

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**3 JULY 2023**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 22/01887/FUL

**OFFICER:** Mr Craig Miller  
**WARD:** Tweeddale West  
**PROPOSAL:** Variation of Condition 1 to extend operational life of wind farm by additional 10 years  
**SITE:** Land East of Kingledores Farm (Glenkerie), Broughton  
**APPLICANT:** Glenkerie Wind Farm Limited

**PLANNING PROCESSING AGREEMENT:**

A timescale for response has been agreed with the applicant for this application to be considered at the 3 July meeting of the PBS Committee.

**SITE DESCRIPTION**

The application site is the Glenkerie Wind Farm which is located approximately 5km north of Tweedsmuir in the Upper Tweed Valley, west of the A701.

**PLANNING HISTORY**

Glenkerie Wind Farm was consented under application reference 07/02478/FUL in September 2009 with hub heights of 60 and 80m. The scheme was for 11 wind turbines generating up to 22MW, becoming operational in 2012. Condition 1 limits the operational life of the wind farm for 25 years up to 2037. A Section 75 Agreement was also entered into in relation to the restoration bond, black grouse, heath and mire mitigation measures.

An extension to the wind farm was granted in July 2015 for six further turbines up to 100m tip height (13/00552/FUL) but this was not built. The consent remains extant, however, due to there being no enforceable timescale for commencement being placed on the consent when granted on appeal.

**PROPOSED DEVELOPMENT**

The Section 42 application variation seeks amendment to Condition 1 of the original implemented planning consent and not the extension consent. Condition 1 reads:

*“This permission shall be for a period of 25 years from the date of final commissioning. Within twelve months of the end of the period, unless a further planning application is submitted and approved, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land restored to its former condition, or other such condition as may agree, to the satisfaction of the Planning Authority.  
Reason: The anticipated design life of the wind farm is 25 years.”*

The request is to increase the operational life from 25 to 35 years, meaning if granted, the amended Condition 1 would allow the wind farm to continue operating until February 2047. This would be achieved by simply substituting the number “25” with “35” and keeping all the wording of Condition 1 the same otherwise. The variation makes it clear that no physical elements of the scheme are changing. The same turbines and all ancillary elements remain as originally proposed.

In assessing a Section 42 application, the Authority must have regard to the applicant’s reasons for seeking variation to a Condition. The applicant has stated the following:

*“Within their portfolio, Ventient has a number of wind farms that are significantly older than Glenkerie. Ventient has developed considerable in-house engineering capability to allow them to safely operate their wind farms for longer and are currently showing this on wind farms that are over 20 years old. Ventient has conducted Engineering Life Extension analysis on a number of wind farms, which provides information on the needs of each individual wind farm but also gives assurance that other wind farms in the portfolio can operate beyond the term of their original planning consent.*

*The proposed extended period of generation would enable Glenkerie to generate renewable energy for a longer period of time which would contribute to the Scottish Government’s target on CO 2 reduction levels.”*

The application for variation has been supported by:

- Supporting letter
- An Environmental Report with 5 Appendices (including re-appraisal of landscape, ecology and cultural heritage assets)
- Four volumes of the original Environmental Statement
- Habitat Management Plan Status report

## **DEVELOPMENT PLAN POLICIES:**

### **Local Development Plan 2016:**

PMD1: Sustainability

PMD2: Quality Standards

ED9: Renewable Energy Development

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP5: Special Landscape Areas

EP7: Listed Buildings

EP8: Archaeology

EP9: Conservation Areas

EP10: Gardens and Designed Landscapes

EP13: Trees, Woodlands and Hedgerows

EP15: Development Affecting the Water Environment

IS2: Developer Contributions

IS5: Protection of Access Routes

IS8: Flooding

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

## **Proposed Local Development Plan 2020:**

IS5: Protection of Access Routes

## **National Planning Framework 4**

Policy 1: Tackling the Climate and Nature Crisis;

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity;

Policy 4: Natural Places;

Policy 5: Soils;

Policy 7: Historic Assets and Places; and

Policy 11: Energy.

## **OTHER PLANNING CONSIDERATIONS:**

### **Adopted SBC Supplementary Planning Guidance (SPG) and other documents:**

- Renewable Energy 2018
- Biodiversity 2005
- Local Landscape Designations 2012
- Developer Contributions 2011
- Visibility Mapping for Windfarm Development 2003
- Ironside Farrar Study on Wind Energy Consultancy Landscape Capacity and Cumulative Impact 2016
- Borders Landscape Assessment 1998 Ash Consulting Group- updated SNH 2019

### **Scottish Government Policy and Guidance:**

- The Climate Change (Scotland) Act 2009
- The Scottish Renewable Action Plan 2009
- 2020 Routemap for Renewable Energy in Scotland – Update 2015
- Scottish Planning Policy and Electricity Generation Policy Statement 2013
- Onshore Wind Turbines – Planning Advice 2014
- The Paris Agreement 2016
- Climate Change Plan 2018
- Scottish Energy Strategy 2017
- Climate Change (Emissions Reductions Targets) (Scotland) Act 2019
- Climate Change Committee Progress Report 2019
- Climate Change Committee Annual Report 2020
- Update to Climate Change Plan 2020
- Advisory Group Report on Economic Recovery 2020
- UK Energy White Paper 2020
- UK Net Zero Strategy 2021
- CCC Report 2021
- Intergovernmental Panel on Climate Change – Report and Statements 2021/22
- Onshore Wind Policy Statement 2022
- Programme for Government 2022
- British Energy Security Strategy 2022
- Draft Energy Strategy and Just Transition Plan 2023

### **Scottish Government On-line Advice:**

- Circular 3/2011 Environmental Impact Assessment (Scotland) Regulations
- PAN 69 Flood Risk 2015
- PAN 60 Planning for Natural Heritage 2008
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 75 Planning for Transport
- PAN 81 Community Engagement Planning with People
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Development 2016

### **Historic Environment Scotland Publications:**

- Historic Environment Scotland Policy Statement April 2019

### **Nature Scot Publications:**

- Siting and Designing Windfarms in the Landscape Version 3 February 2017
- Visual Representation of Wind Farms Version 2.2 February 2017
- Assessing the Cumulative Impact of Onshore Wind Energy Developments 2012
- Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations 2015
- Onshore Wind Energy 2022

### **Other Publications:**

- ETSU-R-97: The Assessment and Rating of Noise from Wind Farms

### **CONSULTATION RESPONSES:**

#### **Scottish Borders Council Consultees**

**Roads Planning:** No objections.

**Landscape Officer:** No objections. Wind farm been in operation since 2012 and accepts applicant's findings that there will be no additional landscape or visual effects beyond those already assessed and approved. NPF4 also supports life extensions to wind farms and concludes that wind farm areas will be used as such in perpetuity.

**Archaeology Officer:** No objections. Any new archaeological sites are largely within the vicinity of the wind farm and there would be no direct impacts, all but one having limited visibility. One new site in the Kingledores Valley. Cultural Heritage re-assessment accepted, no new impacts or sites impacted.

**Ecology Officer:** Queries Habitat Management Plan and S75 issues, relating to monitoring of heath/mire improvement measures and the details/programme for black grouse habitat improvement.

**Access Officer:** Response awaited.

**Flood Risk Officer:** No objections.

## **Statutory Consultees**

**Ministry of Defence:** Response awaited.

**Historic Environment Scotland:** No comments.

**SEPA:** No objections as the proposal suggests no change other than operational life and the original conditions on 07/02478/FUL still apply.

**South Lanarkshire Council:** Response awaited.

**Dumfries and Galloway Council:** No objections.

**Tweedsmuir Community Council:** No objections to the operational life increase although now note that the Scottish Government suggest a £5000 per installed MW Community Benefit. This increase should be considered by SBC in determining the application.

**Skirling Community Council:** Response awaited.

**Manor, Stobo and Lyne Community Council:** Response awaited.

## **Other Consultees**

**Scotways:** Response awaited.

## **REPRESENTATION SUMMARY**

One conditional support representation was received on the basis that if Community Benefit can be considered on a S42 application, then it should be raised from £2500 to £5000 per MW.

## **KEY PLANNING ISSUES:**

Whether an increase in operating life to 35 years will cause unacceptable adverse landscape, visual or any other material planning impacts over and above the impacts of the turbines already consented and erected. Assessed against the provisions of the Development Plan and other relevant guidance.

## **ASSESSMENT OF APPLICATION:**

A Section 42 application is a planning application which seeks to vary or omit one or more planning conditions attached to the original consent. If such applications relate to a development which was originally classified as a "Major" application, then the S42 applications are also treated the same way. This means that the final decision on the applications is not a delegated matter and must be taken by the Committee, irrespective of the recommendation or number of objections.

Circular and case law suggests the following for S42 assessment:

- Section 42 applications must be considered in terms of the development plan and any relevant material considerations;
- While Councils should consider only the conditions to which any new permission should be granted, this does not prevent consideration of the overall effect of granting the consent

- BUT primarily where the previous permission has lapsed or is incapable of being implemented;
- In such cases, this may involve reconsideration of the principle of development in light of any material change in the development plan policies, but will not require consideration of new in every case

As the original consent and development has been implemented, established advice is that in such cases, only the conditions and any amended conditions should be considered – not the principle of the whole development. In the particular circumstances of this development, consideration should be given primarily to the effects and impacts of the variation of Condition 1 imposed on the original consent, to allow for an additional 10 years of operating life. Nevertheless, if a consent is issued, then it becomes a stand-alone permission and all original conditions should still be applicable alongside any revised condition agreed as a result of the S42 consideration. This can be achieved by a specific condition referring to all original conditions. There can be agreement reached thereafter, if any of the original conditions have already been discharged.

### **Planning Policy Principle**

The applicant has developed the capability to safely operate their wind farms for longer than the original temporary consent lifespans. The proposed extended period of generation would enable Glenkerie, for example, to generate renewable energy for a longer period of time, which would continue to contribute to the Scottish Government's target on CO2 reduction levels.

The applicant has explained the added weight that NPF4 now gives to renewable energy developments, in Chapter 4 of the Environmental Report. Whilst their report concludes that the LDP should be considered out of date in being based upon SPP and NPF3, it is not accepted that there is an incompatibility between NPF4 and the LDP, Policies 11 and ED9 supporting renewable energy schemes subject to relevant environmental criteria. Therefore, NPF4 should not prevail over the LDP and both elements of the Development Plan should be used in assessing and supporting this proposal for life extension of an existing wind farm.

Taking into account that the only variation sought is the operating life extension and in considering the requirements of the Development Plan (principally Policy ED9, NPF4 Policy 11 and the Renewable Energy SPG), the main impacts likely to result from the increased operating life involve landscape and visual effects, residential amenity, ecology, ornithology and cultural heritage. This report considers these matters below.

### **Landscape and Visual Impact**

The continued presence and operation of the wind farm for a further ten years would only create additional potential landscape and visual impact issues if there had been new landscape designations at the site or in the area, if new wind farms have been consented since the original consent which would lead to unacceptable cumulative impacts or if there had been any significant change to the numbers and position of residential receptors nearby.

The site lies within the Tweedsmuir Uplands Special Landscape Area and is close to, and lying to the south-west of, the boundary of the Upper Tweed National Scenic Area. Local Development Plan Policy ED9 requires landscape and visual impacts to be considered, taking into account designated Wild Land, the Landscape Capacity Study and other guidance such as that produced by Nature Scot. Cumulative and residential

impacts are also to be considered, mitigation to minimise the operational impacts of turbines requiring to be demonstrated. In terms of landscape and visual impacts, Policy ED9 is supported by more specific Policies such as PMD2, HD3, EP4, EP5, EP10 and EP13. The Policies generally seek to protect landscape and visual amenity and, in all cases, seek any adverse impacts either to be capable of investigation and successful mitigation, or to be outweighed by the socio-economic benefits of the proposal.

In terms of any change to landscape designations, the 2012 SBC Local Landscape Designations SPG changed the status of the former Area of Great Landscape Value to a Special Landscape Area and actually slightly reduced the area coverage, albeit not in any areas that would particularly affect consideration of the Glenkerie site. The site was, therefore, already in an AGLV when it was originally approved and the change in status to an SLA has not shifted the Policy position to any significant extent. Policy EP5 continues to seek landscape protection, requiring the planning balance to be applied to any proposals that would have significant adverse impacts. The original scheme was also consented in proximity to the Upper Tweed National Scenic Area and the boundary and Policies for protection and socio-economic balance continue to apply since the original consent was granted. The Talla-Hart Fells Wild Land Area is a new designation since the original wind farm was considered.

NPF4 has a similar test and balance with Policy 11 seeking mitigation for significant landscape and visual impacts, whilst specifically identifying that such impacts are to be expected. Policy 11 also supports extending the life of wind farms and criterion f) accepts that whilst consents may continue to be time-limited, areas identified for wind farms are expected to be suitable for such use in perpetuity. There is a specific prohibition against wind farms in National Parks and National Scenic Areas, Policy 4 being referred to for any proposals that would impact on national designations (such as National Scenic Areas). Policy 4 has a general presumption against any development that will have an unacceptable impact on the natural environment and also advises against development affecting national or locally designated landscape areas unless outweighed by social, economic or environmental benefits.

Landscape and Visual Impacts are discussed in para 3.3 of the Environmental Report and Appendix 4. This states the methodology for a re-assessment of impacts, taking into account, not just Development Plan Policies, but also revised guidance published since the original wind farm consent. It concludes that the life extension would cause no additional landscape and visual amenity effects, remaining the same throughout the operating life extension, as assessed with the original wind farm proposal.

If anything, there has been a Policy shift in NPF4 to make it clearer that only nationally designated landscapes are fully protected from wind farm development within their boundaries and that significant landscape/visual impacts are to be expected elsewhere, mitigation and the socio-economic balance needing to be applied in assessing schemes. As the position with designated landscapes was very similar when the original Glenkerie scheme was approved, the national and local policy position with regard to impacts on landscape and visual effects would clearly support the continued operation of the Glenkerie wind farm, there being no physical changes to the scheme nor increased impacts on landscape and visual amenity. Whilst the Wild Land Area (WLA) has since been designated 14km from the site, the impacts of operational life extension are considered acceptable as the WLA was designated with the wind farm in place and, also, NPF4 Policy 4 makes it clear that there should be no buffer protection to such areas.

This is also the opinion of the Council Landscape Officer who accepts the findings of the Landscape and Visual Impact Section of the Environmental report and raises no

objections. She notes that the wind farm has been in operation since 2012 and accepts the applicant's findings that there will be no additional landscape or visual effects beyond those already assessed and approved. She also notes that NPF4 specifically supports life extensions to wind farms and concludes that wind farm areas will be used as such in perpetuity. It is, therefore, concluded that a life extension of 10 years would comply with national and local Development Plan Policies in relation to landscape and visual impacts.

There should also be consideration of cumulative impacts in terms of extending the operating time over which the effects would be experienced. This is presented by the applicant in Figure 5 of Appendix 4, taking into account the unimplemented Glenkerie extension, Clyde, Clyde Extension and Whitelaw Brae. Other schemes have emerged even since Figure 5 was compiled, including one at scoping stage now at Oliver Forest, south of Glenkerie in the Upper Tweed Valley. Although there have been a number of schemes consented and proposed in the vicinity since the original Glenkerie scheme was approved, the supporting Environmental Report correctly points out that all these later wind farms were considered acceptable, in cumulative terms, in consideration of the existing Glenkerie wind farm, thus the continued presence of Glenkerie for a further 10 years should not create cumulative landscape and visual additional impacts that would justify denying the extension. Given the latest NPF4 position on the perpetuity of wind power at existing wind farm sites, extensions of operating life should no longer, in any case, cause any significant cumulative landscape and visual amenity effects.

In terms of the lengthening of residential amenity effects, the original Environmental Statement stated that very limited numbers of local residences were expected to experience significant effects. As that was considered acceptable at the time of the original wind farm consideration and as NPF4 now expects wind farms to remain in perpetuity on site, the lengthening of operating life should no longer be a significant material consideration in relation to residential amenity impacts when there are no changes to the turbines themselves. It is also known that there has been no material increase in the number of residential properties within any zone of significant impact of the existing Glenkerie wind farm.

Overall the proposed variation is judged to have no additional residual effects which would give rise to unacceptable landscape or visual impacts, when considering the requirements of Local Development Plan Policies, NPF4 Policies and the advice within the "Renewable Energy" SPG.

### **Cultural Heritage**

The continued presence and operation of the wind farm for a further ten years would only create a potential cultural heritage issue if there had been new designations of assets within the site or the site was within the setting of such new designations. Local Development Plan Policy ED9 requires impacts on the historic environment and their settings to be considered and mitigation demonstrated. Policy EP8 subdivides assets into three importance tiers but, in all cases, seeks any adverse impacts either to be capable of investigation and successful mitigation, or to be outweighed by benefits of the proposal. NPF4 has a similar test and balance, Policy 11 seeking mitigation for impacts on the historic environment and the more detailed Policy 7 setting mitigation or benefit tests where adverse impacts are identified.

Cultural Heritage impacts are discussed in para 3.4 of the Environmental Report and Appendix 5. This states the methodology for a re-assessment of impacts, concluding that the life extension would cause no direct impacts and the same or lesser impacts on the setting of the scheduled monuments of Glenkerie Burn and Worm Hill Cairn.



The reassessment concludes that the impacts, which were previously identified and considered acceptable in the planning balance, remain the same for the operating life extension, as agreed with the original wind farm proposal.

The Council Archaeology Officer accepts the findings of the Cultural Heritage section of the Environmental Report and raises no objections. He notes that there have been several new archaeological sites identified in the vicinity of the wind farm but none of these are within the site and most are in river valleys with very limited intervisibility with the wind farm. One new site has been added in the Kingledores Valley but this is from documentary evidence rather than in situ remains, the Officer not considering that the impacts of a further ten years operating life would have any significant adverse effects on this site.

The conclusion is that the extension to operating life will not exacerbate cultural heritage impacts already created by the presence and operation of the wind farm, any new sites in the vicinity being generally concealed from the wind farm and the impacts on the site in the Kingledores Valley not being sufficient to oppose the life extension. Consequently, the application is considered to be in compliance with LDP Policies ED9 and EP8 – and with NPF4 Policies 7 and 11.

### **Ecology and ornithology**

The continued presence and operation of the wind farm for a further ten years would only create potential ecological and ornithological issues in that the extension to operating life has the potential to increase the risk of bird collision and disturbing habitats. Local Development Plan Policy ED9 requires impacts on natural heritage (including birds) to be considered and mitigation demonstrated. Policies EP1-3 protect international to locally important wildlife and natural habitats, requiring any adverse impacts either to not affect the integrity of sites or species, be capable of successful mitigation, or to be outweighed by the public interest of the proposal. NPF4 has a similar test and balance, Policy 11 seeking mitigation for impacts on the natural environment and the more detailed Policy 4 setting mitigation or benefit tests where adverse impacts are identified.

An assessment of the effects of an extended 10 year operating life is stated at para 3.2.4 and Appendix 3. Most ecological impacts were identified to be as a result of wind farm construction, the main risks during operation being curlew collision risk and bat impacts. The re-assessment has concluded that there will continue to be minor impacts only and that the presence of the turbines since 2012 will have allowed bats and birds to become more accustomed to them, lessening the impacts despite the 10 year life extension request.

The Environmental Report also identified that a Habitat Management Plan (HMP) was agreed as part of Conditions 25 and 26 of the original consent. This set out a series of habitat improvement measures and a monitoring programme for checking implementation. Following a monitoring visit last year, further new planting and improvement measures were identified for implementation and it is suggested that five yearly monitoring is continued through the 10 year life extension. Ultimately, the Environmental Report continues to assess the site as low bird risk and the extension request is likely to cause no new effects on ecology or ornithology, assisted by the mitigation agreed and being implemented in the HMP.

In addition to the HMP and continued monitoring, the original consent was also subject to a Section 75 Agreement which is reproduced in Appendix 2 of the Environmental Report. This set out agreement on a restoration bond together with mitigation for heath,

mires and black grouse. A clause in the Agreement requires the amount of the bond to be reviewed every five years and this can simply continue into the extended operating life of the wind farm, if consented (albeit needing a new or revised S75). With regard to the other measures, these were required to be submitted, with a timetable for implementation, prior to commencement of the wind farm. The works for heath and mires were discharged though payment for off-site works, that work having been carried out – albeit with no evidence on monitoring since implementation. With regard to black grouse, there is no information on file to confirm what programme of works was agreed and how this has been implemented and monitored.

These gaps in the implementation of Conditions 25, 26 and the Section 75 Agreement in relation to heath, mires and black grouse habitat have been noted by the Ecology Officer and the applicant was contacted for a response. They have replied with a Habitat Management Plan Status Report which detailed the following:

Upland habitat management – bracken control, fencing, heather burning, creation of wetland habitats all undertaken and a contribution of nearly £50,000 under the S75 Agreement in 2010 for blanket bog restoration by Tweed Forum. The mitigation measures were meant to be monitored in early years but the first monitoring only occurred in 2022 which identified various remedial works. The applicant has undertaken to agree those works with the Ecology Officer then monitor on four further occasions until the end of the new operating life.

Kingledores Burn Management Plan – 14 new woodland plots planted in 2012, borrow pits, scrapes and ponds for standing water, additional otter holts. Monitoring was again not carried out in the early years and although there have been recent otter and water surveys, the applicant suggests a new monitoring schedule to the end of the operating life.

Woodland Management Plan – new planting as above and hedging carried out, together with 20 habitat boxes which are all still intact. Monitoring again not carried out and the applicant suggests a new monitoring schedule.

Habitat Restoration – agreed techniques were used during and post construction.

The response of the Ecology Officer is awaited at the time of writing this report, albeit it is noted that the Habitat Management Plan Status Report makes no direct comments on black grouse mitigation, implementation or monitoring. It is likely discussions will continue on this and Members will be updated verbally at Committee. However, it is anticipated that any omissions in mitigation or gaps in monitoring can be addressed under the original conditions (re-imposed by Condition 2 below) and by either an amended or new S75 Agreement, the Agreement covering restoration bond renewal and black grouse mitigation and monitoring. Subject to these, it is not anticipated that there will be any ecological or ornithological reason to oppose the ten year operating life extension.

## **Socio-Economics**

LDP Policy ED9 and NPF Policy 11 both require the socio-economic benefits and scale of contribution to renewable energy targets/greenhouse gas emission reductions to be assessed in the overall planning balance.

The Environmental Report submitted with the S42 application assesses the relevant benefits, stating that the continued operating life results in five full time technician jobs being sustained and spin-off benefits to local services from those maintaining and

servicing the wind farm. The report also raises the issue of Community Benefit, even though it identifies that it is not a material benefit in assessment of a planning application. The applicant states that the current agreed fund is £3,361 per MW which will be tracked for inflation and will continue to be paid until the expiry of the original 25 year period – 2037. From that point onwards, the fund will then be increased by 25% of whatever the figure is at that time.

The one public representation has raised this issue, suggesting that if it is correct that Community Funds can now be considered material in the planning process, then the amount should be raised from £2500 to £5000 in line with current Government guidance. This is also the suggestion of Tweedsmuir Community Council. NPF4 is relatively new and Policy 11 is untested yet on whether Community Fund is a material planning factor. Criterion c) and Policy 25 (Community Wealth Building) do suggest that development should be assessed against its contribution to maximising net economic impact, but it is still unclear whether this refers to Community Funds rather than other forms of benefit outlined in the Policies.

At this stage, it is not considered appropriate to introduce the Community Fund into the planning application process and planning control, especially when it has not been part of the planning application process to date and can continue at its current level (inflation-indexed) until the expiry of the original 25 year operating life of the wind farm. Furthermore, the applicant has confirmed the current figure is £3,361 which is above the £2,500 identified by the third party representation and will raise it by 25% during the S42 operating life extension. This would take it to £4,201 at current levels but will be significantly higher from 2037 onwards. Given the uncertainty over whether Community Funds can be taken into account under NPF4, it is suggested that an Applicant Informative be placed on the consent to advise that the Community Fund contribution per MW matches current Government guidance at the time when the ten year operating life extension commences.

In terms of contributions to renewable energy targets and greenhouse gas reductions, the supporting Environmental Report states the contribution that the development can make towards these targets. It identifies that it can continue to output 22MW of electricity, sufficient to power 15,456 homes per annum. Its contribution to the identified “climate emergency” and supporting legislation is undeniable, if relatively modest, in comparison with the larger turbines and schemes now being proposed elsewhere in the Borders. Nevertheless, this is an important contribution with little or no additional impact on the environment, given that it is simply an operating life increase with no alteration to the number, location or height of turbines. For those reasons, the application should be supported as it is fully in compliance both with national and local renewable energy Policy.

### **Other Issues**

Table 2.1 in the supporting Environmental Report lists the other material factors that were scoped out of the assessment of environmental impacts likely to be most relevant in relation to a 10 year operating life extension. This includes hydrology, hydrogeology, noise, transport, infrastructure and safety. The reasons for the scoping out of these factors is provided in Table 2.1 and the reasons are accepted. These issues were either adequately controlled during the construction of the site and discharge of relevant conditions, or are controlled in operation of the wind farm, such as noise levels to noise-sensitive properties.

Extending the operating life of an approved and operational wind farm will comply with the terms of the Development Plan and national planning guidance which firmly

supports continued electricity generation at an existing wind farm site and now acknowledges the perpetuity of the use, if not the current turbines, at such sites.

## **CONCLUSION**

Provided all the previously imposed conditions are applied to the S42 variation and a new or revised S75 Agreement concluded, it is considered that the impacts arising from a 10-year extension to the wind farm operating life would not be significant. The proposed development is, therefore, consistent with the Development Plan and does not raise any other material considerations that would justify departure from the Development Plan

## **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application is approved subject to the following conditions and a new or revised legal agreement:

1. This permission shall be for a period of 35 years from the date of final commissioning. Within twelve months of the end of the period, unless a further planning application is submitted and approved, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land restored to its former condition, or other such condition as may agree, to the satisfaction of the Planning Authority.

Reason: The anticipated design life of the wind farm is 35 years.

2. With the exception of the Condition hereby amended as above, the development shall be implemented in accordance with the plans, drawings, supporting information and schedule of conditions approved under application 07/02478/FUL and in accordance with all agreements/approvals under the terms of those conditions.

Reason: To ensure the development is implemented and operated in accordance with all measures within the approved schedule of conditions under the original wind farm planning consent, to ultimately ensure compliance the Development Plan and relevant planning policy guidance.

## Informative

1. The Community Fund contribution per MW should match current Government guidance at the time when the ten year operating life extension commences.

## DRAWING NUMBERS

<b>Drawing Number</b>	<b>Description</b>
Figure 1.1	Site Location Plan
Figure 1.2	Site Layout

**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
Craig Miller	Principal Planning Officer



22/01887/FUL

Glenkerie Wind Farm

