years, which can be regulated by planning condition. There will be overlap with the wind farm itself, were it to be consented, and, in that event, the applicants intend to remove these met masts prior to construction of the wind farm. Again, a condition can regulate to that effect.

Landscape and visual impacts

The masts are not proposed within or alongside a designated landscape. ZTV mapping provided by the applicants demonstrate very limited exposure to public roads, including the A7, B6399 and other routes. Albeit the masts would be significant in height and industrial in character, their visual impact on the rolling upland landscape within which they would be located would not be significantly adverse, particularly given they are for a temporary period only. Account has been had for potential impacts on sensitive viewpoints, such as the Hizzy Cairn (for which the applicants have submitted a photomontage), but any such impacts do not suggest the visual harm caused by the masts during their temporary period of installation would be determinatively adverse. It is presumed the masts will be non-reflective, of a basic grey colour, and a condition is imposed to this effect.

Lighting required by the Ministry of Defence would not have any notable visual impact, and the applicant has advised of their intention to install the infra-red option which they contend would not be visible to the human eye.

Residential amenity

The nearest residential properties would be approximately 1.5km from Mast A and 2.4km from Mast B. Their visual impact, for the temporary period proposed, would not have significantly adverse consequences. Nor (in response to an issue raised by an objector) would they have noise implications.

Ecology, hydrology and peat

New commercial trees may need removed for Mast A, though they can be replanted after removal of the mast, and this can be required by condition.

The sites are not within or adjacent an ecological designation. As noted above, the Ecology Officer is now content that, based on there being no access tracks proposed and on the likely routes and method of construction, the proposals would not impact on the River Tweed Special Area of Conservation which is over 2km away. The works are also not within 50m of watercourses, and the applicant has confirmed the nearest private water supply is over 1.3km distant.

As regards collision risk to birds, the Ecology Officer has accepted that bird diverters on the guy-wires will be sufficient to mitigate.

In terms of peat impacts, the applicants advise that soil/peat removed for anchor points will be returned by backfilling on top of the installation. Any peat that cannot be

backfilled will be transplanted to areas of eroding peat, and none shall be removed from site.

Archaeology

The sites are not within or adjacent a formal designation in this regard, nor close enough to one to pose an unacceptable risk to their setting. As noted above, the Archaeology Officer has considered the additional information provided by the applicants as regards likely access routes, and raises no concerns that require mitigation. A condition can regulate the development on the basis of the likely routes proposed, and an Informative Note can be applied as recommended by the Archaeology Officer.

Aviation safeguarding

Conditions can be imposed to reflect the Ministry of Defence's requirements for warning lighting and notification for the purposes of updating their aeronautical charts.

Road and pedestrian safety

As noted above, the Roads Planning Service raise no concerns in this regard, and no public access routes would be directly affected,

CONCLUSION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. Approval is granted for a limited period of five years from the date of this consent (or, if earlier, until works commence on the construction of the Teviot Wind farm, should that be consented by the Scottish Government) and, unless a further planning application is submitted to and approved by the Planning Authority, the development shall be removed from the site at the expiry of this five year period and the ground reinstated to its former condition within two months of the expired period, including, where relevant, replacement of any trees removed to facilitate the development during the first planting season following the removal of Mast A.
Reason: To ensure the satisfactory regulation of a temporary development on the site, in the interests of safeguarding the amenity of the site and surrounding area, and compensating for trees that may have been removed
3. The development shall be implemented in accordance with the construction measures specified in the applicant's supporting letter (Muirhall Energy 15th November 2022), and in accordance with the likely access routes specified on

TV/210114/MA Rev 0, unless otherwise agreed in writing with the Planning Authority, and bird diverters shall be installed in accordance with details agreed in writing with the Planning Authority prior to development commencing. The diverters shall be retained until the masts are removed.

Reason: To limit risk to archaeology; ensure no peat removal from the site; and, minimise the risk of bird collisions

4. No development shall commence until documentary evidence has been submitted for the written approval of the Planning Authority that confirms that the UK DVOF & Powerlines at the Defence Geographic Centre has received, and confirmed its acceptance of, notification 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; and
 - f. Details of any aviation warning lighting fitted to the structure.

Reason: In the interests of aviation safety, to allow the records of the Ministry of Defence to be amended and updated for safeguarding purposes.

5. The development shall be completed in accordance with the plans and elevations approved under this consent, and there shall be no deviation from the 'indicative' proposals unless agreed in writing with the Planning Authority, in consultation with the Ministry of Defence, and subject to the masts being non-reflective in surface finish and grey in colour, of a RAL/BS or equivalent colour reference which shall be approved in writing by the Planning Authority prior to development commencing

Reason: To ensure an acceptable landscape and visual impact and to account for aviation safeguarding

6. The masts shall each be fitted with a minimum intensity 25 candela omnidirectional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure and the lighting shall be retained until each mast is removed from the site.

Reason: Appropriate aviation warning lighting requires to be fitted to the meteorological masts in the interests of aircraft safety

Informatives

1. The Planning Advice Note 2/2011: Planning and Archaeology notes the following:

31. Even following the best pre-planning application research, there may be occasions when the presence of archaeological remains becomes apparent only once development has commenced. In these circumstances, the local authority archaeologist should be informed immediately, and will be able to offer practical advice on the mitigation measures which should be applied by the developer to ensure appropriate excavation, reporting and analysis if preservation in situ cannot be achieved. Failure to report may result in a temporary stop notice being issued by the planning authority.

32. Planning Authorities and developers should be aware of the legal requirement to report the discovery of human remains and archaeological artefacts whether recovered in planned investigation or by chance. Human remains should be reported to the police. Archaeological artefacts should be reported for

identification and assessment as possible “Treasure Trove”, or as “wreck” if found under water. Human remains and artefacts must if possible be left in situ while the archaeologist is summoned, rather than being lifted and taken off site.

2. Information required under Condition 4 should be submitted to UK DVOF & Powerlines at: dvofo@mod.gov.uk or post it to:
- D-UKDVOF & Power Lines
Air Information Centre
Defence Geographic Centre
DGIA
Elmwood Avenue
Feltham
Middlesex
TW13 7AH

DRAWING NUMBERS

- Location Plan TV/220608/TM REV 0
- Indicative Met Mast Elevation LO/210624/MM REV 0
- Met Mast A Layout TV/220608/TM REV 0
- Met Mast B Layout TV/220608/TM REV 0
- Indicative Mast Access Routes TV/210114/MA REV 0
- Letter – Muirhall Energy 15th November 2022

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Carlos Clarke	Team Leader



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Teviot Wind Farm Land
East Of Priestthaugh
Hawick

