SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

25 MARCH 2024

APPLICATION FOR PLANNING PERMISSION

ITEM:	**REFERENCE NUMBER**: 21/01808/S36 **ECU REFERENCE NUMBER:** ECU00003341
OFFICER:	Mr Scott Shearer
WARD:	Galashiels And District
PROPOSAL:	Onshore wind farm of 14 turbines with a maximum tip height of 180 metres, and ancillary infrastructure
SITE:	Land Southwest of Brockhouse Farmhouse Fountainhall Galashiels
APPLICANT:	Greystone Knowe Wind Farm Limited

1.0 PLANNING PROCESSING AGREEMENT

1.1 There is a planning processing agreement for the Council to determine its response at the Planning and Building Standards (P&BS) Committee on the 4th of March 2024.

2.0 PURPOSE OF REPORT

2.1 To advise the Scottish Government of the response from Scottish Borders Council on an application which has been submitted under section 36 of The Electricity Act 1989 (as amended) to construct 14 wind turbines and associated infrastructure on Land Southwest of Brockhouse Farmhouse, Fountainhall.

2.2 This application was first presented to the Planning & Building Standards Committee on 4 March 2024 where members resolved to defer determination to a future meeting for a site visit. At the time of writing, the site visit was scheduled to take place on 19 March 2024.

3.0 PROCEDURE

3.1 Scottish Borders Council (SBC) is a consultee in the Section 36 application process as a 'relevant planning authority'.

3.2 The views of SBC will be provided to the Energy Consents Unit at Scottish Government (ECU), the body responsible for processing onshore Section 36 planning applications. The proposal is required to be determined via Section 36 (S36) of the Electricity Act 2017 because it consists of a wind farm with a generating capacity in excess of 50MW. The ECU advertises the application and carries out consultation with other interested bodies. There is, therefore, no need for SBC to undertake a tandem process although consultation has taken place with relevant specialists within the Council. Any S36 approval granted by the Scottish Ministers would benefit from deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.

3.3 Given the nature of the application, an Environmental Impact Assessment (EIA) has been submitted.

3.4 It should be noted that if permission is granted, the Council (rather than the ECU) would become the relevant enforcement authority responsible for monitoring compliance with the terms of an approval including discharging any suspensive conditions attached to any consent.

4.0 SITE DESCRIPTION

4.1 The application site lies to the west of the Gala Water Valley and borders the Moorfoot hills. The A7 and Borders Railway run in a north – south direction to the east of the site. The site is located between two settlements with Fountainhall laying approx. 2.5km to the southeast and Heriot approx. 2 km to the north. The site consists of predominantly upland rough grazing land with improved pasture and blocks of forestry plantation.

Landscape Character

4.2 In terms of the 1998 Scottish Borders Landscape Character Assessment (1998), the site is located in the northeast part of Scottish Landscape Character Type (LCT) 90 - Dissected Plateau Moorland as described in NatureScot National Landscape Character Assessment. It is an Upland LCT and occurs in two areas within Scottish Borders - the Moorfoot and Lammermuir Hills. The LCT is characterised as a plateau landform with hill masses separated by steep-sided valleys of differing scales. It is perceived to have a high degree of naturalness, with a sense of wildness resulting from wide horizons and long distance, unobstructed views.

4.3 Immediately to the east of the site is LCT 114 Pastoral Upland Valley which is the Gala Water Valley corridor, stretching from Galashiels to Heriot. This is a medium scale valley landscape which carries the A7 and Borders Railway. Within the valley there are numerous scattered farms, villages and building groups, located both on the valley floor but also in more elevated locations on the valley sides. Views are largely medium to long range along the valley, with interlocking spurs and woodlands prominent with occasional glimpses of Long Park Wind farm, located southeast of Stow. To the east of the Gala Water valley and still within 5km of the development is LCT 91 Plateau Grassland – Borders. This lies between the Moorfoot and Lammermuir plateau and is characterised by large scale, rolling plateau topography with gentle slopes and smooth relief.

4.4 The site is not located within or adjacent to any National Scenic Areas (NSA's) or Special Landscape Areas (SLA's).

Cultural Heritage Designations

4.5 There are no designated heritage assets located within the application site boundary. Outwith the application site a number of Scheduled Monuments and Listed Buildings are located within a 10km radius of the application site, these are identified on Figure 6.2 of the EIA.

Designated Nature Conservation Sites

4.6 The Moorfoot Hills SAC and SSSI bounds the entire western boundary of the application site. The River Tweed SAC (Gala Water) is located to the east of the site and (Heriot Water) north of the application site.

Access and Paths

4.7 The site is accessed via the A7 and the Old Stage Road where its access crosses another minor public road to the east of Pirntaton Farm. The site is not crossed by any public paths.

5.0 PROPOSED DEVELOPMENT

5.1 The proposal would comprise of a wind farm development with the following components:

- 14 wind turbines with a maximum tip height of 180m and a rotor diameter of 150m. Each turbine would have a generating capacity of approximately 5MW,
- A Battery Energy Storage System (BESS) facility.
- Two permanent metrological masts.
- New access road Approximately 12km of new access tracks with associated watercourse crossings retained throughout the lifetime of the development.
- An operations control building.
- A substation compound.
- Up to 3 borrow pits and
- Telecommunications equipment.

5.2 The applicant is seeking consent for an operational period of 30 years. At the end of this period, unless 're-powered' or unless a new planning permission is granted that would extend the wind farm's life, it would be decommissioned, and the site restored in agreement with a decommissioning method statement.

6.0 PLANNING HISTORY

6.1 The site benefits from the following planning history:

- 18/00469/FUL - Erection of anemometer mast up to 90m – Approved.
- 23/00396/FUL - Erection of anemometer mast up to 90m high (renewal of planning permission 18/00469/FUL) – Approved.

7.0 REPRESENTATION SUMMARY

7.1 Third party representations are submitted to the ECU and it is for that authority to take these in to consideration when assessing the proposed developments on behalf of the Scottish Ministers. Third party representations are available via the ECU's public portal here; Public Representations

8.0 APPLICANTS' SUPPORTING INFORMATION

8.1 The application has been supported by a full EIA, split across 3 Volumes of text, figures, visualisations, specialist assessment and a Non-Technical Summary. In addition to the EIA the application has been supported by;

- A Planning Statement
- Pre-Application Consultation Report

8.2 Additional Information was submitted on 8th August 2022 comprising of further information regarding hydrology and peat, ecology, ornithology, noise, forestry, traffic and transport, aviation and planning matters.

8.3 Subsequently the following submissions have also been provided to SBC;

- Planning Statement Addendum (incorporating NPF4 and other Energy Policy updates)
- Response to Scottish Borders Council's Landscape Officer's consultation response

9.0 CONSULTATION RESPONSES:

9.1 The following consultation responses have been received by specialist officers within Scottish Borders Council. A summary of the consultation responses received from each is provided below.

9.2 **Archaeology:** No objection. Advise that the development will result in slightly adverse cultural heritage impacts. No significant adverse impacts on the settings of any hillfort or settlement Scheduled Monuments are caused. Turbine 3 does detract from the setting of Corsehope Rings (SM1166) and its view towards Halltree Rings Settlement (SM1170), it is recommended this turbine is removed or relocated. Development has limited potential to cause any direct impacts, despite low potential agreement of a programme of archaeological works is still required.

9.3 **Ecology Officer:** No response.

9.4 **Environmental Health (Noise):** Recommend conditions to agree the final specification of candidate turbine which meet noise limits and noise operation mitigation plans.

9.5 **Flood Risk Officer:** No objection on the grounds of flood risk provided that mitigation and design details set out in the Drainage Impact and Watercourse Crossing Assessment are adhered to and, further details on the proposed watercourse crossing, culverts and SUDS are submitted at the detailed planning stage.

9.6 **Landscape Architect:** Provided a detailed assessment of the proposal on landscape character, visual effects, cumulative landscape and visual impacts, effects of aviation lighting and residential amenity impacts. Object on grounds that the development will have an unacceptable visual effect on the Pastoral Upland Valley (Gala Water) Landscape Character Type where some turbines appear prominent to visual receptors within the valley landscape. Recommend that this could be addressed by removing or relocating the eastern most turbines (T3, T13, T14, T8 and T9). Removal of some turbines would improve the visual impact of the development at Upper Corsehope Cottage. Also note the T1 appears prominent from a number of viewpoints. Recommend that a revised scheme could address the most significant impacts.

9.7 **Roads Planning:** No objection. Proposed route of transporting abnormal loads via A7 and Old Stage Road is acceptable. Identify that alterations to the Old Stage Road and the minor access roads will likely be required. Recommend conditions requiring;

- a Transport Assessment

- scheme of all remedial and engineering works
- precise details of access roads crossing with public road at Pirntaton Farm
- Traffic Management Plan
- Abnormal load test runs and timetables for delivery

10.0 Other Consultation Responses Submitted to the ECU

10.1 As members are aware, the Council is a consultee in the Section 36 application process and does not undertake any outside consultation itself. Consultation responses provided by other bodies are returned to the ECU and are available via the ECU's public portal here; Other Consultation Responses

11.0 LEGAL FRAMEWORK

- The Electricity Act 1989
- The Town and Country Planning (Scotland) Act 1997
- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

12.0 DEVELOPMENT PLAN POLICIES:

12.1 **National Planning Framework 4**

Policy 1: Tacking the Climate and Nature Crises
Policy 3: Biodiversity
Policy 2: Climate mitigation and adaption
Policy 4: Natural Places
Policy 5: Soils
Policy 6: Forestry, Woodland and Trees
Policy 7: Historic Assets and Places
Policy 11: Energy
Policy 22: Flood Risk and Water Management

12.2 **Scottish Borders Local Development Plan 2016 (LDP):**

Policy PMD1: Sustainability
Policy PMD2: Quality Standards
Policy ED9: Renewable Energy
Policy HD3: Protection of Residential Amenity
Policy EP1: International Nature Conservation Sites
Policy EP2: National Nature Conservation Sites and Protection Species
Policy EP3: Local Biodiversity
Policy EP5: Special Landscape Areas
Policy EP7: Listed Buildings
Policy EP8: Archaeology
Policy EP9: Conservation Areas
Policy EP10: Gardens and Designated Landscapes
Policy EP13: Trees, Woodlands and Hedgerows
Policy EP15: Development Affecting the Water Environment
Policy IS4: Transport Development and Infrastructure
Policy IS5: Protection of Access Routes
Policy IS8: Flooding
Policy IS9: Wastewater Treatment Standards and Sustainable Urban Drainage

13.0 OTHER PLANNING CONSIDERATIONS:

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

- Renewable Energy (2018) including Update of Wind Energy Landscape Capacity and Cumulative Impact Study (2016)
- Visibility Mapping for Windfarm Development (2003)
- Local Landscape Designations (2012)
- Sustainable Urban Drainage Systems (2020)
- Developer Contributions (2010)
- Trees and Development (2008)
- Biodiversity (2005)

13.2 **Scottish Government Advice and Guidance:**

- Onshore Wind Turbines: Planning Advice [Online]
- Circular 3/2011 Environmental Impact Assessment (S) Regulations (2011)
- PAN 60 Planning for Natural Heritage (2008)
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 3/2010: Community Engagement (2010)
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 61: Planning and Sustainable Urban Drainage Systems
- PAN 69 Flood Risk (2015)
- PAN 73: Rural Diversification
- PAN 75 Planning for Transport
- PAN 81 Community Engagement Planning with People
- Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Development (2016)

13.3 **Historic Scotland Publications:**

- Scottish Historic Environment Policy (2011)

13.4 **NatureScot 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
- Good Practice during Wind Farm Construction 2019

13.5 **Other Publications:**

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

14.0 ENERGY POLICY

- Onshore Wind Policy Statement (OWPS) 2022
- Draft Energy Strategy and Just Transition Plan 2023
- The Climate Change Act 2008 (2050 Target Amendment Order 2019)

- United Nations Climate Change - The Paris Agreement 2015
- Climate Change Committee - The Sixth Carbon Budget: The UK's path to Net Zero (2020)
- Scottish Government (2020) Securing a green recovery on a path to net zero: climate change plan 2018-2032
- Climate Change (Scotland) Act 2009
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- Powering Up Britain (March 2023)
- British Energy Security Strategy (April 2022)

15.0 KEY PLANNING ISSUES:

15.1 Bearing in mind that SBC is a consultee rather than the determining authority, the key issues are whether the development of a wind farm in this location accords with all relevant policies within the adopted development plan and other material planning considerations.

16.0 ASSESSMENT OF APPLICATION:

The Electricity Act 1989

16.1 This proposal is required to be assessed under section 36 of the Electricity Act 1989. The Electricity Act requires that in formulating proposals to generate electricity, regard shall be had to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural or historic interest and to mitigating the impact any proposals may have on these: and that Scottish Ministers shall have regard to these matters in considering an application under Section 36. The Development Plan is a material consideration in the determination of a Section 36 application.

Planning Policy

16.2 This revised proposal must be assessed against current national and local planning policy provision.

National Planning Framework 4

16.3 NPF4 sets out the Scottish Governments long-term spatial principles until 2045 and by applying these the national spatial strategy will support the planning and delivery of: sustainable places, liveable places and productive places. NPF4 contains cross-cutting outcomes including Policy which affords significant weight to both the global climate emergency and reducing greenhouse gas emissions, and to the nature crisis and protecting and enhancing the environment.

16.4 NPF4 acknowledges that meeting net zero climate ambitions will require rapid transformation across all sectors of our economy and society and every decision on future development must contribute to making Scotland a more sustainable place. Unlike its predecessors, NPF4 has elevated status as it forms part of the statutory development plan. Therefore, it must be afforded considerable weight as part of the decision-making process for all planning decisions.

16.5 NPF4 recognises that large scale electricity generation from renewable sources are essential to meet net zero emissions targets. The framework designates 18 National

Developments to support the delivery of the spatial strategy. Any on or offshore wind farm which would generate in excess of 50 megawatts of electricity is designated a National Development. The volume of electricity generated by this proposal would exceed this threshold. This proposal represents a National Development which would contribute towards delivering the spatial strategy.

16.6 Part 2 of NPF4 sets out the national planning policy framework to meet policy aspirations under the three themes of; sustainable places, liveable places and productive places. A range of Polices are relevant to this proposed development and NPF4 must be applied as a whole however when considering the principle of the development; Policy 1: Tacking the Climate and Nature Crisis and Policy 11: Energy, stand out.

16.7 Policy 1 seeks to promote development which addresses the global climate emergency and nature crises. This development would generate electricity from a renewable source and provides battery storage capacity which will also play an important role in meeting net zero emissions targets. This development draws clear support from this policy.

16.8 Energy policy principles are set out in Policy 11 which encourages, promotes and facilitates all forms of renewable energy development, including onshore wind farms and battery storage. The policy does not permit wind farm development to take place within National Parks or National Scenic Areas. The site is not located in either of these designations. This confirms that the proposal is located within an area which may be suitable for wind farm development. The policy also seeks for proposals to maximise net economic impacts, this matter will be discussed below.

16.9 Part (c) of the policy only gives support where proposals maximise net economic impact, including local and community socio-economic benefits. Part (e) of the policy provides a list of impacts that the project design and mitigation will be expected to address. This includes impacts on communities and individual dwellings, significant landscape and visual impacts, public access, historic environment, aviation and defence interests including seismological recording, as well as other cumulative and environmental impacts. The policy now requires that in considering these, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Onshore Wind Policy Statement (OWPS)

16.10 Published on 21st December 2022, the OWPS reaffirms that the deployment of onshore wind is critical for meeting Scotland's energy targets. The statement renews the commitment to onshore wind technology and sets ambition for a minimum installed capacity of 20GW of onshore wind in Scotland by 2030. It recognises at paragraph 3.6.1 that; *"Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape."* (Original emphasis).

16.11 Despite the acceptance that more wind energy deployment is necessary, this is still not development at any cost with the Vision Statement for OWPS (see Annex 5) confirming that a balanced approach is still necessary in particular to ensure developments still respect biodiversity, natural heritage and landscape.

Scottish Borders Local Development Plan (LDP) 2016

16.12 Policy ED9 is the principal LDP Policy dealing with renewable energy development and supports commercial wind farms where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to relevant environmental, community and cumulative impact considerations. If there are judged to be significant adverse impacts or effects which cannot be satisfactorily mitigated, the development will only be approved if the Council is satisfied that the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it.

16.13 The applicants consider that ED9 is now inconsistent with NPF4 primarily due to its age and attribution of weight to the climate and nature crises and meeting updated renewable energy targets. Despite this, Policy ED9 does still permit the decision maker to attribute weight to environmental and other benefits arising from the development as they see fit. This would allow the decision maker to place greater weight on a developments contribution to energy targets as part of the wider planning balance. Policy EP9 is not considered to be wholly incompatible with NPF4.

Scottish Borders Proposed Local Development Plan 2 (LDP2)

16.14 The Proposed Plan was submitted to Scottish Ministers on 13 December 2023. The Scottish Ministers have extended the period for their consideration of the Councils intention to adopt the Proposed LDP. Proposed Policy ED9 is the principal Policy within LDP2 dealing with renewable energy development. After Examination, the Reporters recommendation to revise Proposed Policy ED9 so it reflects Policy 11 of NPF4 was accepted by the Council. This policy remains supportive of renewable energy developments, including wind farms and battery storage developments. The policy requires that development proposals will be assessed in accordance with NPF4 Policy 11, paragraphs b) to f) as well as all other relevant provisions of NPF4.

16.15 In addition under proposed ED9, reference to the Councils Renewable Energy Supplementary Guidance is to be removed from the Policy. Instead, the Guidance intended to form Supplementary Planning Guidance to assist in the determination of planning applications as a complement to LDP policies and national policy and guidance.

16.16 The Proposed Plan is not yet adopted therefore it does not yet form part of the Councils Development Plan. The Proposed Plan is however now at an advanced and settled stage. Proposed Policy ED9 reflects the national position which is supportive to the principle of renewable energy developments. It seeks to guide development to appropriate locations and to advise on the factors to be taken into account in considering proposals.

Planning Policy Conclusion

16.17 In principle, NPF4, OWPS and the Councils LDP are supportive of renewable energy development in this location however the benefits of energy production are still required to be weighed against any disbenefits arising from the proposed development as part of the wider planning balance. When this careful balancing exercise is being carried out, NPF4 explicitly requires decision makers to give significant weight to the contribution a development will make towards renewable energy targets as part of their consideration. This requirement shifts the balance in favour of renewable energy development, but it is still not seen to be a complete

acceptance of the development of a wind farm on any land outside of a national park or NSA. It is the act of the planning balance which will still determine the suitability of a wind farm against prevailing development plan policies. This assessment is considered below.

Climate Change and Renewable Targets

16.18 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 introduced a target of net zero greenhouse gas emissions by 2045 at the latest. To reach net zero, national target has been set to reduce emissions by at least 75% by 2030 and 90% by 2040. Scotland's Climate Change Plan 2018-2032 sets out the road map for achieving those targets and has set the goal of 50% of Scotland's energy need to be met by renewable energy by 2030. The deployment of further renewable energy developments is necessary to meet national energy targets and also assist with the delivery of a green economic recovery.

16.19 The Scottish Governments OWPS states that to meet net zero emissions targets a minimum installed capacity of 20GW of onshore wind will be required in Scotland by 2030. The OWPS calculated that 8.7GW of energy is being generated by existing wind farms as of June 2022. There was also found to be 11.3GW of onshore wind 'pipeline' projects which are spread across the following stages;

Status	**GW**
In Planning/Consenting	5.53
Awaiting Construction	4.56
Under Construction	1.17

(Source: OWPS paragraph 1.1.5)

16.20 Although the pipeline projects bring the energy generated close to the 20GW target, the following factors need to be considered;

- Not all projects currently in the planning/consenting process will obtain permission.
- There is duplication in the figures where some projects have consent and are also seeking consent for changes, i.e. tip height increases (such as Cloich) so they feature in both the 'awaiting construction' and 'in planning'. Only one of these possible consents can be built.
- Some existing wind farms contributing towards the existing installed capacity will have reached the end of its operational life by 2030 and it is not known if these schemes will be repowered.

16.21 The OWPS is clear that further onshore wind development will be necessary to meet renewable energy targets. Each of the 14 turbines proposed by this development are anticipated to have an approximate generating capacity of between 4-5MW. The precise generating capacity will be influenced once the final turbine model is chosen which normally happens as part of the procurement process after the granting of any planning approval. The level of energy generated by each turbine is consistent with other wind farms of this scale. Based on MW predictions for each turbine is it estimated that Greystone Knowe wind farm would have an anticipated installed capacity of between 56 – 70MW. The development also offers the benefit of battery storage which contributes to the wider energy mix.

16.22 The EIA predicts that once the development is operating it is anticipated to save up to 64,800 tonnes of CO_2 per annum. The carbon calculator confirms that the majority of carbon emissions associated with the development will stem from the manufacture, construction and decommissioning of turbines which against the energy generated by the development will result in a carbon pay back period of 1.5 years. After this payback period it is anticipated that the development will provide over 1.9 million tonnes of carbon saving over its 30-year operational life.

16.23 The applicants have also advised that the development has an agreed grid connection for 2030 therefore if consented the development can be operational in time to make an important contribution towards the 20GW installed onshore wind target for 2030.

16.24 The predicted level of energy generated by this proposed development and its carbon savings will make an important contribution to meeting renewable energy targets and as stated previously, NPF4 requires that this contribution now carries more weight in the 'planning balance'.

Economic and Socio-Economic Benefits

16.25 Wind energy developments can make an important contribution to the UK economy. Net economic impact is a material planning consideration, local and community socio-economic benefits include employment, associated business and supply chain opportunities. NPF4 Policy 11 Part c) now specifically requires that a development maximises its net economic impact and local and community socio-economic benefits.

16.26 The ES outlines that the economic and socio-economic benefits of the development will include:

- Creation of up to 79 jobs in the 21-month construction programme *(estimated)*
- During construction the Scottish Borders could secure contracts worth £10 million and Scotland securing contracts with up to 30.5million *(estimated)*
- Overall Capital expenditure is predicted to be £90 million across the developments operational life with the Scottish Borders could secure operational and maintenance contracts work £1.26million each year *(estimated)*
- During operational phase 13 jobs created in Scotland (including 10 in Scottish Borders) *(estimated)*
- The development will contribute £5k annually per MW of installed capacity towards community benefit funds, potentially generating between £300,000 - £375,000 per annum.
- Potential for shared ownership with Fountainhall and Heriot communities.

16.27 It is accepted that jobs would be created during construction and should the developer use local firms and businesses, greater economic impact would be generated. Following the construction phase the development would sustain a low number of jobs although this would increase during decommissioning.

16.28 The developers proposed contribution to community benefit funds aligns with the £5,000 level prescribed by the *Good Practice Principles (GPPs) for Community Benefits from Onshore Renewable Energy Developments.* Since NPF4 placed a requirement on renewable energy development to *'maximise'* community socio-economic benefits, this aspect has remained an evolving issue. It is reasonable to consider that as wind farms become larger and potentially result in more significant community impacts that the affected communities should see genuine benefits as a

result of the development. This matter is still accepted by the Scottish Government to represent a non-material planning consideration and remains separate from the planning process. Instead, community benefit is still a matter for the agreement of the developers and the relevant communities.

16.29 NPF4 Policy 11, criteria c) requires wind farms development to maximise net economic and socio-economic impacts. At this stage no guidance is available to corroborate if these effects are indeed being maximised. Nevertheless, it is accepted that the proposed Development has the potential to provide positive net economic benefits both the local communities within the Scottish Borders and the national economy.

Landscape and Visual Impacts

16.30 Policy 11 of NPF4 and LDP Policy ED9 requires consideration of the landscape and visual impacts, including cumulative impacts. Account must be taken of the position adopted by NPF4 Policy 11 which acknowledges that significant landscape and visual impacts are to be expected from some forms of renewable energy development. Where these impacts are localised and/or appropriate design mitigation has been applied, NPF4 deems that these landscape and visual effects are acceptable.

16.31 Account should also be taken of the Renewable Energy SG and relevant guidance within the Ironside Farrar Landscape Capacity and Cumulative Impact Study.

Theoretical Visibility

16.32 The Zone of Theoretical Visibility (ZTV) illustrates the potential visibility of the turbines to hub and tip. Figure 5.3 Zone of Theoretical Visibility (Tip Height) – Bare Ground illustrates where the development would theoretically be visible from.

16.33 The ZTV identifies that within the Scottish Borders, visibility of the development generally extends in an easterly direction within the 20km distance. Within 5km of the development, there is increased visibility of the proposed wind farm. This area does include the settlements of Fountainhall, Heriot as well as a scattering of farm holdings along the Gala Water Valley and includes the busy A7 trunk road. Out with these locations, habitation within this area is low, particularly to the southwest where the Moorfoothills enclose the development and generally screen visibility from the Tweeddale area.

16.34 Visibility reduces from the 5-10km distance and is concentrated to the eastern side of the Gala Water Valley extending down around elevated parts of Stow. Beyond the 10km range it appears visibility is largely restricted to more isolated pockets of elevated ground, hill summits including the Eildon Hills National Scenic Area (NSA) and Twin Law Cairns to the east. Figure 7.3 does suggest parts of Galashiels would have visibility of the wind farm but when assessing Figure 5.5 ZTV – including screening, this corroborates that the settlement would have very limited views with views limited from the hills to the south of the town.

16.35 Visibility extends in a south easterly direction with areas of theoretical visibility around the southern side of and extending towards the Eildon Hills. Theoretical visibility also extends further southeast, but this is at a far greater distance and generally avoids extending across the whole of larger towns in this direction.

16.36 It is acknowledged that, within the Scottish Borders visibility of the development is generally limited to the eastern part of the Moorfoot hills and the Gala Water Valley. Outwith 10km of the development, the proposal does not appear to affect any substantially populated parts of the Scottish Borders. The extent of the landscape and visual impacts of the development are discussed below.

Landscape Effects

16.37 The development is located within an upland landscape area which is generally perceived to be suitable for wind farm development. The host LCT (LCT 90 - Dissected Plateau Moorland) and neighbouring LCT 114 (Gala Water Valley - Pastoral Upland Valley) and LCT 91 (Plateau Grassland – Borders) are closely interlinked and have a strong relationship to each other. The transition between valley sides and upland plateau is indistinct and visibility and impacts are often dependant on the location of the receptor.

16.38 The proposed development is acknowledged to have significant effects (Major/Moderate) within 2.5km of the development, reducing to Moderate significance (not significant) on the host LCT (LCT 90). The Council's landscape specialist agrees with this assessment on the basis that the host LCT is an upland type of landscape.

16.39 The proposal is deemed to have significant effects (Major/Moderate) on LCT 114 with a High/Medium sensitivity to the proposed development. The Landscape Architect agrees with this assessment and advises that:

"the medium scale enclosed landscape would experience a substantial adverse magnitude of change. As this LCT is a medium scale landscape with a wide range of sensitive receptors including commuters on the A7, Borders railway and other minor roads, local residents and recreational receptors enjoying the area, the intrusion of large scale turbines into this well settled valley landscape, albeit on the hills enclosing this LCT, will, on landscape grounds, have a disproportionate impact in the Gala Water valley."

16.40 Turning to LCT 91 on the plateau to the east of the Gala Water Valley. The development will be visible from elevated open areas within LCT 91 where the development will be visible across the valley. Although it may appear large across the valley, it is seen within it underlying upland landscape.

16.42 The development is judged to result in significant effects on landscape character. Landscape character effects are mostly experienced within 5km of the development however the proposal is not necessarily considered to be completely out of scale with its host upland landscape. The greatest effect on landscape character is considered to be experienced from the neighbouring LCT 114 where the height and proximity of the turbines to the western edge of the valley has the potential to dominate this section of the settled Gala Water Valley landscape. SBC's Landscape Architect did recommend that removing turbines nearest the valley edge could reduce these impacts.

Visual Effects

16.43 The LVIA considers 19 viewpoints (VP's) which provide a sample of the potential effects of the development from identified locations for a range of receptors. 16 VP's are located within the Scottish Borders and key viewpoints are discussed below with their distance and direction to the development noted in brackets.

Viewpoint 1 – B6368, Crookston (2.4km northeast)

16.44 This VP is both a minor road which links the A7 to the A68 at Soutra and a dispersed settlement located in an elevated location on eastern side of the Gala Water valley. All 14T's are visible across the valley. T8, 4 and 9 are separated from the main group and T's 13, 14 and 3 appear prominent across the front to the front of the array. The rising land behind the core of the array offers some containment to this part of the layout. From this location it is appreciated that the turbines are located within an upland area. To the east, receptors along the B6368 are already aware of wind farm development where Toddleburn is visible although the two windfarms are not seen together. It is accepted that the development is seen within an upland landscape but it the scale of the turbines dominate the valley landscape below.

Viewpoint 2 – Core path Heriot 2.5km (north)

16.45 At this location the core path is descending from the plateau to the north of the Heriot Water from a popular local walk. 9 of the 14T's are largely visible where the introduction of turbines at this distance will result in a high magnitude of change. The hill which screens T5, 6, 1 and 7 along with the rising land towards T3 on the opposite side of the array offers some containment. Figure 5.5 ZTV – including screening from woodland and buildings does predict that there is limited visibility from residential properties at Heriot which align the B709 with properties located further afield at Heriot Way only predicted to have visibility of blade tips.

Viewpoint 3 A7, Hangingshaw 2.9km (east) and illustrative visualisation E, H and F

16.46 These VPs have been selected to consider the effect of the development from the A7. The A7 is an important trunk road which connects Edinburgh to the Scottish Borders and continues south to England. It passes the development to the east within the Gala Water Valley.

16.47 From VP3 at Hangingshaw, the 14T's are seen along the skyline with T3, 14 and 13 appearing more prominent above the valley edge. Visualisation E is located approx. 6.7km to the north at the junction with the B6367 past Falahill. This is a view experienced for southbound traffic. All turbines are visible but only from the hubs with rising land to the west giving some containment. Visualisation F is located 8.1km to the south to represent a view of traffic approaching Stow. Fewer turbines are visible here. Arguably T4 sits up but the view is mitigated by the rolling valley landform. Visualisation H is directly to the east near Hazelbank Quarry at 2km from the development. From this point the central hill helps to screen a large amount of the array but T3 and 8 amt either end stick out past the hill and appear quite prominent.

16.48 Views of the development from the A7 are transient views but it is worth noting that that trunk road also forms part of the Borders Historic Route where users may be more likely to appreciate the landscape. The development introduces very large turbines along the top of the western valley which encloses the landscape where the trunk road passes the development. The VP and visualisations demonstrate the views of the development are more significant for south bound traffic from close to Falahill down to Fountainhall. In places visibility of the development along this stretch may be high and the development is more prominent than other windfarms which are already visible from parts of the A7. Removing some turbines nearest the valley edge may have helped to reduce some of its impacts on the A7 but it is accepted that despite the very large height of the turbines, they are only visible for a

relatively short distance along the trunk road, close to the development as shown by Figure 5.10 A7 Sequential Visibility.

Viewpoint 4 – Fountainhall 2.km (east)

16.49 The VP is to the southeast of Fountainhall Farmon Old Stage Road as it descends down into the village. T's 11-14 appear detached from the main group and arguably T1, 4 and 8 appear a separate cluster with T3 a further outlier. The overall siting of the wind farm does not read well from this location.

16.50 The village occupies an elevated location above the Gala Water. Despite being 3km away the wind farm is extremely prominent with the siting of the development towards the edge of the valley landscape and the scale of the turbines severely dominating this view. This view would not necessarily representative of the view of all receptors within the village as their will be a number of properties which are not visually affected by the development; however, some will have dominating visibility which could potentially affect properties on facing west on Old Stage Road, Fleming Place and the rear of properties at Still Haugh. The Landscape Architect recommended that the removal of three T's nearest Fountainhall (T8, 9 and 13) may help reduce the developments impact on the settlement and valley water landscape.

Viewpoint 5 Nettlingflat – 4.5km (north)

16.51 This VP is from an elevated location across the valley landscape from a farm holding and residential building group of approx. 17 properties. The wind farm is very prominent across the skyline. Again, the development is seen in an upland landscape where some mitigation is provided by the distance to the wind farm where the receptor can still appreciate the larger landscape albeit one largely dominated by the development.

Viewpoint 6 B7007 – 5.4km (north west)

16.52 This is a minor road that travels through the Moorfoot hills connecting Mid-Lothian and Innerleithen. The windfarm does appear behind the ridgeline where its latitude is apparent, but it is not significantly adverse with this visibility only apparent over a relatively short section of this road.

Viewpoint 9 Stow – 7.3km (east)

16.53 This VP is on the street ascending the valley side. Only tips of turbines are visible with intervening conifer woodland providing screening. If this is felled more of the turbines would be revealed (and possibly some aviation lights) but this would still only be the uppermost parts of turbines. The impact would remain negligible.

Viewpoint 13 Lauder Common – 8.6km (southeast)

16.54 The VP is away from the road across Lauder Common which connects Lauder and Stow. The development is visible across a settled landscape but arguably not necessarily out of proportion with the underlying landscape. The two turbines at each end of the array T1 and T3 appearing as outliers which is unfortunate. The development is most visible from the western most part of the Lauder Common, which is nearer the development, large areas of the Common including a long stretch of road would be unaffected.

16.55 There will be a cumulative impact of the development with Toddleburn and Dun Law WF's with this proposal introducing another wind farm into another quarter of the view from this location where wind farm is not significantly visible.

Southern Upland Way Viewpoints 13 (14.4km east) and Viewpoint 17 (22.4km east)

16.56 From VP13, 5T's are visible with T1 sitting up more than any others along the skyline. From VP17 (Twinlaw Cairn), this is a scenic VP where the development will extend the spread of turbines by extending the spread of turbines where the view is already impacted by Toddleburn in the foreground. The distance of the development from both VP's and its positioning results in the development not being detrimentally prominent on the skyline and it is not judged to adversely affect the SUW.

Visual Impact – Residential Amenity

16.57 Visual impacts on residential amenity, whether from settlements or individual properties, tend to use a type of methodology that has become known as the "Lavender Test". The "Test" is an assessment approach that has been taken in a number of appeal cases to assess impacts, even though it is not universally applied nor is there any agreement or Scottish Government guidance recommending its usage. The "Lavender Test" not only refers to the impact on houses but also their gardens. It sets quite a severe threshold of whether a wind farm would be so overbearing and dominant on a property that it would make it an unattractive place to live. Much would contribute to that assessment including proximity, elevation, main outlook from windows, interruption by screening or buildings, location of garden ground, approach roads and tracks etc. These matters are considered and advised in the Renewable Energy SG. Policy 11 of NPF4 delegates that residential amenity is a matter to be addressed by project design and mitigation.

16.58 Whilst all matters must be considered in the overall assessment, the greatest weight simply has to be given to direct and unavoidable impacts from inside dwellinghouses and, in particular, main habitable room windows. There is also evidence that decisions are taken on the number and proportion of properties within an area that may experience such impacts. The fewer the properties impacted, the less weight that would hold in the overall planning balance.

16.59 A Residential Visual Amenity Assessment (RVAA), forming part of the EIA has assessed the impact of the development on a total of 17 individual properties and 13 groups of residential properties within a 2.5km study area which was previously agreed with SBC. The RVAA identifies that Major or Major/Moderate or Moderate effects will occur at nine separate residential properties and a further seven groups of properties.

16.60 Where Moderate effects have been identified, properties tend to experience views of a lesser number of turbines or possibly only blades and views of the windfarm are partly screened or filtered by boundary enclosures or woodland. These impacts are not judged to be significantly adverse.

16.61 Moderate/Major effects are identified to be experienced from:

- 6 Pirntaton Farm Cottages
- The Bower
- Crookston House & Garden Flat
- Heriot Toun Farmhouse
- Crookston Old House

- Haltree Cottage Group
- Haltree Farm Group
- Cortleferry Group
- South Mains Steading

16.62 These properties will often experience prominent views of turbines, including viewing turbines on the skyline. The RVAA often concludes that the turbines would not be the main focus of views but in places these are limited to views from only parts of the property. These effects are nevertheless substantial in the majority of these cases.

Major effects are identified from:
- Upper Corsehope Cottage (Corsehope Farm)
- Corsehope House
- The Neuk, Crookston

16.63 The magnitude of change at The Neuk, has been identified as being Substantial/Moderate as the development would be visible from oblique view from the property, nevertheless the turbines would be prominent from the property and its garden.

16.64 Both Upper Corsehope Cottage and Corsehope House were identified to experience the greatest effects. Their assessment has been accompanied by photomontages (see Figures P02A, P02B, P03B respectively). From both properties the turbines appear very prominent. From Upper Corsehope Cottage intervening tree belts offer a level of screening with the hill saddle at Corsehope House giving some containment. Nevertheless, both properties are extensively impacted however these properties are located within the upland setting of the development where significant impacts would otherwise be anticipated.

16.65 It would be expected that a development of this scale would directly affect the residential amenity of properties located within a 2.5km of the development. Given the scale of the proposed development, the number of properties experiencing significant impacts is relatively low. Where major impacts are experienced, these are significant however, informed by the assessment by the Councils Landscape Architect, residential visual amenity impacts are on balance not sufficiently adverse where a property is perceived to become so overbearing and dominant on a property that it would make it an unattractive place to live.

Cumulative Landscape and Visual Impacts

16.66 Policy ED9 requires all cumulative landscape and visual impacts to be considered and recognises that in some areas the cumulative impact of existing and consented development may limit the capacity for further development. Both the Policy Renewable Energy SG advise that there will be a presumption against development where cumulative impacts are expected to be significant, adverse and unacceptable. Policy 11 of NPF4 seeks project design and mitigation to address cumulative impacts.

16.67 Table 5.7: Cumulative Development within 20km, in the EIA sets out all operational, consented and proposed projects which may have cumulative impacts in association with this proposal. Figure 5.12 Cumulative ZTV – Operational and Consented shows theoretical visibility of where; existing operational/ consented schemes are visible (yellow shading), the proposal is visible in isolation (blue

shading) and where the proposal and operation/consented wind farms are visible (green shading). This reveals that there are few locations (shaded blue) where the proposed WF would be visible in isolation. From a number of VPs especially VPs on higher ground, the development is visible from locations where other wind farms are already visible. This will result in the development introducing a wind farm into another field of view from locations such as VP11 where westward views are not already impacted by wind farm development. Despite this concern, the proposal is not considered to pose any significantly detrimental cumulative impacts which result in a high magnitude of change. The cumulative impacts of the development are judged to be acceptable against Policy ED9, Policy 11 and associated guidance.

Aviation Lighting

16.68 All of the proposed turbines are over 150m tall. Under Civil Aviation Authority (CAA) regulations it is a legal requirement for all structures over 150m to be fitted with a visible red aviation warning light. The applicants have already agreed a reduced Aviation Lighting scheme with the CAA where only 4 prominent turbines will be lit (T1, 2, 3 and 8). The lights are required to be a 2000candela (cd) steady red light. Under CAA approval the lights include a 'dimming' mitigation which is permitted by CAA Policy to allow the intensity of the lights to be reduced to 10% of their capable illumination. Sensors would be fitted to turbines to measure atmospheric conditions and when conditions enable visibility around the site in excess of 5km (i.e. in the absence of low cloud cover, rain, mist, haze or fog) the intensity of the light would be reduced from 2000cd to 200cd by technology built into the light. This is the same mitigation which was approved by the Scottish Government following appeal to the Crystal Rig IV wind farm.

16.69 The development is located within a rural area which by their nature are often darker areas due to their lower levels of habitation. In this case the development is adjacent to a major trunk road which will generate occurrences of bright light by passing traffic. The site is also relatively close to urbanised environments of Gorebridge to the north which leads into Edinburgh and also Galashiels further south. The proximity of the development to large urban areas and the presence of the A7 means that the receptors travelling through the environment at night are more accustomed to experience light.

16.70 It is welcomed that the applicants have agreed a reduced lighting scheme with the CAA as the impact of 14 lit turbines within this environment would have been far more significant than the impact of 4 lit turbines. The introduction of aviation lighting will affect residential receptors within 5km of the development where they would appear to have visibility of multiple lights along the skyline. These impacts would be greatest from elevated areas. The reduction in the number of lights from potentially 14 to 4 and the inclusion of 'dimming' technology is considered to provide mitigation which reduces the impact of aviation lighting to more tolerable levels in accordance NPF4 Policy 11 part e) and LDP Policy ED9.

Landscape and visual impact of associated infrastructure

16.71 The proposed associated infrastructure which includes, roads, borrow pits, control compound and BESS facility are not considered to give rise to any significantly adverse and unacceptable landscape and visual impacts accounting for its associated with a large wind farm development. Final details of all new structures, surfaces and enclosures can be agreed by condition.

Landscape and Visual Impact Conclusions

16.72 The proposed development does result in landscape and visual impacts. The proposal affects the character of its host landscape as well as the character of the neighbouring Gala Water valley landscapes and outward views from the plateau on the opposite side of the valley. From a number of Viewpoints, particularly VP's 1, 3, 4 and 5 some turbines appear visually very prominent. It was accepted that the development will be located within an upland landscape, however concerns remain about the magnitude of some of the resulting visual impacts of this development. These concerns led the Councils Landscape Architect to object to the proposal. Residential Amenity concerns also resonate regarding the visual impact of the development on properties in close proximity to the development in particular Upper Corsehope Cottage and Corsehope House.

16.73 Informed by the observations of the Landscape Architect it was established that turbines along the eastern side of the array T3, 8, T9, T13 and T14 appeared overly prominent and disproportionate with the surrounding landscape. It was discussed with the applicants whether the scheme could be revised to remove and/or relocate these turbines. Revisions to these turbines may also have further mitigated some of the visual effects caused on residential amenity.

16.74 The applicants have provided written response to the Landscape Architect's Consultation comments. The response has outlined that the removal of these turbines would only result in a slight reduction in the prominence of turbines from a small number of locations. It is unfortunate that this assessment has not been aided by additional visual information to support these findings. It is accepted that either removing or relocating these turbines would not completely remove the introduction of large turbines along the skyline from these viewpoints. However, it may have helped in potentially pushing the turbines back from the outer edge of LCT 90 and so they may not have appeared as dominant from the Gala Water Valley. It is also acknowledged that the removal of the suggested turbines may detract from the array when viewing from other locations, but information is not available to quantify this assumption. It is disappointing that the applicant has not agreed to remove some of the proposed turbines to bring the scheme in line with SBC landscape architects comments. The application must therefore be considered against relevant development plan policies as originally submitted.

16.75 The removal of five turbines from this development would reduce it contribution towards the government energy targets by up to 25MW. This is a material consideration. It is accepted that Policy 11 of NPF4 accepts that significant landscape and visual impacts will be caused by renewable energy developments and where they are found to be localised these detrimental impacts are deemed to be generally acceptable by NPF4. No definition is provided about what is considered to be a localised impact or the extent of that impact. There are examples of Reporters appeal decisions at Achany Extension Wind Farm in the Highlands (ECU Ref: ECU00001930) where significant landscape and visual impacts were identified but these were accepted to occur within 10km. At Glendye Wind Farm in Aberdeenshire ECU Ref: ECU00000676 significant effects were identified within 5km and at Sanquhar II in Dumfries and Galloway (ECU Ref; ECU00001801 significant effects extended to 7km. From these decisions it is clear that there is no precise definition of a localised impact, and it remains a basic planning premise that each wind farm must be assessed on its own individual merits. At national level there is now greater tolerance to perceived detrimental landscape and visual impacts arising from some wind farm developments.

16.76 In the case of this development the proposal has been accepted by the Council's Landscape Architect to not be fundamentally out of scale with the receiving landscape. Detrimental visual impacts are experienced within the host landscape, most significantly around Fountainhall, the A7 corridor adjacent to the development and on the opposite side of the valley. It is accepted that these landscapes have a close interrelationship with each another. Outwith these locations the impact of the development is limited. Assessment of the proposals suggest that detrimental landscape and visual impacts are experienced within 5km of this proposal where the scale of the wind farm will detract from the visual amenity of the area and affect local residents. The affected area is not a densely populated part of the Scottish Borders. The concerns posed about the landscape and visual impacts of this development are legitimate and acknowledged but against the tests prescribed by Policy 11 of NPF4 where significant weight is to be afforded to the contribution a development would make towards renewable energy targets it is arguable that these impacts are in fact localised. This view has latterly been acknowledged by the Landscape Architect, although they remain concerned about the prominence of the proposed development.

Residential Amenity

16.77 Policy ED9 of the LDP and Policy 11 of NPF4 requires the impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker) to be considered. LDP Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Members will note that visual impacts have been considered earlier in the report.

16.78 A noise assessment has been provided and this has been assessed by an acoustic consultant on behalf of SBC. The predicted noise levels are confirmed to be within the relevant limits at all receptor locations with no cumulative assessment found to be required owing to its distance to other wind farms.

16.79 The acoustic specialist and Environmental Health Officers advise that there are no noise-related reasons to consider that the scheme would not be in compliance with development plan policies and Supplementary Guidance. If Members were minded to support this application, planning conditions could be recommended to the ECU to set appropriate noise levels and confirm the sound power level of the turbine which is to be installed at the site. In event of any noise complaints, the Council as 'relevant enforcement authority' could seek suitable investigation and resolution of any noise nuisance caused by the development.

Traffic Management, Road Safety and Access

16.80 Policy ED9 of the LDP and Policy 11 of NPF4 requires impacts of the construction of wind farms on public and trunk roads are to be considered. The approved Renewable Energy SG also requires full consideration of the impacts including the structural and physical ability of the network to accommodate the traffic and impacts on local communities.

16.81 Access for abnormal loads within Scottish Borders road networks is from the A7 and Old Stage Road. In principle this route is advised to be acceptable by Roads Planning Officers. The site access will cross a minor road east of Pirntaton Farm. Careful consideration will have to be given to how this proposal is laid out to ensure the safety of existing road users and also ensure site security.

16.82 It is recommended that further agreement of the access route as well as its suitability to accommodate abnormal loads and any upgrades and remedial works thereafter can be addressed by a condition seeking the agreement of a detailed Traffic Management Plan (TMP), including conditions for a dry run and timetable for all abnormal deliveries is recommended to ensure the route can serve the traffic movements and avoid detrimental impact to other users.

Cultural Heritage

16.83 Against Policy 11 of NPF4 impacts arising from an energy development on the historic environment are required to be addressed by the project design and mitigation. Policy 7 is directly concerned with historic assets and takes a stronger line whereby a development should protect and enhance historic environment assets.

16.84 The LDP requires the application to be assessed against Policy ED9 in respect of impacts on the historic environment and principally Policies EP7 and EP8 which seek to protect the appearance, fabric or setting of Listed Buildings and Scheduled Monuments or other national, regional or local assets. Development proposals that adversely affect such assets would only be permitted if it is demonstrated that the benefits of the proposal clearly outweigh the heritage value of the asset and there are no reasonable alternative means of meeting the development need. The supporting text of Policy EP8 establishes the aim of the policy is to give Scheduled Ancient Monuments and any other archaeological or historic asset or landscapes strong protection from any potentially damaging development.

Direct Archaeological Impacts

16.85 There are no Scheduled Monuments (SMs) within the application site. The Archaeology Officer is content that the development has a low potential to directly impact on any archaeological interests. There is however still potential that archaeological material could be discovered, especially as the site is located within an area where there its surroundings include a number of archaeological sites. It is recommended that a suitably worded planning condition to agree a programme of archaeological mitigation is recommended to ensure the historic environment is protected in accordance with NPF4 Policy 7 and EP8 of the LDP.

Indirect Archaeological Impacts

16.86 A number of archaeological sites including Scheduled Monuments are located within the surrounding environment. Within the 5km area SMs are located to the north, east and south of the development. Viewpoints have been chosen to assess the impact of the development on the following SMs;

- the fort at Corsehope Rings (SM1166),
- settlement at Halltree Rings (SM1170),
- the fort at Hodge Cairn (SM1171),
- fort at Symington Hillhead (SM1179),
- Middlehill Fort (SM1176),
- Kirktonhill Fort (SM4628),
- Hillhouse Fort (SM4627)

16.87 The hillforts and settlement are a noted feature of the historic landscape which are of a national significance. These SMs are often located on hilltops where they have often strategically placed to overlook the lower valleys of the streams beneath, in

particular the Gala Water. Having considered the wirelines, the Councils Archaeologist generally satisfied that although the wind farm will change the landscape and turbines will be seen from the majority of SMs, generally the development is not considered to adversely affect their setting.

16.88 The Archaeologist has identified that T3, does appear detached from the main array and prominent from Corsehope Rings (SM1166) when viewing southeast towards Halltree Rings (SM1170). Similarly, from SM1170, the proximity to T3 is judged to impact the setting of Halltree Rings. The Council's Archaeologist has identified that both of these effects are determined to be "slightly adverse". The Policy test prescribed by Policy 7 of NPF4 requires that proposals affecting scheduled monuments can only be supported where; *"significant adverse impacts on the integrity of the setting of a scheduled monument are avoided".*

16.89 It is agreed that the siting of T3 does, to an extent, detract from the setting of the two identified SMs, nevertheless the potential harm does not breach the threshold of being significantly adverse as prescribed by Policy 7 of NPF4. In the absence of this development giving rise to significantly adverse impacts on historic environment assets it is not considered that the proposal would to fail to comply with prevailing planning policies, subject to condition requiring agreement of a programme of archaeological works.

Other Cultural Heritage Impacts

16.90 The development does not detrimentally affect the setting of any listed buildings or Conservation Areas which are located within the Scottish Borders.

Natural Heritage

Ecology, Habitats, Protected Species and Ornithology

16.91 The proposal has to be assessed against policies EP1, EP2 and EP3, which seek to protect international and national nature conservation sites, protected species and habitats from development. Policy ED9 requires consideration of the impacts on natural heritage, hydrology and the water environment, augmented by the Renewable Energy SG. Policy 3 of NPF4 seeks for national developments to conserve, restore and enhance biodiversity.

16.92 The EIA has fully examined the developments potential direct and indirect impacts of both the construction and operation of the development on designated sites, habitats, flora, fauna and species.

16.93 The site has potential connectivity to both the Moorfoot Hills SAC and River Tweed SAC. NatureScot are satisfied that the development will not adversely affect the integrity of either SAC with the adjoining Moorfoot Hills SAC separated from the site by a drystone dyke. This has been acknowledged to act as a barrier to guard against hydrological connectivity from the development to the blanket bog in the SAC. Any potential impacts on the SAC's and SSSI including drainage impacts through construction operations can be appropriately mitigated through agreement of a Construction Environmental Management Plan (CEMP) along with the appointment of an Ecological Clerk of Works (ECoW).

16.94 The EIA recommends that pre-construction species surveys are required for otter, badger, red squirrel and reptiles. The requirement to carry out these surveys can be addressed by condition and overseen by the ECoW.

16.95 Against Policy 3 of NPF4, as a national development, this proposal is sought to 'enhance biodiversity'. No guidance has been issued yet to determine how such enhancements are to be measured however it is understood that the Scottish Government have commissioned research to explore this. Nevertheless, the agreement of a Habitat Management and Enhancement Plan in accordance with the mitigation proposed in the EIA by condition can seek to ensure that a suitable level of positive biodiversity improvements are provided by the developer.

Carbon Rich Soils, Deep Peat and Priority Peatland Habitat

16.96 Policy ED9, ED10 and the Renewable Energy SG require consideration of the impact of the development on carbon rich soils. Policy 5 of NPF4 protect carbon rich soils, restore peatlands and minimise soil disturbance. The policy does however permit renewable energy development to be acceptable in principle on peatlands.

16.97 The site does contain pockets of carbon rich soil and peat. Figure 9.3b demonstrates that the layout take account of avoiding construction activities in area of deep peat. Some construction infrastructure is being located in areas of occasional peatland or carbon rich soils. It is recommended that impacts of development on areas of peat can be addressed by suitably worded conditions which include a peat management plan.

Hydrology

16.98 ED9 of the LDP and Renewable Energy SPG seeks to avoid proposals for wind farms being located within an area which is likely to be affected by flooding. The developments should avoid polluting any water courses and the development should be designed to ensure that the proposal causes no risk to any private water supplies. Policy 11 of NPF4 requires the project design and mitigation to address these impacts.

16.99 In terms of flood risk, the Councils flooding engineers are satisfied that the development will not result in any flood risk. Conditions requesting further agreement of proposed watercourse crossing, culverts and SUDS are recommend ensuring final designs appropriately address the water environment and do not pose any flood risk.

16.100 There are no private water supplies or known Private Water Supply (PWS) sources are located within the application site boundary from SBCs records. Several are located outwith the development boundary. The Council does not have any 'in house' hydrologist to provide specific response to hydrology aspects of PWS impacts. SEPA have considered this matter and following the submission of additional supporting information, SEPA are now content that no adverse impacts on PWS should arise subject to ensuring that any micrositing does not encroach on any agreed PWS or water course buffers. This matter can be addressed by condition.

Aviation Defence and Seismological Recording

16.101 Policy ED9 of the LDP and Policy 11 of NPF4 requires impacts of the construction of wind farms on aviation and defence interests including seismological recording are to be considered.

16.102 The consideration of aviation defence interests and seismological recording are matters which the Ministry of Defence (MoD) provide specialist advice on. Unlike

Planning Applications, the MoD return their observations to the ECU as part of the Section 36 process and not to Planning Authorities. The development is within the MoD's safeguarding zone of the Eskdalemuir Seismological Recording Station where noise from turbines can interfere with the functionality of the recording station.

16.103 The MoD have advised the ECU that they object to the proposal on grounds that there is currently no noise budget available to accommodate further wind farm development within the Eskdalemuir safeguarding zone.

16.104 Members will be aware that SBC are a separate consultee for this proposed development, and we do not have the remit to provide any specialist advice on aviation defence or matters concerned with the impact of the development on the functionality of their equipment. The concerns raised by the MoD are recognised and suggest that the proposal would not align with policy provision covering aviation defence and seismological recording. Members are however advised that these concerns are for the ECU to consider as decision makers, and fall out with the scope of SBC's consideration of a Section 36 application.

Other Matters

16.105 The proposed development has not been found to raise any other significantly adverse effects on any other matters which are for the consideration of the Council listed in Policy ED9, including shadow flicker and telecommunications.

17.0 CONCLUSIONS

17.1 NPF4 makes it clear that the renewable energy deployment remains a key priority for the Scottish Government. NPF4 and the OWPS 2022 confirm that more onshore wind farms will be required to be developed to meet legally binding net zero emissions targets. It is clear that planning decisions have a key role to play to tackle the climate emergency. However, development proposals must be balanced against prevailing development plan policies where the benefits of energy production, and the disbenefits of environmental impact are weighed carefully against one another as part of the wider planning balance. Ot is contended that the applicant has had regard to the criteria listed in Schedule 9 of the Electricity Act 1989.

17.2 NPF4 now explicitly requires that decision makers must give significant weight to the contribution a development would make toward renewable energy and climate change targets. Also, projects which can be delivered within set target dates for increased onshore wind capacity are increasingly valuable. The proposal also provides battery storage capacity (surplus energy can be stored on site and released into the electricity network as and when required to meet specific periods of demand) which has an important role to play in the transition to net zero in addition to the developments wider net economic benefits.

17.3 It is accepted that the predicted landscape and (in particular) the visual effects of this development are significant. These effects are experienced by several residential receptors, users of the A7 trunk roads as well as other minor roads and paths. These effects are experienced from locations within the host landscape and the adjoining Gala Water Valley landscape immediately to the east. Where significant effects are experienced, the development would appear prominent. It is unfortunate that it has not been possible to seek to further mitigate these visual significant effects through the removal of suggested turbines, however NPF4 does recognise that significant landscape and visual impacts are a consequence of wind

farm development and where these are localised, the effects are deemed to be acceptable. Having thoroughly considered the extent of the significant landscape and visual effects against the thresholds applied by Policy 11 of NPF4 they are, on balance, found to be localised and will not affect protected landscapes.

Following the requirement of NPF4 to attribute significant weight on the contribution the development would make to meeting Scottish Government energy targets and other economic and environmental benefits, in this case it is considered that these benefits outweigh the identified significant landscape and visual effects. It is recommended therefore that, on balance, Scottish Borders Council do not object to this development.

18.0 RECOMMENDATION BY CHIEF PLANNING AND HOUSIUNG OFFICER:

18.1 It is recommended that Scottish Borders Council do not object to the proposed development and, subject to an approval being granted by the ECU, recommend the following conditions:

1. Duration of Consent

   The consent is for a period of 30 years from the date of Final Commissioning. Written confirmation of the date of First Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.
   Reason: To define the duration of the consent

2. Commencement of Development

   Commencement of Development shall be no later than five years from the date of this consent, or in substitution such other period as the Scottish Ministers may hereafter direct in writing. Written confirmation of the intended date of Commencement of Development shall be provided to the Scottish Ministers and the Planning Authorities no later than one calendar month before that date.
   Reason: To avoid uncertainty and ensure that consent is implemented within a reasonable period, and to allow the Scottish Ministers and the Planning Authorities to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.

3. Non Assignation

   The company shall not be permitted to assign this consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may assign the consent (with or without conditions) or refuse assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The company shall notify the local planning authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignation having been granted.
   Reason: to safeguard the obligations of the consent if it is assigned to another company

4. Serious Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the development during the period of this consent, the company will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of such an incident occurring.
Reason: to keep the Scottish Ministers informed of any such incidents which may be in the public interest.

5. Implementation in accordance with approved plans and requirements

Implementation in accordance with approved plans and requirements except as otherwise required by the terms of this section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the Application (including the EIAR as amended or supplemented by the AI).
Reason: To ensure that the Development is carried out in accordance with the approved details.

6. Design and operation of turbines

a. There shall be no Commencement of Development unless full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour (which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the planning authority.
b. The turbines shall be consistent with the candidate turbine or range assessed in the environmental statement, and the tip height thereof shall not exceed 180 metres above ground level.
c. The development shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.
d. All wind turbine blades shall rotate in the same direction.
e. None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the planning authority.

Reason: To ensure that the environmental impacts of the turbines forming part of the development conform to the impacts of the candidate turbine assessed in the environmental statement and in the interests of the visual amenity of the area

7. Design of sub-station and ancillary development

There shall be no Commencement of Development unless final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, any construction compound boundary fencing, external lighting and Battery Energy Storage System (BESS) facility and parking areas have been submitted to and approved in writing by the planning authority. The substation building, associated compounds, fencing, external lighting and BESS facility and parking areas shall be constructed in accordance with the approved details.
Reason: to ensure that the environmental impacts of the sub-station and ancillary development forming part of the development conform to the impacts

assessed in the Environmental Statement and in the interests of the visual amenity of the area

8. Micro-siting

All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Figure 2.1. Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and NatureScot, micro-siting is subject to the following restrictions:

a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on plan reference Figure 2.1;
b. No wind turbine, building, mast or hardstanding shall be moved more than 50m from the position shown on the original approved plans;
c. No access track shall be moved more than 50m from the position shown on the original approved plans;
d. No micro-siting shall take place within areas of peat of greater depth than the original location;
e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems;
f. All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW)

No later than one month after the date of First Commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micrositing has taken place and, for each instance, be accompanied by copies of the ECoW [ACoW] or Planning Authority's approval, as applicable. Reason: to control environmental impacts while taking account of local ground conditions.

9. Borrow Pits

There shall be no Commencement of Development unless a scheme for the working of each borrow pit forming part of the development has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall include;

a. A detailed working method statement;
b. Details of the handling of any overburden (including peat, soil and rock);
c. Drainage, including measures to prevent surround areas of peatland from drying out;
d. A programme of implementation of the works described in the scheme; and
e. Full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period. The approved scheme shall thereafter be implemented in full.

Reason: to ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the environmental statement accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pit(s) at the end of the construction period.

10. Planning Monitoring Officer

There shall be no commencement of development unless the planning authority has approved the terms of appointment by the company of an independent and suitably qualified environmental consultant to assist the council in the monitoring of compliance with conditions attached to this deemed planning permission during the period from commencement of development to the date of Final Commissioning and thereafter throughout the period of operation of the wind farm.
Reason: to enable the development to be suitably monitored during the construction phase to ensure compliance with the consent issued.

11. Ecological Clerk of Works

There shall be no commencement of development unless the planning authority has approved in writing the terms of appointment by the company of an independent Ecological Clerk of Works (in consultation with NatureScot and SEPA). The terms of appointment shall:

a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan and other plans approved in terms of the Construction Method Statement and Habitat Management and Enhancement Plan (conditions 12 and 15); and
b. Require the Ecological Clerk of Works to report to the company's nominated construction project manager any incidences of non-compliance with the works for which the Ecological Clerk of Works is responsible for monitoring at the earliest practical opportunity.

The Ecological Clerk of Works shall be appointed on the approved terms from commencement of development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 12.

No later than 18 months prior to decommissioning of the development or the expiration of this consent (whichever is the earlier), the company shall submit details of the terms of appointment by the company of an independent Ecological Clerk of Works throughout the decommissioning, restoration and aftercare phases of the development to the planning authority for approval in consultation with Scottish Natural Heritage and SEPA. The Ecological Clerk of Works shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the development.
Reason: to secure effective monitoring compliance with the environmental mitigation and management measures associated with the development.

12. Construction Method Statement

There shall be no commencement of development unless a Construction Method Statement outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the planning authority in consultation with NatureScot and SEPA. The Construction Method Statement shall include (but shall not be limited to):

a. Construction Environmental Management Plan outlining the procedures, mechanisms and responsibilities for implementing the environmental controls

outlined in the Construction Method Statement and the separate management plans listed below;

b. site waste management plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
c. details of the formation of the construction compound, welfare facilities, any areas of hard-standing, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
d. details of borrow pit excavation and restoration;
e. a dust management plan;
f. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
g. a pollution prevention and control method statement, including arrangements for the storage of oil and fuel on the site;
h. soil storage and management;
i. a peat management plan;
j. a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources
k. sewage disposal and treatment;
l. temporary site illumination;
m. the construction of the access into the site and the creation and maintenance of associated visibility splays;
n. the method of construction of the crane pads;
o. the method of construction of the turbine foundations;
p. the method of working cable trenches;
q. the method of construction and erection of the wind turbines and meteorological masts;
r. details of watercourse crossings;
s. post-construction restoration/ reinstatement of the working areas not required during the operation of the development, including construction access tracks, borrow pits, construction compound and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;
t. a wetland ecosystems survey and mitigation plan, where appropriate; and
u. a felling and forestry wastes management plan, where appropriate;
v. a strategy for monitoring, control and mitigation in respect of construction noise, and a methodology to be applied in instances where complaints are received in relation to construction noise.

The development shall be implemented thereafter in accordance with the approved Construction Method Statement unless otherwise approved in advance in writing by the planning authority in consultation with NatureScot and SEPA.

Reason: to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the environmental statement accompanying the application, or as otherwise agreed, are fully implemented.

13. Construction Hours

Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on Bank Holidays or Public Holidays. Outwith these specified hours, development which is audible from any noise sensitive property shall be limited to turbine foundation construction, turbine installation, maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the relevant Planning Authority.
Reason: In the interests of local amenity.

14. Traffic Management Plan

There shall be no commencement of development until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Planning Authority. The TMP to include:

a. The detailed delivery route and vehicle numbers for all cars, HGV deliveries and abnormal loads associated with the development and measures to ensure that the specified routes are adhered to, including monitoring procedures;
b. Details of all ancillary works required to the public road network to facilitate deliveries, including all signage and lining arrangements, a programme and timescales for implementation and reinstatement proposals after the development is complete and a programme and timescales for completion;
c. Road condition survey of all proposed access routes carried out prior to the development commencing and details of any upgrading works and a regime for routine maintenance during construction of the development. Any remedial woks required as a result of damage/deterioration by construction traffic (to be highlighted in a post-construction road condition survey) to be rectified at the expense of the developer after the development has been completed in accordance with an agreed timescale. Any emergency repairs identified during the construction period to be rectified within one week, unless otherwise agreed;
d. Details of tree or hedge removal along the route for the abnormal loads and a scheme for replacement planting and a timescale for its implementation and completion;
e. Swept path analysis drawings for agreed areas of concern along the route for the abnormal loads and remedial measures;
f. Details of the access track merge/cross with the existing public road serving Pirntaton Farm must be submitted to, and approved by, the Council. Thereafter the approved details to be completed within an agreed timescale.
f. Areas of the abnormal load route where the removal of street furniture, including lighting, is required and all temporary lighting measures required for the duration of the abnormal load movements;
h. Name and contact details of a nominated person to whom any road safety issues can be referred.
i. Details of all dry runs associated with the delivery of abnormal loads to be communicated to the Council prior to the run.
j. Timetables for all deliveries of abnormal loads to be submitted to the Council prior to the deliveries taking place.

The approved TMP thereafter to be implemented in full, unless otherwise agreed in advance in writing by the Planning Authority and all work within the

public road boundary to be undertaken by a contractor first approved by the Council.
Reason: To ensure all construction traffic access the site in a safe manner and that any upgrading works or repairs to public roads are carried out timeously to the Council's specifications, in the interests of road safety.

15. Habitat Management and Enhancement Plan

There shall be no commencement of development unless a Habitat Management and Enhancement Plan has been submitted to and approved in writing by the planning authority in consultation with RSPB Scotland, Forestry Commission Scotland and SEPA. The Habitat Management and Enhancement Plan shall set out proposed long term management and enhancement of the wind farm site and shall provide for the maintenance, monitoring and reporting of habitat on site in relation to bats, schedule 1 raptors, breeding birds, reptiles, amphibia, woodland, wetland, grassland and heathland management.

The approved Habitat Management and Enhancement Plan will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the planning authority for written approval in consultation with RSPB Scotland, Forestry Commission Scotland and SEPA. Unless otherwise agreed in advance in writing with the planning authority, the approved Habitat Management and Enhancement Plan shall be implemented in full.
Reason: in the interests of good land management and the protection and enhancement of habitats.

16. Biodiversity Monitoring and Management

Prior to the commencement of the development and, in the case of items (b) and (c) prior to the commencement of any on-site works or development, the following plans, programmes and/or survey results shall have been submitted to, and approved by the Planning Authority:

(a) a programme of monitoring of Schedule 1 raptor species and protected mammals including bats and badgers, agreed with the Planning Authority and in consultation with Scottish Natural Heritage and RSPB Scotland;
(b) supplementary surveys for protected species (including otter, badger, red squirrel, reptiles, breeding birds), carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the development, to inform a Species Mitigation and Management Plan;
(c) a Species Mitigation and Management Plan relating to the species identified in clause (b);
(d) an Integrated Water Quality and Fisheries Management Plan agreed with Marine Scotland-Freshwater Laboratory and River Tweed Commissioners (at least 12 months before construction starts), with a programme of pre-construction water quality and fisheries surveys to establish a baseline, plus during and after construction water quality monitoring (in addition to visual checks required under the Construction and Environmental Monitoring Plan).

In the case of (a), the programme shall be undertaken pre-construction, during construction, and for years 1, 2, 3, 5, 10 and 15 once the wind farm becomes operational. In the case of (b), the results of these surveys should be used to inform construction activities and any required mitigation proposals for protected species on the site and shall be strictly adhered to in the course of

development. In the case of (c) and (d), all on-site works and development shall thereafter `be carried out in accordance with the approved plan(s).
Reason: To ensure that reasonable protection is given to biodiversity on and utilising the site; species protected by law are not harmed as a result of the development taking place; the protected species are afforded due protection (and to enable greater understanding of the impacts of development of this nature); and proposed mitigation measures are effective in protecting fisheries within and downstream of the proposed development.

17. Breeding Bird Protection Plan

    There shall be no commencement of development unless a Breeding Bird Protection Plan (BBPP has been submitted to and approved in writing by the planning authority in consultation with RSPB Scotland and thereafter shall be implemented in accordance with the agreed details.
    Reason: To ensure suitable protection is given to breeding birds and ensure they are not harmed as a result of any effects of the development.

18. Programme of Archaeological Works

    No development shall commence until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.
    Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

19. Private Water Supplies

    There shall be no commencement of development unless the following private water supply matters have been submitted to and agreed in writing with the Planning Authority:
    a. a method statement (private water supply plan) has been submitted to and approved in writing by the planning authority, detailing all avoidance and/or mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the development. In particular, the method statement shall include a water quality and quantity (yield) monitoring plan for every private water supply which may be affected by the development during the construction, operational and decommissioning phases of the development.
    b. a site-specific emergency response plan has been submitted to and approved in writing by the planning authority, detailing all additional (emergency) measures to be delivered in the event of the avoidance and/or mitigation measures (identified as part a.) unpredictably failing to secure a sufficient supply of wholesome water to properties which are served by private water supplies at the date of this consent and which may be affected

by the development. In particular, the plan shall identify all measures necessary to secure a sufficient and continuous supply of wholesome water to the properties until such time as the pre-development water supply conditions (quality, quantity and continuity) are reinstated, along with the criteria necessary for liability for the unpredicted event(s) to be attributed to the development and the duration of this liability, as far as reasonably practicable. Finally, in the event that the pre-development water supply conditions cannot be reinstated or the additional measures include new infrastructure (e.g. source, pipework, tank, treatment, etc.), the plan must include consideration of any long-term additional operation and maintenance tasks, including running costs, and confirmation of where liability for and/or responsibility thereof is to be attributed to the development/applicant.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the development.

20. Water and Flood Risk Management

There shall be no commencement of development unless the following matters have been submitted to and approved in writing by the planning authority and thereafter the development shall be carried out in accordance with the approved details:

a. design details of new crossings or alterations to previous crossings to ensure that there is no decrease in flow conveyance and subsequently increased flood risk caused by the crossings;
b. details of regular maintenance relating to new water crossings and drains, to mitigate by reducing surface water runoff impact;
c. details of levels of discharges from SUDS or other drainage, confirming how it will be kept to existing Greenfield run-off rates;
d. written explanation of how it is proposed to manage the minimisation of sediment entering the surrounding water courses.

Reason: to minimise impact on the water environment and to ensure that flood risk is ameliorated.

21. Redundant turbines

If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the planning authority, the Company shall:

a. by no later than the date of expiration of the 12-month period, submit a scheme to the planning authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and
b. implement the approved scheme within six months of the date of its approval, all to the satisfaction of the planning authority.

Reason: To ensure that any redundant wind turbine is removed from Site, in the interests of safety, amenity and environmental protection

22. Aviation Lighting

Aviation lighting shall be installed in accordance with the aviation lighting scheme within Section 5.9 of the EIAR as approved by the CAA on 10 February 2021. The Aviation Lighting Scheme shall be fully implemented throughout the lifetime of the Development, unless any change to the Aviation Lighting Scheme is approved in writing by the Scottish Ministers.

Reason: In the interest of air safety.

23. Site Decommissioning, Restoration and Aftercare

The development will be decommissioned and will cease to generate electricity by no later than the date falling twenty five years from the date of Final Commissioning. The total period for restoration of the site in accordance with this condition shall not exceed three years from the date of Final Commissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

There shall be no commencement of development unless a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the planning authority in consultation with NatureScot and SEPA. The scheme shall detail measures for the decommissioning of the development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

No later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare method statement, shall be submitted to the planning authority for written approval in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
b. details of the formation of the construction compound, welfare facilities, any areas of hard-standing, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
c. a dust management plan;
d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
e. a pollution prevention and control method statement, including arrangements for the storage of oil and fuel on the site;
f. soil storage and management;
g. sewage disposal and treatment;
h. temporary site illumination;
i. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
j. details of watercourse crossings;
k. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.

The development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise

agreed in writing in advance with the planning authority in consultation with NatureScot and SEPA.
Reason: to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

24. Financial Guarantee

There shall be no commencement of development unless the company has delivered a bond or other form of financial guarantee in terms acceptable to the planning authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in condition 25 to the planning authority. The financial guarantee shall thereafter be maintained in favour of the planning authority until the date of completion of all restoration and aftercare obligations.

The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in condition 23. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.
Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

25. Noise

The rating level of noise immissions from the combined effects of the wind turbines forming part of the development (including the application of any tonal penalty) shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this consent. The turbines shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria and:

a. The company shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months. The company shall provide this information to the planning authority within 14 days of receipt in writing of a request to do so.
b. There shall be no First Commissioning of the Development until the company has received written approval from the planning authority of a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the planning authority.
c. Within 21 days from receipt of a written request from the planning authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the company shall, at its expense, employ a consultant approved by the planning authority to assess the level of noise immissions from the wind farm at the complainant’s property. The written request from the planning authority shall set out at least the date, time and

location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the planning authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d. The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the planning authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the planning authority under condition 19 paragraph c above, and such others as the independent consultant considers likely to result in a breach of the noise limits.

e. Where the property to which a complaint is related is not listed in the tables attached to this condition, the company shall submit to the planning authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's property for compliance checking purposes. The proposed noise limits are to be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's property. The rating level of noise immissions resulting from the combined effects of the wind turbines shall not exceed the noise limits approved in writing by the planning authority for the complainant's property.

f. The company shall provide to the planning authority the independent consultant's assessment of the rating level of noise immissions within 2 months of the date of the written request of the planning authority for compliance measurements to be made under paragraph e, unless the time limit is extended in writing by the planning authority. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the planning authority with the independent consultant's assessment of the rating level of noise immissions.

g. Where a further assessment of the rating level of noise immissions from the wind farm is required, the company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant paragraph d above unless the time limit has been extended in writing by the planning authority.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods

Property	**Standardised 10m Wind Speed (m/s)**								
	4	5	6	7	8	9	10	11	12
Wester Corsehope	37.0	37.0	37.0	37.0	38.0	40.9	44.1	47.7	47.7
Corsehope Farm	37.0	37.0	37.0	37.0	38.0	40.9	44.1	47.7	47.7
6 Pirntaton Farm Cottage	37.0	37.0	37.0	37.0	39.9	43.6	47.8	52.7	58.2
Brockhouse Farm	37.0	37.0	37.0	37.0	37.9	39.5	41.5	44.3	47.8
Brockhouse Cottages	37.0	37.0	37.0	37.0	37.9	39.5	41.5	44.3	47.8
Pirntaton Farmhouse	37.0	37.0	37.0	37.0	39.9	43.6	47.8	52.7	58.2
Haltree Cottages	35.0	35.0	35.0	35.0	35.0	35.0	35.0		
Overshiels Farmhouse	35.0	35.0	35.0	35.0	35.0	35.0	35.0		
Corsehope House	35.0	35.0	35.0	35.0	35.0	35.0	35.0		

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Property	**Standardised 10m Wind Speed (m/s)**								
	4	5	6	7	8	9	10	11	12
Wester Corsehope	43.0	43.0	43.0	43.0	43.0	43.0	43.0	46.1	49.8
Corsehope Farm	43.0	43.0	43.0	43.0	43.0	43.0	43.0	46.1	49.8
6 Pirntaton Farm Cottage	43.0	43.0	43.0	43.0	43.0	43.0	44.1	48.3	53.0
Brockhouse Farm	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Brockhouse Cottages	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Pirntaton Farmhouse	43.0	43.0	43.0	43.0	43.0	43.0	44.1	48.3	53.0
Haltree Cottages	35.0	35.0	35.0	35.0	35.0	35.0	35.0		
Overshiels Farmhouse	35.0	35.0	35.0	35.0	35.0	35.0	35.0		
Corsehope House	35.0	35.0	35.0	35.0	35.0	35.0	35.0		

Reason: to protect nearby residents from undue noise and disturbance; to ensure that noise limits are not exceeded; and to enable prompt investigation of complaints.

DRAWING NUMBERS

Drawing Number	Plan Reference
Figure 2.1	Proposed Development Layout
Figure 2.3	Turbine Elevations
Figure 2.4	Indicative Turbine Foundations
Figure 2.5	Indicative Turbine Hardstanding Arrangement
Figure 2.6	Indicative Access Tracks and Cable Runs
Figure 2.7	Indicative Substation
Figure 2.8	Indicative Substation Building
Figure 2.9	Indicative Control Building
Figure 2.10	Indicative Battery Storage Facility
Figure 2.11	Indicative Battery Storage Containers, HVAV and PCS
Figure 2.12	Indicative Wind Monitoring Mast
Figure 2.13	Indicative Construction Compounds

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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
Scott Shearer	Principal Planning Officer (Local Review and Major Development)

Scottish Borders COUNCIL

21/01808/S36
Greystone Knowe Wind Farm