

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

6 MARCH 2017

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT
1989**

ITEM:	REFERENCE NUMBER: 14/00530/S36
OFFICER:	Julie Hayward
WARD:	Hawick and Denholm
PROPOSAL:	Erection of 15 turbines 132 high to tip, access track, compound, permanent anemometer mast and 2 no borrow pits
SITE:	Land North, South, East and West of Birneyknowe Cottage Hawick
APPLICANT:	Banks Renewables
AGENT:	None

1.0 PURPOSE OF REPORT

- 1.1 To advise the Scottish Government of the response from Scottish Borders Council on the application by Banks Renewables to construct a 15 turbine wind farm on land north, south, east and west of Birneyknowe Cottage Hawick.

2.0 PROCEDURE

- 2.1 Scottish Borders Council (SBC) is a consultee as a 'relevant planning authority'.
- 2.2 The views of SBC will be provided to the Energy Consents Unit at the Scottish Government (ECU), the body responsible for processing onshore Section 36 planning applications. In this instance, the application is required to be determined via Section 36 of the Electricity Act 1989 because the wind farm would have an output of more than 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.
- 2.3 It should be noted that if permission is granted, the local authority (rather than the ECU) would become the relevant enforcement authority responsible for monitoring compliance with the terms of an approval and any conditions imposed thereon.

3.0 SITE DESCRIPTION

- 3.1 The site is situated 4km to the south east of Hawick and 2km to the west of Bonchester Bridge and is 659 hectares in size.

- 3.2 The site is bounded to the north east by the A6088 Hawick to Bonchester Bridge road and to the south east by the minor public road between the A6088 and the B6399 Hawick to Newcastleton road. The site comprises of land predominantly used for rough grazing and there are small conifer plantations. There are several watercourses within the site. Topography within the site varies from a high point of 293m AOD at Hoggfield Hill and 220m AOD in the northern section of the site. Gradients are gentle with the exception of the north western side of Hoggfield Hill.
- 3.3 There are two residential properties at Birneyknowe, within the site. Hawthornside is situated to the east of the site and comprises of a number of houses, a falcon breeding business and a farm. Earlside is situated to the south west and comprises of a farmhouse and four houses. The surrounding area is characterised by scattered houses, farm steadings and small settlements. Hawick is situated 3.5km to the north west of the site boundary, Bonchester Bridge is 1.7km to the east and Jedburgh is 12km to the north east.
- 3.4 The Borders Abbeys Way, a long distance footpath, is 5km north west of the site. There are no claimed Rights of Way or Core Paths within the site but there is one permissive/customary path from Birneyknowe north to the A6088. There are a number of rights of way and promoted paths surrounding the site, in particular the Hawick Circular Riding Route (right of way BR120) approximately 1km away. The Borders Loop local cycle route follows the minor road along the southern boundary of the site. Several Hawick Common Riding ride-outs cross the site.
- 3.5 The site is situated adjacent to the south western boundary of the Teviot Valleys Special Landscape Area, designated within policy EP5 of the Local Development Plan 2016 and shown within the Council's Supplementary Planning Guidance on Local Landscape Designations 2012.
- 3.6 In terms of landscape character, the site lies at the intersection of three Landscape Character Areas (LCA):
- 10M: Grassland with Rock Outcrops: Midgard, an Upland Fringe type;
 - 11RL: Grassland with Hills: Rubers Law, an Upland Fringe type;
 - 4CHG: Southern Uplands Type with Scattered Forest: Caldcleuch Head Group, an Upland type.

The majority of the turbines are proposed within 11 RL.

- 3.7 The site is some distance from the River Teviot, which is a tributary of the River Tweed Special Area of Conservation (SAC). Buckstruther Moss Site of Special Scientific Interest (SSSI) is located within the site, adjacent to the north west boundary. Adderstonlee Moss SSSI is located outwith the site, to the west.

4.0 **PROPOSED DEVELOPMENT**

- 4.1 The development would comprise of:

- 15 turbines and foundations, with a maximum tip height of 132m and a maximum installed capacity of 4 MW (with a total installed capacity of 60MW);

- Crane hardstanding areas;
 - A new vehicular access from the A6088 and 9km of access tracks within the site;
 - Underground electrical cabling;
 - A wind monitoring (anemometer) mast 80m in height;
 - A site control building (14m by 7.6m and 3.5m in height to house the wind farm switch gear, protection equipment, metering and control equipment and an electricity sub-station within a compound (5,600 square metres in size);
 - A temporary construction compound (50m by 100m) for the construction period. This would include portacabin-type structures to be used for offices and welfare facilities, toilet facilities with a packaged treatment system, containerised storage areas, parking for cars and construction vehicles and a bunded area for the storage of fuels;
 - Nine water course crossings;
 - Two borrow pits to provide stone for the development, to be reinstated post-construction.
- 4.2 The development would have an 18 month construction period. The wind farm would have a 25 year operational life and a 12 month decommissioning period.
- 4.3 The turbines would be three bladed, 80m to hub, with a 104m rotor diameter and 52m long blades. The precise model would be selected upon consent being granted. They would have a semi-matt light grey finish and would be computer controlled to face the optimum wind direction. The proposal includes a micro-siting allowance of 50m for the turbines and associated infrastructure post consent following detailed ground investigation and clearance. The wind farm would be connected to the grid at the Hawick substation via overhead and/or underground cabling.
- 4.4 There is one 80m meteorological mast on the site but this would be replaced with a permanent 80m high slim-line lattice mast to monitor the turbines.
- 5.0 **NEIGHBOURING SITES/SCHEMES RELEVANT TO CONSIDERATION OF THE CURRANT PROPOSAL:**
- 5.1 Operational:
- Langhope Rig** is situated 15km to the north west of the site and consists of 10 turbines 121.2m in height.
- 5.2 Consented
- Windy Edge** is approximately 11.6km to the south west of the proposal and would consist of 9 turbines, 3 at 110m in height and 6 at 125m.

5.3 In the Planning System

Highlee Hill is a planning application for 13 turbines, 11 at 176m in height and 2 at 150m situated 7.5km to the south east of the Birneyknowe site. This was lodged in October 2016 and remains under consideration.

Pines Burn is a planning application for 13 turbines, 7 at 158.5m in height and 5 at 130m situated 3.4km to the south of the site. This was submitted in January 2017 and is under consideration.

5.4 Other Schemes

The only other relevant wind energy developments within 35km of this site are:

Long Park: The original scheme for 19 turbines at height of 100 and 110m is operational and is situated approximately 30km to the north of the Birneyknowe site. A Section 36 application to extend the wind farm with a further 7 turbines of 100m to 110m is with the ECU following the Council's decision to object to the proposal in March 2016.

Wauchope and Newcastleton Forest: A scoping opinion was issued by the ECU in March 2016 based on 90 turbines with a tip height of 132m at three separate sites (Wauchope East, Wauchope West and Newcastleton Forest).

6.0 **PLANNING HISTORY**

6.1 There is no direct planning history for the site apart from a three year temporary planning permission for the erection of an 80m high wind monitoring mast granted in 2012 (12/00338/FUL) and renewed in April 2015 (15/00475/FUL).

6.2 The Council was consulted by the ECU on a request for a Scoping Opinion submitted by the applicant in April 2012. This was for a 20 turbine wind farm of between 123m to 130m in height. The Council responded in May 2012. The design has evolved to the 15 turbines now proposed following feedback from consultees and a full technical appraisal.

7.0 **APPLICANTS SUPPORTING INFORMATION**

7.1 The Section 36 planning application is an EIA Development and is supported by a full Environmental Statement (ES) resulting from an Environmental Impact Assessment, which comprises the following documents, dated April 2014:

- Volume 1:
 - Non-Technical Summary
 - Planning Statement
 - Design Statement
 - Pre-application Consultation Report
 - Environmental Statement

- Volume 2:
 - Visualisations
 - Viewpoints
 - Cumulative Wireframes
- 7.2 The applicant submitted a response to SEPA's consultation on 22nd September 2014 and a document entitled "Connect2Renewables Scottish Borders Charter" in August 2015.
- 7.3 Further Environmental Information (FEI) dated August 2016 was submitted by the applicant in October 2016 and comprises of:
- Volume 1: Planning Statement and Further Environmental Information
 - Volume 2: Visualisations
 - Volume 3: Technical Appendices
- 7.4 This information has been available for viewing both within Council Headquarters and Hawick Library and on the Council's Public Access System. Re-advertisement and consultations were carried out upon receipt of this additional information.
- 7.5 Further information was submitted on 7th February 2017:
- Market Research: Final Report 11 January 2017
- 7.6 The applicant has recently submitted comments on the consultation responses in relation to landscape and visual impacts, policy, natural heritage and socio-economic considerations (15th February 2017) and the peat assessment (13th February 2017). These documents are available to view on Public Access.
- 8.0 **REPRESENTATION SUMMARY**
- 8.1 Third party representations are submitted to the ECU and it is for that authority to take the representations into consideration when assessing the proposed development on behalf of the Scottish Ministers.
- 8.2 At the time of writing this report the ECU has advised that a total of 417 third part representations in objection and 200 in support have been received by the ECU. This does not include submission by Community Councils.
- 9.0 **DEVELOPMENT PLAN POLICIES**
- 9.1 **Local Development Plan 2016 (LDP):**
- PMD1: Sustainability
 - PMD2: Quality Standards
 - ED9: Renewable Energy Development
 - HD3: Protection of Residential Amenity
 - EP1: International Nature Conservation Sites and Protected Species
 - EP2: National Nature Conservation Sites and Protected Species
 - EP3: Local Biodiversity
 - EP5: Special Landscape Areas

EP7: Listed Buildings
 EP8: Archaeology
 EP9: Conservation Areas
 EP10: Gardens and Designed Landscapes
 EP13: Trees Woodlands and Hedgerows
 EP15: Development Affecting the Water Environment
 IS2: Developer Contributions
 IS5: Protection of Access Routes
 IS8: Flooding
 IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

9.2 **SESplan Strategic Development Plan June 2013:**

Policy 1B: The Spatial Strategy: Development Principles
 Policy 10: Sustainable Energy Technologies

10.0 **OTHER PLANNING CONSIDERATIONS:**

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

- Renewable Energy 2007
- Wind Energy 2011
- Biodiversity 2005
- Local Landscape Designations 2012
- Developer Contributions 2011
- Visibility Mapping for Windfarm Development 2003
- Ironside Farrar Study on Wind Energy Consultancy Landscape Capacity and Cumulative Impact 2013
- Borders Landscape Assessment 1998 Ash Consulting Group

10.2 **Scottish Government Policy and Guidance:**

- National Planning Framework for Scotland (3) June 2014
- Scottish Planning Policy (SPP) June 2014

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

- Circular 3/2011 Environmental Impact Assessment (Scotland) Regulations
- PAN 60 Planning for Natural Heritage
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- Onshore Wind Turbines 2014
- Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Development 2016

10.4 **Historic Environment Scotland Publications:**

- Historic Environment Scotland Policy Statement June 2016

10.5 **SNH Publications:**

- Siting and Designing Windfarms in the Landscape 2014
- Visual Representation of Wind Farms 2014
- Assessing the Cumulative Impact of Onshore Wind Energy Developments 2012
- Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations 2015

10.6 **Other Publications:**

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

11.0 **CONSULTATION RESPONSES**

11.1 The following consultation responses have been received from specialist officers at SBC in respect of the application as originally submitted and the FEI, where responses differ from that originally received. The responses are available to view in full on the Council's Public Access System.

11.2 **Landscape Architect:** Carried out a detailed assessment of the application in relation to policy D4 of the Scottish Borders Consolidated Local Plan Adopted 2011, the adopted policy at that time, and cannot support the application, observing that:

- The landscape does not provide the expansive, unenclosed landscape scale preferred by policy D4.
- The pattern of visibility is complex, reflecting the landform but the level of containment can be summarised as 'partial'.
- The proximity of Rubers Law and the Teviot Valleys Special Landscape Area means that this application would be likely to intrude on views and affect the character of those areas.
- The proposed development would affect the setting of Hawick, particularly on approach from the north.
- There are a variety of sensitive receptors within this 'upland fringe' landscape where settlement patterns are denser than would be found in the large scale upland locations. A large number of sensitive receptors would be affected in varying degree.
- The significance of Rubers Law as a landmark feature would be diminished. When viewed from the north, the backdrop to Hawick would become wind farm dominated and this constitutes an effect on landscape character.
- Coincident cumulative impact is not a determining issue but sequential cumulative impact is. This has a wider implication and considers the degree to which wind farms may be encountered on journeys across an area. By starting to fill in an area that is currently undeveloped, Birneyknowe would make a more significant contribution to sequential impact.

Re-consultation on FEI: The Further Environmental Information (FEI) includes further landscape analysis including additional viewpoint information (Viewpoint 33: A7 and Viewpoint 34: Appletreehall) and assessment of additional wind farm proposals which may affect the cumulative impacts associated with Birneyknowe. I have the following observations:

- Viewpoint 33: is taken from a point where the development would first become visible as a backdrop to Hawick. Whilst it is acknowledged that various effects from individual locations vary in terms of backdrop and screening, the overall appearance of the proposal when seen from the A7 on the southbound approach to Hawick is that it would compete with Rubers Law in appreciating the setting of the town. The view would change as an observer moved between Viewpoint 33 and Viewpoint 13 further down the hill.
- Viewpoint 34 indicates that there would be no significant impacts on Appletreehall due to the screening effects of intervening landform and vegetation. However, I note that selected viewpoint position is at the cross roads at the foot of the village. It lies in a dip and so screening can be expected at this location and this does not mean that other parts of the village higher up are similarly screened. There may be some greater effects, although still fairly limited, higher up in the village.
- The FEI contains an additional description of effects on viewpoints north of Hawick. This does not change my assessment of the application, which was largely related to the apparent misfit between the size and height of the proposed development and the scale and prominence of the receiving landscape and, in particular, the potential competition with the sensitive skyline feature of Rubers Law, which stands close by the site.
- The FEI includes a fresh assessment to address changes in the cumulative baseline with cumulative ZTVs of the applications at Windy Edge (Figure 2.7), Highlee Hill (Figure 2.8), Wauchope and Newcastleton (Figure 2.9) and Pines Burn (Figure 2.10). I am satisfied that there would be very little coincident cumulative impact with Windy Edge. However, figures 2.8, 2.9 and 2.10 indicate much larger areas of overlap of ZTV suggesting that cumulative effects will occur with these sites. This is borne out by Viewpoints 13a and 22a, which show considerable overlapping of the different schemes. A variety of sequential cumulative effects can also be anticipated with all of these schemes for people travelling through the area. Should they all be approved the character of the landscape would be radically altered all the way down to the Border ridge.
- A further change since my previous consultation reply has been the inclusion of the Landscape Capacity and Cumulative Impact Study (2013), by Ironside Farrar, as a material consideration in the assessment of wind energy applications. The two affected areas appear to be Landscape Character Areas 10: Grassland with Rock Outcrops: ii) Midgard and 11: Grassland with Hills: ii) Rubers Law. The study offers no capacity for wind turbines of 'Very Large' (100m+) category, such as Birneyknowe, in either of these areas.

- I conclude that the FEI does not provide any reason to change my previous consultation response. Indeed, the additional cumulative effects identified and reference to the landscape capacity study only reinforce my previous conclusion that this is not a suitable site for turbines of 132m height. I am content to remain with my original consultation reply and recommend that the application is refused.

11.3 Archaeology Officer: Has advised on the direct and indirect impacts and objects to the proposal:

- The proposal has the potential to directly impact unknown archaeological resources within the wind farm boundary and indirect impacts to the settings of regionally significant assets within the scheme and nationally significant Scheduled Monuments outside the wind farm boundary. There are also impacts to historic landscapes in the area.
- Whilst the wind farm design has helpfully sought to mitigate direct impacts, the introduction of a wind farm in this highly complex historic landscape will significantly affect the ability to experience, appreciate and understand the setting of several designated and undesignated monuments that add to the sense of deep time and place in the area.
- Most important and significantly impacted is the setting of the ancient citadel on the summit of Rubers Law, though there are other major significant impacts within 10km of the development. While some limited mitigation is possible, as proposed by Historic Scotland, this will not overcome the major significant impacts of the scheme on the historic environment.
- This scheme would result in a number of highly complex and interlinking impacts to the historic landscape around Rubers Law which cannot be mitigated through design. This is due to the presence of a large number of prehistoric and early medieval archaeological sites in an upland fringe area where destruction through land-use has been limited and interlinking settings are maintained.
- The major significant impacts of the scheme on the historic landscape and settings of designated and non-designated sites and monuments within it are not clearly outweighed by the development.

Re-consultation on FEI: I have reviewed the FEI, in particular the assessment of potential impacts to the settings of Penchrise Pen and Rubers Law (shown in FEI Viewpoint 19) and Historic Environment Scotland's comments. I can confirm that my comments on the original submission remain valid. The FEI has not altered my position with respect to significant impacts to the settings of forts on Penchrise Pen and Rubers Law. I maintain my objection to this scheme.

11.4 Forward Planning: This consultee identifies a range of relevant policy guidance, constraints and material considerations and concludes:

- There would be a significant adverse impact on the landscape as a result of this proposed development. The supporting information shows that there would also be an adverse visual impact from the local iconic

viewpoints, such as Rubers Law, as well as other hills and archaeological sites in the locality.

- The site is located within a landscape that is characterised by hill forts and Scheduled Monuments. These hill forts are appreciated when there is connecting visibility with other hill forts. These views will be interrupted by the proposed wind farm to the detriment of the landscape and the setting of these monuments.
- There is the potential for adverse cumulative impact issues on the landscape. The south west corner of the Scottish Borders is largely untouched by wind farm development and the proliferation of these sites will have an adverse impact on the landscape character.
- There is no capacity for large scale turbines in this Landscape Character Area.
- The applicant has not demonstrated how the proposed wind farm could be accommodated in the landscape without an unacceptable adverse impact on the landscape, iconic viewpoints and archaeological sites.

Re-consultation on FEI:

- An updated policy position is provided following the adoption of the Local Development Plan.
- An updated Ironside Farrar Landscape Capacity and Cumulative Impact study 2016 has been produced as part of the Council's new draft Renewable Energy Supplementary Guidance. This updated study does not alter the position regarding the proposal and re-enforces the conclusions of the 2013 study, although the Supplementary Guidance is currently out for public consultation and carries little weight.
- The Council continues to support wind energy proposals in appropriate locations but this proposal raises considerable policy issues in terms of its prominence within the landscape and from surrounding iconic viewpoints and scheduled monuments.

- 11.5 **Environmental Health:** In terms of contaminated land, the proposal is for the redevelopment of land which previously housed a tile works and apparent agricultural buildings and a condition is required that development is not permitted to start until a site investigation and risk assessment has been carried out and any requirement arising from this assessment for a remediation strategy and verification plan agreed with the Planning Authority prior to development commencing.

In terms of noise, a background noise survey was carried out but further information was requested on the issue of tone and on whether the 3 financially involved properties will receive a direct benefit from the development. This information has been satisfactorily submitted. The applicant has outlined noise mitigation measures for construction noise and these methods should be adopted as part of the Construction Method Statement. Conditions should control construction and operational noise.

11.6 Ecology Officer: A summary of the most pertinent matters are as follows:

- It is likely that any potential significant effect on the qualifying interests of the River Tweed SAC can be avoided provided best practice is adopted and appropriate mitigation implemented.
- The proposal is not likely to impact on the important features of interest of Buckstruther Moss SSSI or any adverse impact on Adderstonlee Moss SSSI.
- Micro-siting of some of the turbines and one of the borrow pits is required to reduce impacts on wet heath habitat and on calcareous grassland habitat.
- A variety of protected species have been identified and a condition is recommended for pre-construction checking surveys, where the findings should inform further mitigation through a Species Mitigation and Management Plan.
- A Habitat Management and Enhancement Plan is required that deals with a variety of habitats within and outwith the site, including replacement planting, measures for waders, buffer zones to enhance Buckstruther Moss SSSI and Adderstonlee Moss SSSI, habitat restoration at Fluther Moss, peatland management, wet heathland restoration, wetland retention, creation of habitat corridors including riparian trees and woodland scrub, stock control and predator control.
- The appointment of an Ecological Clerk of Works is recommended to ensure compliance with pre-construction obligations, habitat management and decommissioning ecological requirements.
- A post construction species monitoring programme is required.

11.7 Roads Planning Service: No objections. The delivery route of the turbines needs to be agreed as considerable works will be required to existing roads, structures and third party land. Suitable access into the site can be achieved from the A6088, although the exact location and detail has to be agreed. A Traffic Management Plan (TMP) will be required to ensure the construction is carried out in a controlled manner which mitigates impacts upon the public road and provides mitigation for abnormal loads.

11.8 Access Officer: There are no claimed Rights of Way or Core Paths on this area of land. There are a number of rights of way and promoted paths surrounding the site from which the wind farm will be visible, in particular the Hawick Circular Riding Route (right of way BR120) is approximately 1km away. There is one permissive/customary path from Birneyknowe north to the A6088 within the site. Wind turbines should be set back at a reasonable distance from the rights of way and other potential recreational routes, at least the height of the turbine. The Land Reform Act provides for a right of responsible access through the site and so tracks to accommodate construction or service vehicles should be available for all types of non-motorised recreational users (pedestrians, equestrians and cyclists) once construction is complete.

12.0 OTHER IMPORTANT CONSULTATION RESPONSES (SUBMITTED TO SCOTTISH GOVERNMENT):

12.1 As Members are aware, the Council is a consultee in the Section 36 application process and does not undertake any outside consultation itself. Nevertheless, some of the responses received by the ECU have been made known to the Department and Members may be interested in the more significant responses on key environmental and technical issues, which are detailed below. Other responses are available to view on the Public Access System.

12.2 Scottish Natural Heritage: Advise that the proposal is not likely to impact on the internationally important features of interest of the River Tweed Special Area of Conservation (SAC), the nationally important features of interest of Buckstruther Moss SSSI or Adderstonlee Moss SSSI but raise the following issues:

- The widespread and adverse landscape and visual effects, particularly experienced within 10km, resulting from the often dominant scale and relatively poor design of the development within a settled area of diverse and transitional landscape character.
- The adverse, visually competing nature of the proposed turbines with regards the landscape setting of Rubers Law, a primary landscape feature and landmark hill of the southern Borders.
- The adverse impacts of the development on the landscape setting of Hawick, with such effects experienced from recreational and publically accessible areas within and around the town.
- The adverse landscape and visual effects of the development when seen in certain long to middle distance views and where the development will 'break' the skyline formed by the Southern Upland Hills.
- Micro-siting of one turbine is required to avoid species-rich grassland areas.
- A Habitat Management Plan is required.

Re-consultation on FEI: Their advice remains largely unchanged but with amendments to some of the detailed advice relating to likely landscape and visual impacts around and from within Hawick and updated advice regarding potential cumulative impacts that could arise depending on different planning scenarios.

12.3 SEPA: Object due to the lack of information relating to wetlands and peatland. A detailed map is required of peat depths for the whole site with all the built elements overlain so it can clearly be seen how the development has been designed to avoid areas of deep peat. Some of the turbines are located near or on areas containing Groundwater Dependant Terrestrial Ecosystems (GWDTEs); micro-siting and mitigation is required.

Conditions are required to secure:

- A Construction Environmental Management Plan (CEMP)

- An Environmental Management Plan (EMP)
- A Construction Method Statement (CMS)
- Decommissioning and Restoration Plan.

Re-consultation on FEI: A detailed peat depth survey confirmed that no peat is present within the proposed layout and so a carbon assessment is not required. Remove their objection, subject to micro-siting or appropriate mitigation and subject to the above conditions.

- 12.4 **Ministry of Defence:** Holding objection to the proposal due to the potential unacceptable impact upon the Eskdalemuir Seismological Recording Station.

The proposed turbines will be 15.3km – 16.5km from, detectable by, and will cause unacceptable interference to the ATC radar at RAF Spadeadam Deadwater Fell. However, the applicant has submitted mitigation measures and following an assessment of this the Ministry of Defence has agreed to a suspensive condition. Omni-directional red lighting or infra-red aviation safety lighting is required.

Re-consultation on FEI: There is capacity within the seismic ground vibration threshold for this development and the holding objection is removed, subject to a condition requiring confirmation of the position and height of each turbine upon completion.

- 12.5 **Transport Scotland:** The route to the site for abnormal loads will use the A68 trunk road and so the final route will need to be agreed before deliveries commence.

- 12.6 **Historic Environment Scotland:** Whilst the development is likely to have a range of adverse impacts to varying degrees to the setting of a number of scheduled monuments in its vicinity the effect is not so adverse as to raise such issues of national significance that would warrant an objection. However, the design layout should be re-evaluated to mitigate impact. The comments of the Council on the wider historic impacts of the development on the historic landscape should be taken into account.

- 12.9 **Community Councils:**

- **Denholm Community Council:** Object, due to the lack of information on transport routes for the turbines, the visual and cumulative impact, impact on tourism, construction traffic and question whether there is a need for this development in terms of green energy targets. Following consultation on the FEI they advise that their previous comments remain extant and are disappointed that the applicant has failed to address their concerns.
- **Southdean Community Council:** Object due to the adverse impact on the local landscape, cultural and historical settings, the local environment, tourism, residential amenities and traffic and the cumulative impact. Any benefits are outweighed by the impact. In respect of the FEI, the Community Council reiterates the above concerns and raises the issue of cumulative impact and questions the weight given to the economic benefits of the proposal as there is no route to market.

- **Hobkirk Community Council:** Object due to the number and height of the turbines and the resulting impact on the landscape, cultural and historic sites, residential amenities due to noise and shadow flicker, local businesses and wildlife and the cumulative impact of the development and the impact of construction traffic. They maintain their objection and have updated and expanded upon their concerns following the consultation on the FEI.
- **Upper Teviotdale and Borthwick Water Community Council:** Object due to the visual impact, traffic generation, the impact on recreation and the Hawick Common riding ride-outs, the lack of justification for the proposal in terms of renewable energy targets and the lack of local economic benefits. Maintain their objection following consultation on the FEI.
- **Hawick Community Council:** Object due to adverse landscape and visual impact, impact on birds, construction traffic, impact on businesses and tourism and cumulative impact

13.0 **KEY PLANNING ISSUES:**

13.1 Bearing in mind that the Council is a consultee rather than the determining authority, the following are the key issues are addressed in the following Assessment:

- Land use planning policy;
- Landscape and visual impacts, including landscape character and visual impacts, arising from turbines and infrastructure;
- Cumulative landscape and visual impacts with other wind energy developments;
- Physical and setting impacts on cultural heritage assets;
- Residential amenity including noise impacts;
- Ecological, ornithological and habitat effects;
- Impact on road safety and the road network;
- Impacts on the public path network and public access on accessible land;
- Economic benefits attributable to the scheme;
- Benefits arising from renewable energy provision.

14.0 **ASSESSMENT OF APPLICATION:**

Planning Policy

14.1 Scottish Government policy, regional strategic policy and local planning policy and guidance all support renewable energy, including wind farms, provided that there are no unacceptable environmental impacts.

14.2 SPP sets out a Spatial Framework for determining appropriate sites for wind farms (Table 1). The site falls outwith Group 1: Areas where wind farms will not be acceptable, which includes National Parks and National Scenic Areas. Part of the site falls within Group 2: Areas of significant protection, as there is an SSSI within the site. The remainder falls within Group 3: Areas with potential for wind farm development where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.

- 14.3 SESplan policy 10 requires Local Development Plans to set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national electricity and heat targets and taking into account economic, environmental and transport considerations.
- 14.4 The proposal has to be assessed against a number of Local Development Plan 2016 policies. Policy ED9 deals 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. Proposals will be approved provided that there are no significant effects that cannot be satisfactorily mitigated. Where mitigation is not possible, the development will only be approved if the Council is satisfied that the wider economic, environmental and other benefits outweigh the potential damage arising from it. The policy contains a number of criteria by which to assess the proposal.
- 14.5 It is therefore the detail of the proposal, and its impacts versus its benefits, which must be balanced in any decision. The primary topics requiring consideration by the Council are as follows:

Design Methodology:

- 14.6 The siting and design of the development has evolved since its initial 32 turbine layout at 152m in height, which is illustrated Chapter 4 of Volume 1 of the ES. The following changes have been made:
- The removal of turbines from the north eastern side of the A6088 and south eastern side of the minor road.
 - A reduction in the number and height of turbines and repositioning to reduce the negative visual impacts from key viewpoints.

Landscape and Visual Impacts

Theoretical Visibility

- 14.7 The Zone of Theoretical Visibility (ZTV) Maps (Figures 2.1b and 2.2b of the ES) illustrate the potential visibility of the turbines to hub height and blade tip height within 5km, 10km and 20km zones and the extent of landform containment. Within the key 5km range there is in excess of 65% potential visibility, with a broad swathe of visibility around the site and immediate surroundings but hill ridges provide a degree of screening to the north west, so that most of Hawick itself is screened from view. However, there is a further belt of visibility beyond the 5km range on higher ground to the north and west of Hawick. There is also a degree of screening to the south and east of the site provided by hills shielding much of Bonchester Bridge and to the north east by Rubers Law so that areas around Bedrule are largely screened. However, there is further visibility to the east at Bonchester Hill and Wolfelee Hill. There is more limited visibility beyond the 5km range to the south east, with the exception of Carter Bar and the A6088 down to Southdean.
- 14.8 The pattern of visibility is complex reflecting the landform but the level of containment is only partial. The site lacks the containment provided by the

landform that provides an acceptable degree of screening. The visual impacts, as a result of this, are discussed below.

Landscape Character

- 14.9 In terms of the Borders Landscape Assessment (1998) the site lies to the south east of Hawick at the intersection of 3 landscape character areas.
- 14.10 The majority of the application site is located within Landscape Character Type (LCT) 11RL: Grassland with Hills (Rubers Law) described as a diverse upland fringe landscape characterised by prominent discrete hills rising above surrounding grasslands. The key characteristics are steep, cone or dome-shaped hills, diverse surrounding landform types, land cover dominated by permanent pasture with locally frequent woodland cover, low to medium settlement density and individual hills as dominant focal points of views. Internal intervisibility is deemed to be varied in degree; visual diversity is a key characteristic of this landscape type. Externally intervisibility is intermediate to high, varying between higher open areas with important views to and from the adjoining uplands, upland fringes and valleys. Despite the relatively low settlement density, this landscape is one of high visual sensitivity, due to important views of the areas from the A7.
- 14.11 Turbines 1 and 5 would be located within LCT 10: Grassland with Rock Outcrops (Migard) described as a strongly undulating upland fringe landscape characterised by angular pasture covered hills with rugged knolls and rock outcrops. Internal intervisibility is relative low, due to the strong small scale relief and the abundance of vertical screening features. External intervisibility is categorised as intermediate in degree, varying from the open aspect of the higher ground and the enclosed, intimate hollows. Visual sensitivity is high due to its proximity to the large population centre of Hawick and the frequent views which are also available from the A7.
- 14.12 Turbines 3 and 4 would be located within LCT 4: Southern Uplands with Scattered Forest (Cauldcleuch Head), an upland landscape characterised by large-scale, rolling, heather and grassland covered hills. Internal intervisibility is considered to be intermediate in degree. There are numerous contiguous landscape types, ranging from the related forest covered type, to the upland valleys and the upland fringe grasslands and farmlands, all of which have significant views to and from the Southern Uplands. External intervisibility is high. Visual sensitivity is also high, due to the numerous important roads, in this case on the A7.
- 14.13 The site is not one of the nationally designated areas of Wild Land.

Landscape Capacity

- 14.14 The Ironside Farrar Landscape Capacity and Cumulative Impact Study July 2013 is referred to within Policy ED9 and is therefore is a material consideration in respect of this application. This uses the Borders Landscape Assessment to assess the suitability of each landscape character type (LCT) for differing turbine typologies. The application site straddles three character areas, upon which the report findings are as follows:

- LCT 11: Rubers Law - There is no capacity for turbine development in this Landscape Character Area due to the prominence, intervisibility, scenic values, designation as part of the Special Landscape Area and recreational value of this area. The landscape character, visual sensitivities and landscape value are considered to be high.
- LCT 10: Midgard - There is no capacity for very large turbine developments (over 100m) within this area.
- LCT 4: Cauldcleuch Head - there is capacity for large and very large turbines in more elevated upland areas where topographical containment reduces intervisibility. However, the two turbines proposed within this LCA are not within an elevated area where topographical containment exists to accommodate very large turbines.

14.15 The conclusion from this study is that there is no capacity for very large turbines in these Landscape Character Areas. If applications are submitted for turbines that exceed the suggested maximum turbine height within a particular area the onus is on the applicant, via the submission of more detailed information, to demonstrate how impacts on key constraints and significant adverse impacts can be mitigated. It is considered that the applicant has failed to demonstrate how the proposed wind farm can be accommodated within the landscape without an unacceptable adverse impact on the landscape and so it is considered that this is not a suitable site for turbines 132m high and the proposal is contrary to policy ED9.

Landscape Impact

- 14.16 An analysis of landscape character reveals that the site is largely within an 'Upland Fringe' landscape character type, meaning that it is intermediate in terms of landscape scale (between large scale open upland and small scale enclosed lowland) and does not provide the expansive, unenclosed landscape scale in which a wind farm can be satisfactorily accommodated. Topographical containment and therefore screening is partial.
- 14.17 The wind farm would be prominent from many viewpoints, by virtue of its scale and extent, and the vertical nature of the turbines would contrast significantly with other features in this landscape, such as trees, woodlands and buildings. There is a clear misfit between the size and height of the development and the scale of the receiving landscape. As a result, the development would appear as a dominant feature in the landscape.
- 14.18 Rubers Law is defined as an iconic viewpoint in the Councils' Supplementary Planning Guidance on Wind Farms and is a significant landscape feature. It is located to the north east of the site and benefits from a 360 degree view of the surrounding landscape. The nearest turbine is 4.5km from the summit and half that distance from the foot of the slope. It is considered that the significance of Rubers Law, as an important landmark feature in the Borders, would be diminished by the development due to the scale of the turbines and their proximity. The development would compete with the sensitive skyline feature of Rubers Law and would adversely affect its setting.

- 14.19 This is highlighted in certain viewpoints in the ES. Viewpoint 7 from the B6399 junction with the Hawthornside road shows that the turbines would dominate the view of Rubers Law; this is also the case with Viewpoint 17 taken from Swinnie looking south west towards the wind farm where the turbines would compete in the view of this important landmark, detracting from its setting. Viewpoint 19 from Pencrise Pen and 20 from Maiden Paps show how the turbines would challenge the scale of the hill due to their height and topographical position, and Rubers Law's importance in the landscape.
- 14.20 Another consideration is the impact of the proposal on the landscape of Hawick. The FEI includes a detailed assessment of the effects on the landscape setting of Hawick. However, it is considered that when viewed from the north, the backdrop to Hawick would become dominated by turbines and this also constitutes an effect on landscape character. Viewpoint 13 in the ES from the roundabout on the A7 north of Hawick shows that the turbines would break the skyline and have a detrimental effect on the landscape setting of the town.
- 14.21 The site is situated within 1km of the south western boundary of the Teviot Valleys Special Landscape Area. Policy ED5 seeks to protect such areas from inappropriate development. This area covers a series of distinctive Borders valleys. Visually prominent hills include Minto Crag, Peniel Heugh, Dunion Hill, Minto Hills and Rubers Law, each of which has a strong relationship with the adjacent valleys and the wider landscape. The development of wind farms and the potential for visual impact of development on hills outside the Special Landscape Area is identified within the Forces for Change. One of the Management Recommendations is to consider the effects of development on hilltops, such as wind farms, which may be visible within the valleys.
- 14.22 The Zone of Theoretical Visibility (Figure 2.2b of the ES) indicates that the turbines would be visible from large areas of the Special Landscape Area at close range, negatively impacting on views into and out of the Special Landscape Area.
- 14.23 Scottish Natural Heritage has expressed concerns regarding the location, siting and design of the wind farm and the widespread landscape effects particularly with regard to the landscape setting of Rubers Law and Hawick, the long to middle distance views and where the development will break the skyline formed by the Southern Upland Hills.
- 14.24 The Council's Landscape Architect cannot support the proposal as the proximity of Rubers Law and the Teviot Valleys Special Landscape Area means that the wind farm would intrude on views and affect the character of those areas. In addition, the development would affect the setting of Hawick, particularly on approach from the north. The further environmental information has not changed this opinion.
- 14.25 It is considered that the development, by virtue of its siting, extent and scale would result in adverse effects on the landscape character of the area. It has not been demonstrated that the wind farm can be satisfactorily accommodated in the landscape, contrary to policy ED9.

Visual Impacts

- 14.26 The ZTV confirms the extent of theoretical visibility of the wind farm and viewpoints have been selected based on this to illustrate the visual impact of the development from various high sensitivity receptors.

Visual Impacts – Roads and Paths

- 14.27 The A7 is a major tourist route through the Borders. The ZTV demonstrates that the wind farm would potentially be visible from long sections of the A7 north of Hawick within the 10km range. This is demonstrated by Viewpoint 18 in the ES, where the wind farm extends across the landscape breaching the skyline. Viewpoint 13 from the Homebase roundabout on the northern edge of Hawick shows that the wind farm would be seen from views towards and over the town from the north. The varying height of the turbines, due to the topography of the site, the moving elements and the extent of the wind farm would result in a dominant development out of scale with the receiving landscape that would impact negatively on views. The FEI provides a further analysis of the visibility from Hawick and Viewpoint 33 is an additional visualisation at a point where the development would first become visible as a backdrop to Hawick. Whilst it is accepted that the effects from various points on the A7 approaching Hawick will vary in terms of backdrop and screening, the overall appearance of the proposal would compete with Rubers Law and adversely affect the setting of the town.
- 14.28 The A6088 runs from the A68 to the south of Carter Bar to the south east of Hawick. A number of photomontages have been provided for this stretch of road. Carter Bar itself has been identified in the Supplementary Planning Guidance on Wind Energy as being of significant strategic importance and is safeguarded with a 7km buffer; it is a major route into the Borders. Viewpoint 27 in the ES shows that Carter Bar is 15km from the nearest turbine but the wind farm would be clearly visible, though not breaking the skyline and from a distance.
- 14.29 The wind farm would be visible to varying degrees for long sections of the A6088, most notable from Chesters (Viewpoint 16), 6.8km from the turbines. Viewpoint 1 is from the layby on the A6088 to the north west of Hawthornside adjacent to the footpath to Rubers Law and shows the turbines at close proximity (0.9km), dominant in the landscape, with Turbines 1 and 5 distinctly separate, and with Penchrise Pen behind in the distance. The wind farm would have a significant visual impact when viewed from this section of road. Viewpoint 6 is from Kirkton, where there would be no visibility of the wind farm.
- 14.30 There is a minor public road that runs along the south east boundary of the site from Hawthornside to the B6399 Hawick to Newcastleton road. Viewpoint 7 is from the junction of the two roads, with the turbines 2km away. The turbines would be very prominent in the landscape, with little tree screening or containment, breaking the skyline and interrupting views of Rubers Law. The only other viewpoint (Viewpoint 2) from this road is from Hawthornside where only 5 turbines would be partially visible due to topographical and forest screening. However, the minor road runs in close proximity to the turbines and provides panoramic views over the Borders. Although no photomontages have been provided along this route it is envisaged that the turbines would dominate views from this road, having an adverse impact.

- 14.31 There are a number of core paths, public rights of way, promoted paths and permissive paths within the 5km zone and Common Riding routes. These are linked to several significant hills within the area.
- 14.32 The Borders Abbeys Way is a strategic long distance footpath and links Hawick and Selkirk by a path to the north west of Hawick passing Drinkstone Hill, an iconic viewpoint in the Supplementary Planning Guidance on Wind Energy. Viewpoint 14 is situated on the Borders Abbey Way north of Hawick 6.4km from the nearest turbine. A number of turbines would be partially visible where the blades break the skyline and would appear as dominant and moving features above the ridgeline.
- 14.33 The Borders Cycle Loop follows the minor road along the south eastern boundary of the site, 140m from Turbine 4. Cyclists would experience prominent visual effects.
- 14.34 There are a number of Common Riding ride-outs that pass through the site (Bonchester, Denholm and Cogsmill) and there would be a significantly adverse impact on riders where the routes pass through the site due to the scale of the development and the proximity to these routes.
- 14.35 The impact on the landscape setting of Rubers Law has been assessed above and its cultural heritage and relationship with other hill forts is discussed below. The summit of Rubers Law is accessed by a number of paths, one of which starts from the A6088 opposite the site and the summit offers open, panoramic views popular with walkers. The nearest turbine would be 4.5km south west from the summit. It is accepted that the turbines would not break the skyline but due to the scale and proximity of the wind farm, the development would be a highly visible, dominant and distracting feature in the landscape and so would have a significantly adverse impact.
- 14.36 Bonchester Hill is part of a circular promoted path within 3.8km of the nearest turbine is within the Special Landscape Area. This is therefore considered a high sensitivity pedestrian receptor. The wind farm, due to its extent and turbine height would be prominent in the landscape when viewed from the top of Bonchester Hill looking west (Viewpoint 9). There would be clear, open views and the turbines would break the skyline and draw the eye away from Rubers Law, currently the most distinctive feature in the landscape when viewed from the summit looking north and west.
- 14.37 Minto Hill is 8.7km from the nearest turbine and another iconic viewpoint accessible to the public. Viewpoint 23 indicates that the whole wind farm would be prominent when viewed from the summit facing south, with some blades breaking the skyline. Currently Rubers Law is the most dominant feature in that view and, as with Bonchester Hill, the turbines would compete with Rubers Law for the viewer's attention, diminishing the hill's importance.
- 14.38 Although the Eildon Hills are over 20km from the site they are of significant strategic importance in terms of the wind energy Supplementary Planning Guidance and are within the National Scenic Area and so the impact of the development on the visitor's appreciation of these hills must be considered. The cultural heritage impacts, in terms of the relationship of the hill fort and other hill forts within the Borders are discussed below. Viewpoints 30 and 31

indicate that there would be long distance views of the wind farm but the turbines would be seen as being clustered at the base of Rubers Law.

14.39 Scottish Natural Heritage has raised concerns regarding the visual effects of the development from long to middle distance views and where the development would break the skyline formed by the Southern Upland Hills. The skyline formed by the Southern Uplands is free from large scale built development and is a strong, natural feature within more distant views. They consider that the proposal would compete with or break the profile of the skyline in certain important views, which is consistent with other concerns over landscape and visual impact. When viewed from the north the development would be seen as a large scale feature in the foreground breaking the skyline focussing the viewer's attention on the wind farm. This can be experienced in a number of viewpoints, but in particular they highlight Viewpoint 25 to the west of Roberton, Viewpoint 18 to the north of Hawick and Viewpoint 23 from Minto Hill.

14.40 In summary, it is considered that the visual impacts caused by the development on major and minor roads, footpaths and other walking routes and iconic hills in the surrounding area would be significantly adverse and so contrary to policy ED9 of the Local Development Plan.

Visual Impacts – Residential Receptors

14.41 Scottish Planning Policy advocates the identification in Local Development Plans of an area not exceeding 2km around settlements as a community separation for consideration of visual impacts.

14.42 There are no settlements within 2km of the nearest turbine, though there are a number of settlements within 5km.

14.43 The ZTV indicates that the development would be visible from the north, north west and south east of Hawick. Viewpoints 13 and 14 (and Viewpoint 33 in the FEI) show that the development would be highly visible from the north of Hawick on the A7, breaking the skyline with no intervening land form or vegetation. Viewpoint 12 is from Hawick Racecourse to the south of Hawick and indicates a high level of visibility, again with no screening. Scottish Natural Heritage has expressed concern regarding the adverse effects of the development on views from Hawick. They accept that the wind farm would be most visible from elevated areas to the north, west and south west and the effects would be varied in nature, but there would be varying degrees of adverse effects on visual amenity. These effects are outlined in detail in their response. Whilst these views have been expressed separately to the Energy Consents Unit, they are consistent with concerns held by Council officers over landscape and visual impact.

14.44 Kirkton would be 2.2km from the nearest turbine and the ZTV and Viewpoint 6 indicate that there is no visibility due to intervening woodland.

14.45 Bonchester Bridge would be 2.9km from the nearest turbine and the ZTV indicates that there is very limited visibility, restricted by vegetation, from all but three properties on the A6088 to the south, which would have direct views of all the turbines.

- 14.46 Denholm would be 6.3km from the turbines (Viewpoint 15) and buildings, land form and vegetation would screen the development from the village and so the impact would not be significant.
- 14.47 Chesters would be 6.7km from the nearest turbine and the turbines would be visible from properties on the western side of the village (Viewpoint 16), though there is partial screening from vegetation.
- 14.48 There is no photomontage from Hobkirk (3km) but Viewpoint 10 is from the B6357 to the east and indicates that all the turbines would be visible breaking the skyline. From the settlement itself, the ZTV indicates that blade tips of three turbines would be visible.
- 14.49 There are a number of residential properties within 2km of the site, including those at Hawthornside (1.1km to the east of the nearest turbine), Earlside (710m to the south west), 2 properties at Birneyknowe within the site (640m and 760m), Stonedge (1.3km to the south east) and three properties at Howahill (1.8km to the south east). There are also residential properties at Phantasy (1.6km), Weensmuir (1.9km), Midburn (1.3km), Adderston Shiels (1.6km) and Upper Tofts (1.9km).
- 14.50 The ES has assessed the impact of the development on 23 properties and concludes that the development would have significant visual effects on four residential properties within 2km of the turbines; of these, 3 have a financial interest in the scheme. One house at Earlside would be 810m from the nearest turbine and the impact is assessed as being moderate to substantial adverse, which would be significant but would not result in the property becoming an unsatisfactory place to live. For the remainder the overall effect is classed as moderate adverse, which are not concluded within the report as not being significant.
- 14.51 It is accepted that some of these properties are screened by topography and vegetation or orientated so that the principal views would face away from the wind farm, however, in the absence of wirelines or montages it is difficult to see how such an assessment could conclude that the impacts would be acceptable and not be overbearing.
- 14.52 The property at Earlside would be 810m from the nearest turbine. The ES states that the approach to the house and garden ground would be affected and that the impact would be moderate to substantial (significant) due to the close proximity of the development. It concludes that significant visual effects would not result in the property becoming an unsatisfactory place to live. The nearest viewpoint is no.7 from the B6399 junction with the Hawthornside road 2km from the nearest turbine and to the south west of Earlside. This shows that 13 of the turbines would be highly prominent in the landscape due to their height and proximity. This indicates that significant impacts would occur on residential outlook and it is considered that the development would affect day-to-day living and enjoyment of the landscape.
- 14.53 The properties at Hawthornside are between 1.1km and 1.3km from the nearest turbine and the ES concludes that the impact on these properties would be moderate adverse with some screening from vegetation. Viewpoint 2 from Hawthornside indicates that 5 turbines would be visible or partially visible. Again, the height and proximity of the turbines would result in a

significant level of change and it is felt that the development would have an overbearing impact on these properties.

- 14.54 It is concluded that the ES has failed to demonstrate that there would not be overbearing impacts on these residential properties or that the visual amenities of these properties would not be significantly affected.

Visual Impacts - Associated Infrastructure

- 14.55 The associated works would include crane hardstandings, a new vehicular access from the A6088 and 9km of access tracks, an 80m high wind monitoring mast, a site control building and compound and two borrow pits.
- 14.56 These ancillary developments are not shown in any of the viewpoints. Appropriate siting and design with mitigation measures would be required to protect the landscape character and visual amenities of the area.
- 14.57 It is the intention that the majority of the associated infrastructure is to be removed either at the end of the construction period or the operational life of the wind farm. To avoid unnecessary lasting impacts suitably worded conditions can agree the eventual removal of these structures.

Turbine Micro-siting

- 14.58 The ES states that a micro-siting allowance of 50m is appropriate for the turbines and 10m for all other infrastructure. The issue of micro-siting is important to consider. Consultees have requested that turbines are repositioned for ecological and archaeological reasons and the ES states that following ground investigations and clearance, some modification may be required. A degree of flexibility is therefore needed but this has to be balanced against the visual impact of the change.
- 14.59 A micro-siting planning condition would require the applicant to undertake wireframe analysis of any micro-siting requirements to illustrate that the turbine's revised position can be tolerated in the landscape without adverse visual impacts.

Cumulative Landscape and Visual Impact

- 14.60 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.
- 14.61 The southern Borders is relatively undeveloped in terms of wind farms. The original ES includes a ZTV for Langhope Rig (Figure 2.47). There are few locations where there would be visual interactions and most of these would involve considerable distances; coincidental cumulative impact is therefore minimal.
- 14.62 The FEI includes a revised cumulative assessment as the baseline has changed significantly in this area since the application was submitted in 2014.
- 14.63 Figure 2.6 of the FEI shows the locations of operational wind farms, those approved and those with a current planning application and in scoping within

a 60km range. Table 8.1 shows the cumulative baseline as of July 2016 and the cumulative assessment focuses on Langhope Rig (operational), Windy Edge (approved) and Highlee Hill (in planning). It lists Pines Burn as in scoping but an application was submitted in January 2017. Wauchope and Newcastleton Forest is in scoping. The FEI assesses the “almost certain scenario” incorporating Langhope Rig and Windy Edge and the “possible scenario”, which includes Highlee Hill, Pines Burn and Wauchope and Newcastleton Forest. ZTVs have been provided of these wind farms (Figures 2.7 to 2.10 of the FEI). A number of cumulative wireframes have been provided.

- 14.64 The Council’s Landscape Architect has assessed the coincident cumulative impact, which is the impact on a receptor viewing more than one wind farm development from a single location. He considers that there would be little coincident cumulative impact with Windy Edge but the ZTVs indicate large areas of overlap suggesting that cumulative effects would occur from Highlee Hill (Figure 2.8), Wauchope and Newcastle Forest (Figure 2.9) and Pines Burn (Figure 2.10). This is borne out by Viewpoints 3 (Kirkton Fort) and Viewpoint 22 (Halleywell Hill, north of Hawick), which show considerable overlapping of the Birneyknowe, Wauchope, Highlee Hill and Pines Burn schemes.
- 14.65 Viewpoint 9 shows the potential views from Bonchester Hill, where Pines Burn, Birneyknowe and Wauchope East and West are clearly visible, with Windy Edge and Langhope Rig visible in the far distance. Turbines would become a dominant feature in these views resulting in significant adverse impacts. 4.66 A similar scenario would be apparent from Rubers Law (Viewpoint 11) where the wind farms, if built, would have significant adverse effects that would alter the character of the landscape.
- 14.66 Scottish Natural Heritage advises that these schemes, if built, would result in a change to the landscape character of the Hawick and Liddesdale area, and promote a wider sense of an uncoordinated pattern of large scale wind farm developments. The different locational and siting principles and the lack of coordination between developments would have a range of adverse landscape and visual impacts across a wide area, contrary to their guidance Siting and Designing Wind Farms in the Landscape. In particular, Scottish Natural Heritage highlight Birneyknowe and Highlee Hill and the differing scale and turbine layout of each development in relation to landscape character and the skyline of the Southern Uplands; due to the proximity of the two developments (7.5km apart) there will be some areas where adverse combined impacts between the two developments will be experienced. They refer to Viewpoint 22 (Halleywell Hill) which demonstrates the awkward juxtaposition of the two proposals.
- 14.67 The FEI includes a sequential assessment for A class roads, the Borders Cycle Loop and Borders Abbey Way. The Council’s Landscape Architect has also assessed the sequential cumulative impact, which is the impact resulting from a receptor viewing more than one wind farm development whilst moving through the landscape. The introduction of a wind farm into an area where there were previously no wind farms is also considered, as an observer will encounter wind farms more frequently when travelling through an area previously free of turbines.

- 14.68 A variety of sequential cumulative effects can be anticipated with all of these developments for people travelling through the area. Should all the schemes be approved and built the character of the landscape would be significantly altered all the way down to the Border ridge. The combination of all four potential schemes would result in significant sequential cumulative impacts on the A6088, with turbines becoming a dominant feature of the journey from Carter Bar through to Hawick. Adverse effects would be experienced by southbound traffic on the A7 approaching Hawick (Viewpoints 13 and 22).
- 14.69 Scottish Natural Heritage as also advised that there would be some degree of sequential impact experienced when travelling along minor roads in respect of Birneyknowe and Windy Edge and from certain locations on the local road network with regards the combination of Birneyknowe and Highlee Hill.
- 14.70 For the reasons outlined above, it is considered that if all four proposed schemes are built (Birneyknowe, Highlee Hill, Pines Burn and Wauchope and Newcastleton Forest) there would be adverse coincident and sequential cumulative impacts resulting in a significant change in the landscape to a wind farm landscape.
- 14.71 The FEI contains an assessment of the cumulative impact on settlements and on residential receptors within 2km of the Birneyknowe site. The ZTV (Figures 2.7 – 2.10) shows that Highlee Hill, Wauchope and Newcastleton Forest and Pines Burn would be visible on the northern edge of Hawick. Windy Edge and Highlee Hill would be visible from Bonchester Bridge but no viewpoint or wireframe have been provided to show the extent of this visibility from the village. Highlee Hill, Wauchope and Newcastleton Forest and Pines Burn would be visible from Chesters but no updated viewpoint or wireframe has been provided to assess the impact on this settlement. Wauchope West and Pines Burn would be potentially visible from Hobkirk; this is shown in Viewpoint 10, though these are from the B6357 to the east and not from Hobkirk itself.
- 14.72 The impact on residential properties within 2km are assessed to be slight to moderate adverse and so not significant due to intervening landform, forestry/woodlands, buildings and the distance between schemes. In the absence of wireframes and viewpoints from these properties it is not possible to fully assess the cumulative impact of the one approved and four potential schemes on these properties.

Cultural Heritage Impacts

- 14.73 One of the criteria within policy ED9 of the Local Development Plan for the assessment of wind farm proposals is the impact on the historic environment, including ancient monuments and Listed Buildings and their settings. Policy EP8 seeks to protect national, regional and local archaeological assets from development.
- 14.74 The ES has identified all designated cultural heritage assets within 20km of the site and a 10km area was examined for non-designated sites and historic structures. This concludes that there are 6 significant effects to the setting of the Iron Age hillforts at Rubers Law, Bonchester Hill, Mid Hill, Denholm Hill and Kirkton Hill and to the setting of the signal station at Rubers Law. Four cumulative significant effects have been identified. The FEI includes an updated assessment which concludes that there is one significant effect to the

setting of Penchrise Pen hillfort and a programme of archaeological investigation is required in order to mitigate potential impacts to non-designated heritage assets within the site.

14.75 The Council's Archaeology Officer has objected to the proposal as the proposed wind farm has the potential to directly impact unknown archaeological resources within the wind farm boundary and pose indirect impacts to the settings of regionally significant assets within the scheme and nationally significant Scheduled Monuments outside the wind farm boundary. There are also impacts to historic landscapes in the area. Whilst the wind farm design has sought to mitigate direct impacts, the introduction of a wind farm in this highly complex historic landscape would significantly affect the ability to experience, appreciate and understand the setting of several designated and undesignated monuments that add to the sense of time and place in the area. Most important and significantly impacted is the setting of the ancient citadel on the summit of Rubers Law, though there are other major significant impacts within 10km of the development. While some limited mitigation is possible, this would not overcome the major significant impacts of the scheme on the historic environment.

14.76 The Council's Archaeologist has provided a comprehensive response that is available for Members to view in full on Public Access and this will be sent to the ECU with the Council's consultation response. The following is a summary of the points raised:

Direct Impacts:

14.77 The ES has not comprehensively identified all cultural heritage assets within the site. A more comprehensive study is required. Impacts to known assets should be mitigated through a programme of either micro-siting infrastructure or pre-development evaluation and recording through an agreed Written Scheme of Investigation.

14.78 Given the potential for the site to contain unknown later prehistoric, medieval and post-medieval archaeology an archaeologist supervised watching brief on all excavations where archaeology may be impacted is appropriate per an agreed Written Scheme of Investigation. Pre-development investigation may be required in some cases. These requirements should be secured by condition.

14.79 The ES suggests that there will only be one impact to a known feature at the site, a bucht (URS 6) of low value. It will be necessary to record this feature before development damages it.

14.80 Of more significant concern are the potential for impacts to the identified WWII era or post-war fixer station located in the north-eastern part of the site. The fixer station is of regional significance and a clear indication of the wartime activity in the area; few survive in Scotland and the site contributes significantly to the military heritage of the area. The fixer station, and other built assets such as dykes, should be avoided and clearly marked on the ground to avoid accidental damage. Conditions should address these issues.

14.81 The setting of the station is also important. This is linked to its wide open views primarily to the north, west and south which played a role in monitoring aircraft and also providing clear lines of sight for radio signal transmission.

Turbines 12 and 14 would have the effect of overpowering this setting through scale, dominance and incongruity; the two turbines and associated infrastructure should be removed or relocated.

Indirect Impacts:

- 14.82 Policy EP8 states that proposals that affect a Scheduled Monument or their setting must offer substantial benefits that clearly outweigh the national value of the site, show that there are no alternative means of meeting the development need and include a mitigation strategy acceptable to the Council. Setting is the way in which the surroundings of a structure or place contribute to how it is understood, appreciated and experienced. Assessments of setting must account for past and present relationships with natural and man-made elements in the surroundings and how the current landscape context contributes to the three aspects of the setting definition. This must then be balanced against the potential impacts of any new proposals within a setting.
- 14.83 The Council's Archaeology Officer and Historic Environment Scotland identify significant adverse impacts to the settings of a number of assets in the area:

Rubers Law

- 14.84 Historic Environment Scotland advises that the introduction of the turbines will create a significant visual effect in most views of the asset. In some key views, such as the junction of the B6399 looking north along Peat Law and the Maiden Paps, the wind farm will completely obscure the distinctive profile of the hill. There would be an impact in the visual relationship between the asset and Penchrise Hill where the closest turbines will degrade that visual relationship. Historic Environment Scotland recommends the relocation of the three closest turbines (1, 5 and 6) to mitigate the effect on the key visual relationship with Penchrise Hill fort. As with SNH, the views of Historic Scotland have been relayed directly to the Energy Consents Unit.
- 14.85 The Council's Archaeologist advises that Rubers Law is the most significant and iconic of the monuments in the vicinity of the proposal and home to a complex arrangement of cultural heritage including a prehistoric fort and a Roman signal station. It is the second most visible cultural heritage asset in the Borders behind Eildon North Hill. These are two of the largest Iron Age forts in Southern Scotland and their shared visibility is crucial to both sites' settings, as is the wide visibility of the hills from long distance. This high visibility is a key aspect of both Rubers Law's landscape and cultural heritage. It is understood and appreciated from within the wider landscape as a dominant landmark. The high visibility of the hill and the wide panoramic views were a primary reason for prehistoric settlement of the hill and it remains a significant local landmark.
- 14.86 Of particular relevance are the natural and man-made alignments on this hill, which significantly frame the visitor's experience of the surrounding landscape. There is an intentional, clearly visible south-western entrance to Rubers Law which naturally aims the sight lines from within the fort directly towards the proposed wind farm. Viewpoint 11 indicates how the wind farm would impact on this view. In addition the eye is drawn towards Penchrise Pen to the south west. The visitor experience of the hill is framed both by natural topography and archaeology with a tendency to focus on views to the

south-west, towards the wind farm. Wide panoramic views link Rubers Law to other prominent cultural heritage sites such as Eildon North Hill, Peniel Heugh, Woden Law and Penchrise Pen. At 132 metres tall (411 metres AOD) the wind farm would be the largest human structure in the landscape, as Viewpoint 1 from the A6088 looking towards Rubers Law shows.

- 14.87 The view to Penchrise Pen and its surrounding rich historic landscape is of prime importance to Rubers Law's setting and vice versa. It is the site of a significant contemporary fort and the only one in the immediate area that challenges Rubers Law for height and dominance. Viewpoint 11 and Figure 2.11b show the summit and fort of Penchrise Pen will remain visible from Rubers Law but this view would be dominated by the wind farm in the foreground, which will significantly detract from the appreciation and experience of both forts' settings.
- 14.88 While the removal of turbines 1, 5 and 6 would improve the ability to understand the intervisibility of the sites, the scale of the remaining wind farm elements would significantly impair the appreciation and experience of the forts' shared dominance of the intervening landscape.
- 14.89 This development would challenge the dominance of the hill and its archaeology from wider views. The historic setting of the hill is intimately bound with its landscape setting and is not merely a function of intervisibility between broadly contemporary assets. The wide ranging views toward the hillfort are essential to its setting. The view from Eildon North would be significantly impacted by the development as, even at a distance of 21km from the nearest turbine, the scale of the development would challenge the dominance of Rubers Law and diminish its scale relative to its surroundings.
- 14.90 The scale and apparent proximity of the development in views to and from the hillfort on Rubers Law, through key sight lines and towards major contemporary monuments would have a major significant adverse impact on its setting. While 'legibility' of other assets may not be lost, how Rubers Law is experienced as the primary cultural heritage asset within the wider landscape would change substantially with the introduction of a competing industrial element.

Penchrise Pen

- 14.91 There is a clear historic and current relationship between Penchrise Pen and Rubers Law. Both forts were intended to dominate and control a wide swath of their shared landscape. Penchrise Pen is the most dominant site in a locally rich historic environment and is prominent in the landscape from more distant views and is easily recognisable from Rubers Law. There is mutual understandability of the forts as citadels which links the sites and the landscape in between, including the wind farm site, and the many broadly contemporary settlements that are found in it. Visitors to the Pen will look over the northern and eastern views taking in Rubers Law as the key cultural heritage site in the area, but also other prominent sites on the Eildons, Peniel Heugh and Bonchester Hill. This intervisibility is not incidental. Turbines 1, 5 and 6 in this view would significantly detract from the ability to appreciate and experience this key element of Penchrise Pen's setting and this is demonstrated by Viewpoint 19.

- 14.92 The presence of a large scale industrial wind farm below the summit of the Pen would directly compete with its dominance over the local landscape and the distant views to the north and east. This would significantly impair the appreciation and experience of the fort's setting and the key view towards Rubers Law. The presence of the wind farm would result in a significant adverse impact that affects the experience and appreciation of the forts in their shared setting.

Kirkton Hill

- 14.93 Historic Environment Scotland consider that the introduction of the turbines will create a significant visual effect on the whole south part of the site, including degrading views to Bonchester and Southdean hill forts. Turbines 1, 5 and 6 are particularly dominant and they recommend that these are re-sited or removed. Direct lines of sight to Bonchester and Southdean scheduled monuments should be avoided.
- 14.94 The Council's Archaeologist advises that Kirkton Hill retains a far more intimate setting focussed on the Buckstruther Moss, which is within the wind farm site boundary, and Adderston Lee Moss to the south and east of the fort. Views to Rubers Law, Bonchester Hill and Southdean Hill are prominent features of the setting of Kirkton Hill and these are dominant in views to the east across the wind farm site (Viewpoint 3). While the setting relationship with Rubers Law is largely obscured by modern forestry (which could be felled within the life of the wind farm thus opening up this view), the view to Bonchester and Southdean is still integral to the understanding of Kirkton Hill as an Iron Age fort linked to a wider Iron Age historic landscape. The setting of the fort is therefore tied into the other historic environment features as well as the land within the wind farm site.
- 14.95 Turbines 1, 5, 6, 14 and 15 would dominate this setting and the visual links to Bonchester Hill and Southdean Hill should be removed. The dominating effect over these forts from the large scale wind farm as a whole is seen as having a major adverse impact.

Bonchester Hill

- 14.96 The setting of the two Scheduled forts on Bonchester Hill is characterised by close associations with each other, Rubers Law, undesignated sites on the hill, the Rule Water and Fodderlee Burn valleys. These settlements on Bonchester Hill were constructed to control this more localised landscape, but more distant views to other hillforts and enclosed prehistoric/early medieval settlements is also important to the broader understanding of Bonchester Hill.
- 14.97 The proposed wind farm would significantly detract from the ability to appreciate and experience the setting to the west of the hill. The large scale of the development would dominate views of the valleys below the forts and would challenge the dominance of Rubers Law as the largest feature of this shared setting between the forts (Figure 2.11c). The appreciation and experience of the setting from Bonchester Hill would be heavily impacted. Turbines 13, 14 and 15 dominate the view of Kirkton Hill to the degree that the relationship with this ridge and its historic landscape is significantly degraded to the extent that the interrelationship between the two areas would be barely legible (Viewpoint 9). Bonchester Hill is also visible in the wider landscape as standing alongside Rubers Law and the two are understood

and appreciated together as prehistoric forts. Because Bonchester Hill is lower than, and dominated by, Rubers Law it is easier for large structures to dominate the views of it and its interrelationships. The impacts to the setting within the forts when viewing the hill from other heritage assets in the wider landscape would be of major significance. The scale of the wind farm will significantly detract from the setting of Bonchester Hill's forts.

Mid Hill

- 14.98 Historic Environment Scotland advises that while introduction of the most of the turbines would have a significant visual effect, two turbines (1 and 5) will be very dominant and they recommend deletion or relocation of the turbines to mitigate the effect.
- 14.99 The Council's Archaeologist advises that Mid Hill fort is associated with the Slitrig Valley with Penchrise Pen at its head. The landscape to the east and also the relationship with the valley of the Adderstonshiels Burn are also important. Mid Hill's setting is intimately connected with this wider landscape, dominated by Rubers Law in the views to the north and east, and Kirkton and Bonchester Hills are visible as historic landscape elements.
- 14.100 Views to the wind farm and the setting associated with the burn valley and hills that constrain it would be dominated by the large scale turbines (Viewpoint 4). The close proximity of the wind farm from Mid Hill will greatly diminish Rubers Law and the fort's shared setting with it by appearing as the largest structures in the landscape. Bonchester Hill will be almost completely obscured by Turbine 8 and diminished by the remainder of the wind farm. Turbines 1, 5 and 8 could be removed but the only means by which the diminishing effect of Rubers Law and Bonchester Hill can be mitigated in this view is through lowering the heights of all turbines and greatly reducing the scheme's footprint.

Denholm Hill Fort

- 14.101 Historic Environment Scotland advises that the introduction of the turbines will have a significant visual effect when viewing the proposed development from the site (Viewpoint 5). They recommend deletion or relocation of turbines 1 and 5 to mitigate the effect.

The Historic Landscape

- 14.102 In policy terms, historic landscapes are material consideration per SPP however, the Council's Archaeologist considers that the ES has not fully identified the full extent of the historic landscape. The character of this landscape is linked to a hierarchy of settlements and land management over time, with Rubers Law at the head and subsidiary settlements extending to south and west as far as the Slitrig and Teviot valleys. All elements contribute to the sense of connection fostered by interlinking settings and visible connections towards sites across to Rubers Law.
- 14.103 There is a great deal of complexity and interconnected setting in the historic landscape. This means that any large scale industrial development of the type proposed which is inserted into the landscape would be out of keeping with the historic landscape and would add a significantly incongruous and anachronistic element that dominates the experience, appreciation and the

understanding of the overall cultural heritage of the area. The area remains a legible prehistoric landscape dominated by Rubers Law and its fort and to a lesser degree by the forts on Penchrise Pen and Bonchester Hill.

- 14.104 The Council's Archaeologist concludes that this scheme poses a number of highly complex and interlinking impacts to the historic landscape around Rubers Law which cannot be mitigated through design. This is largely due to the presence of a large number of prehistoric and early medieval archaeological sites in an upland fringe area where destruction through land-use has been limited and interlinking settings are maintained. The major significant impacts of the scheme on the historic landscape and settings of designated and non-designated sites and monuments within it are not clearly outweighed by the development.

Cumulative Impact

- 14.105 The FEI includes an updated assessment of the cumulative impact assessment and includes viewpoints from various hills. Viewpoint 11 is from the summit of Rubers Law where the turbines proposed at Birneyknowe would be potentially viewed in conjunction with Wauchope, Pines Burn and with Langhope Rig, to a lesser extent. It is considered that the cumulative impacts would be significantly adverse.
- 14.106 The cumulative impacts of the wind farm developments for Kirkton Hill can be seen in Viewpoint 3. Pines Burn, Wauchope and Highlee Hill proposals would extend across the view with Birneyknowe prominent in the foreground. The cumulative impacts would greatly dominate and diminish heritage sites in the landscape through scale, numbers of turbines and kinetic movement. The cumulative impact from Bonchester Hill (Viewpoint 9) would be similar to those from Rubers Law and the extent, height and number of turbines would pose a major significant impact to the setting of Bonchester Hill.
- 14.107 For the above reasons it is considered that the proposal does not comply with Local Development Plan policies ED9 and EP8 in relation to the impact of the wind farm on cultural heritage assets.
- 14.108 It is accepted that the proposal would not affect any Listed Buildings, Conservation Areas or Gardens and Designed Landscapes.

Residential Amenity

- 14.109 An assessment of potential noise effects was carried out for the construction, operational and decommissioning stages of the proposed development and submitted as part of the ES. Environmental Health officers have assessed noise issues. After seeking clarification on certain issues they have raised no objection to the proposal.
- 14.110 A condition is required to secure the submission of a Construction Method Statement that includes predicted noise levels at sensitive receptors, noise control measures, procedures for communicating noisy works and dealing with noise complaints and mitigation measures for temporary lighting, vibration and dust suppression. Further conditions can control noise levels during the operational phase of the development.

- 14.111 The ES has carried out an assessment of the potential for shadow flicker effects and this has concluded that two properties, Birneyknowe Farmhouse and Birneyknowe Cottage, may be affected. Both properties are occupied by parties with a financial interest in the proposed development.

Ecology and Habitat Impacts:

- 14.112 Buckstruther Moss SSSI is within the site and Adderstonlee Moss SSSI is adjacent to the north west boundary of the site.
- 14.113 Scottish Natural Heritage has advised that the development is not likely to impact on the internationally important features of interest of the River Tweed SAC or the nationally important features of interest of Buckstruther Moss SSSI or the Adderstonlee Moss SSSI. They support the preparation and implementation of an Engineering Design and Construction Method Statement (EDCMS). A Habitat Management Plan (HMP) is required and this would include management of the SSSI catchments and the management and enhancement of habitats within the site to increase nature conservation value, particularly for birds such as breeding waders, and mitigation for the likely losses to Curlew as a result of the development. Conditions would secure mitigation measures, the HMP and the micro-siting of turbine 7 to protect species rich grassland.
- 14.114 The Council's Ecology Officer has requested the micro-siting of turbines and infrastructure to protective sensitive habitats and has identified that the development has the potential to impact on a range of species and habitats. Pre-commencement surveys are required with the results informing Species Mitigation and Management Plans. A Habitat Management and Enhancement Plan, compensatory planting and post construction monitoring are also required. In addition, an Ecological Clerk of Works should be appointed to ensure that ecological and habitat requirements are met during construction and decommissioning.
- 14.115 SEPA originally objected to the proposal due to the lack of information relating to wetlands and peatland. A detailed peat depth survey was submitted with the FEI and this confirmed that no peat is present within the proposed layout. SEPA has now withdrawn their objection subject to appropriate mitigation and conditions securing a Construction Environmental Management Plan, an Environmental Management Plan, a Construction Method Statement and a Decommissioning and Restoration Plan.
- 14.116 Taking into account these consultation responses the proposal does not give rise to any significant biodiversity impacts that cannot be resolved by planning conditions covering the aforementioned matters.

Traffic and Road Safety

- 14.117 The main traffic effects of the development would be during the 8 month construction phase with vehicles transporting staff, construction materials and the turbine components to the site. Access to the site would be via the A68, A698 and A6088. A new access would be formed from the A6088 into the site with 4.5m by 215m visibility splays.

14.118 Transport Scotland requires the route to the site for abnormal loads, via the A68 trunk road, to be agreed before deliveries commence. This can be controlled by a condition.

14.119 The Roads Planning Service has no objections to the principle of this proposal and is satisfied that a suitable access into the site can be achieved from the A6088, although the exact location and detail of this must be agreed. They do have concerns regarding the delivery of the turbine components, especially through Denholm. Considerable works would be required to the existing road network, including third party land. Exact details of what is proposed, reinstatement and a timetable for these works would need to be agreed.

14.120 A Traffic Management Plan would be required, including details for staff travel to and from the site, delivery of normal construction materials and the abnormal loads, all accommodation works required to the adjoining road network to facilitate delivery vehicles and the inspection/repair of any damage to the existing road network associated with the construction traffic.

Public Access/Path Network

14.121 In terms of public footpaths, there are no claimed Rights of Way or Core Paths within the site, though there is one permissive/customary path from Birneyknowe north to the A6088. Outwith the site there are number of rights of way and promoted paths from which the wind farm will be visible, in particular the Hawick Circular Riding Route (right of way BR120) is approximately 1km away.

14.122 The Council's Access Officer advises that the land Reform Act seeks a right of responsible access through the site once the development is completed and the tracks should be available for public use.

14.123 It is accepted that the proposal would not affect rights of way within or outwith the site, except during the construction phase, though there would be visual impacts upon completion.

Economic Benefit:

14.124 Wind energy developments can make an important contribution to the UK economy. Net economic impact is a material planning consideration and local and community socio-economic benefits include employment, associated business and supply chain opportunities.

14.125 SPP states that where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit. The Scottish Government's Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments advises that where local benefits are proposed through a shared ownership opportunity and there is an intention to secure a partner organisation, this may be taken into account in determining a planning application.

14.126 The FEI outlines the socio-economic benefits of the development and these include:

- Up to 10% community ownership offer;
- Connect2Renewables commitments targeting a minimum local economic benefit over the life of the wind farm, which includes funding and support for jobs, training and apprenticeships, improved facilities, environmental improvements, regeneration and sustainable economic growth;
- Funding for a Community Energy Contribution Scheme;
- Business rates;
- Direct and indirect job creation during the construction and operational phase of the wind farm.

14.127 The socio-economic benefits of the proposed wind farm development can be taken into account as a material consideration in assessing this application. However, the potential for such benefits and thereby economic growth in the consideration of energy proposals must be balanced with the likelihood that wind energy developments can and, in this case, will result in adverse environmental impacts, which are potentially of greater significance than the economic benefits.

Renewable Energy Benefits:

14.128 NPF3 is clear that the planning system must facilitate the transition to a low carbon economy and facilitate the development of technologies that will help to reduce greenhouse gas emissions from the energy sector. The efficient supply of low carbon and low cost heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. SPP contains the following targets:

- 30% of overall energy demand from renewable sources by 2020;
- the equivalent of 100% of electricity demand from renewable sources by 2020.

14.129 SPP supports the development of a diverse range of electricity generation from renewable energy technologies.

14.130 This proposed development would have a total installed capacity of 60MW, which would make a reasonable contribution to the provision of sustainable renewable energy.

15.0 CONCLUSION

15.1 Scottish Borders Council is supportive of the principle of large scale wind energy development, as reflected in its policies and guidance, which includes strategic SESplan policies. As required by all policy considerations, the benefits of energy production and the dis-benefits of environmental impacts must be weighed carefully against one another. This is made clear in SPP and reflected within the primary Local Development Plan 2016 policy consideration for this development, policy ED9.

15.2 Several key issues stand out in this report. There are clear benefits from the potential production of 60MW of electricity. This would make a reasonable

contribution to the delivery of sustainable renewable energy development and align with the objective of the Scottish Government to deliver the equivalent of 100% of electricity demand from renewable sources by 2020. The applicant has also outlined socio-economic benefits.

15.3 However, in planning terms, it is considered that these benefits are outweighed by the environmental impacts, as outlined in this report. The site location and the development proposed for it give rise to a number of issues that would be difficult to successfully mitigate:

- There is limited containment within the 5km range and consequently, significant visual impacts from a number of sensitive receptors, including public roads (such as the main tourist route of the A7 and the A6088), rights of way, iconic hills (especially Rubers Law and Bonchester Hill) Common Riding routes and dwellinghouses.
- The Ironside Farrar Landscape Capacity and Cumulative Impact Study July 2013, referred to within policy ED9, concludes that there is no capacity for very large turbine development within these Landscape Character Areas and the applicant has failed to demonstrate how the proposed wind farm can be accommodated within the site without unacceptable adverse impacts on the landscape.
- By virtue of the location, scale and extent of the wind farm, the proposal would be out of scale with the receiving landscape and would contrast significantly with other landscape features, appearing as a dominant feature in the landscape.
- The proposal would intrude on views into and out of the Teviot Valleys Special Landscape Area.
- The proposal would diminish the significance of Rubers Law as an important landscape feature in the Borders, due to the scale of the turbines and their proximity, competing with this sensitive skyline feature and adversely affecting its setting.
- The proposal would adversely affect the landscape setting of Hawick on approach from the north, dominating views and adversely affecting Hawick's landscape character.
- The proposal would be highly visible from the iconic panoramic viewpoint at the national border at Carter Bar.
- Significant cumulative effects would occur, with overlapping with other proposed wind farm schemes in the surrounding area and turbines becoming a dominant feature in some views resulting in significant adverse impacts and in some cases, such as views from Rubers Law, altering the character of the landscape. A variety of sequential cumulative effects can be anticipated for people travelling through the area significantly altering the character of the landscape, with turbines becoming a dominant feature of some journeys.
- The proposal would result in a number of highly complex and interlinking impacts on the historic landscape around Rubers Law which cannot be

mitigated through design. This is due to the presence of a large number of prehistoric and early medieval archaeological sites in an upland fringe area where destruction has been limited and where interlinking settings are maintained. The major significant impacts of the scheme to the historic landscape and settings of designated and non-designated sites and monuments within it are not clearly outweighed by the benefits of the proposed development.

- 15.4 A proposal with this many overriding planning issues cannot be supported, despite the potential level of renewable energy and economic benefits it would provide. The level of environmental impacts is considered to be unacceptable and outweighs the benefits that the scheme may bring.

16.0 RECOMMENDATION BY CHIEF PLANNING OFFICER

- 16.1 That the Council indicates to the Scottish Government that it **objects** to the application for a 15 turbine wind farm on the Birneyknowe site. The reasons for the objections are as follows:

16.2 Reason for Objection 1: Impact on Landscape Character:

The proposed development would be contrary to policies PMD2, EP5, and ED9 of the Scottish Borders Local Development Plan 2016 and policy 10 of the Strategic Development Plan 2013 in that, taking into consideration the following factors, it would unacceptably harm the Borders landscape:

- There is no capacity for very large turbine development within these Landscape Character Areas and the applicant has failed to demonstrate how the proposed wind farm can be accommodated within the site without unacceptable adverse impacts on the landscape.
- By virtue of the location, scale and extent of the wind farm, the proposal would be out of scale with the receiving landscape and would contrast significantly with other landscape features, appearing as a dominant feature in the landscape.
- The proposal would intrude on views into and out of the Teviot Valleys Special Landscape Area.
- The proposal would diminish the significance of Rubers Law as an important landscape feature, due to the scale of the turbines and their proximity, competing with this sensitive skyline feature and adversely affecting its setting.
- The proposal would adversely affect the landscape setting of Hawick on approach from the north, dominating views and adversely affecting Hawick's landscape character.
- The proposal would be highly visible from the iconic panoramic viewpoint at the national border at Carter Bar.

16.3 Reason for Objection 2: Adverse Visual, Amenity and Cultural Heritage Impacts

The proposed development would be contrary to policies PMD2, ED9, EP8 and HD3 of the Scottish Borders Local Development Plan 2016 and policy 10 of the Strategic Development Plan 2013 in that, taking into consideration the following factors, it would give rise to unacceptable visual, amenity and cultural heritage impacts:

- Limited containment within the 5km range and consequent significant visual impacts from sensitive receptors, including public roads, rights of way, hill summits, Common Riding routes and dwellinghouses.
- Significant cumulative impacts on sensitive receptors and on landscape character, with an overlapping of schemes and with turbines becoming a dominant feature in the area.
- Significant impacts to the historic landscape and settings of designated and non-designated sites and monuments and it has not been demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset or its setting.

16.4 Advisory Note:

Should the application be considered for approval, conditions would be required covering a number of different issues, including noise limits, roads matters, ecology, archaeology, micro-siting and environmental management

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

Author(s)

Name	Designation
Julie Hayward	Lead Planning Officer

