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1. INTRODUCTION

1.1 The Application

Renewable Energy Systems Limited (RES) (“the Applicant”) has prepared this Planning Statement (“the Statement”) in support of their planning application for 13 wind turbines and ancillary development, comprising the proposed “Highlee Hill Wind Farm” located approximately 3 km south of the village of Chesters within the Scottish Borders, as submitted to the Scottish Borders Council (SBC). The proposed wind farm will comprise 13No. three-bladed horizontal axis wind turbines, with 2No. with a height of up to 150 m to blade tip and 11No. of a height of 176 m to blade tip. The proposed wind farm will also comprise associated access tracks with manoeuvring areas, crane assembly hardstandings, control building with compound, substation building with compound, and ancillary underground cabling. Temporary works including, a gate house compound, construction compound, borrow pits, hardstandings, guyed lattice masts and welfare facilities are also proposed during construction of the proposed wind farm.

Access to the proposed wind farm will be via the A6088, with a new entrance formed off the A6088 and new track formed east of the existing Lustruther Farm access track. The new track adjoins existing farm access track which extends to forestry track and which will be upgraded to accommodate the load requirements associated with the proposed wind farm construction.

1.2 The Applicant

The Applicant is one of the world’s leading independent renewable energy developers with operations across Europe, North America and Asia Pacific. At the forefront of renewable energy development for over 30 years, RES has developed and/or built more than 10,000MW of renewable energy capacity worldwide. In the UK alone, RES currently has more than 1,000MW of projects either constructed, under construction or consented. RES is active in a range of renewable energy technologies including both onshore and offshore wind, solar, wave and tidal as well as enabling technologies such as energy storage and demand-side management.

In Scotland, RES has developed and/or built eleven wind farms with a total generation capacity of nearly 215 MW. RES is currently constructing Glenchamber Wind Farm and Minnygap Wind Farm in Dumfries and Galloway, Freasdail Wind Farm in Argyll and Bute and Penmanshiel Wind Farm in the Scottish Borders. Drawing on decades of experience in the renewable energy and construction industries, RES has the expertise to develop, construct and operate projects of outstanding quality. From its Glasgow office RES has been developing, constructing and operating wind farms in Scotland since 1993. RES has a team of over 117 staff in Scotland working across a range of disciplines.

1.3 The Environmental Impact Assessment

Under the Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (“the EIA Regulations”)¹, an environmental impact assessment (EIA) should be undertaken for all development specified within Schedule 1 of the Regulations, and for those developments that meet the thresholds specified in Schedule 2.

The proposed wind farm does not constitute development specified within Schedule 1 of the Regulations, but does exceed the thresholds specified within Schedule 2 for “(i) *Installations for harnessing of wind power for energy production (wind farms)*”; and as such the necessary environmental impact assessment has been undertaken and its findings reported within the Environmental Statement which accompanies the planning application.

1.4 Purpose and Structure of this Planning Statement

The main purpose of this planning statement is to assess the proposed wind farm as required by Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) (“the Planning Act”) and to demonstrate the proposed developments acceptability in terms of the proposed development plan and all other material considerations relative to the nature and merits of the proposed development.

Section 25 of the Planning Act states “Where in making any determination under the planning Acts, regard is to be had to the proposed development plan, the determination is, unless, material considerations indicate otherwise, to be made in accordance with that plan.”

Section 37 of the Planning Act requires planning authorities in determining planning applications, to have regard to the provisions of the proposed development plan in so far that they are material to the application, and to any other material considerations.

This Statement will assess the proposed wind farm against the proposed development plan and further outline the relevant material considerations against which the merits of the proposed wind farm require to be weighted.

¹ The Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011: <http://www.legislation.gov.uk/ssi/2011/139/contents/made>

2. THE NEED FOR THE PROPOSED DEVELOPMENT

The proposed wind farm is supported by a number of national policies and legislation relating to climate change targets all of which are material considerations which require weight to be applied in balancing the decision on the planning application.

Scottish Government policy in principle encourages renewable energy generation as the country moves towards a low carbon economy and to improve energy security.

The Climate Change (Scotland) Act 2009² sets targets for the Scottish Government to reduce greenhouse gas emissions by 42% by 2020 and by 80% by 2050 (compared to relevant 1990/95 baseline emissions). This Act also requires Ministers to set annual targets to reduce emissions between 2010 and 2050. The first set of targets were agreed in 2010 for 2010 to 2022, subsequent years' targets were set in 2011 up to 2027 and will continue to be set at 5 year intervals.

The Scottish Government recognise that action to reduce emissions not only addresses climate change but also provides great opportunities for Scotland to become a low carbon economy and highlights that renewable energy presents considerable economic opportunities for Scotland. The Government considers a low carbon Scotland will be less reliant on volatile international energy markets and can ensure that it is an attractive and environmentally conscious place to live and work.

This planning statement will demonstrate both compliance with the proposed development plan in accordance with the Planning Act, and that on balance the assessment of the environmental impacts together with the weight to be attached to the proposed development through national policy support and legislation is such that planning permission should be granted for the proposed Highlee Hill Wind Farm.

² The Climate Change (Scotland) Act 2009; <http://www.legislation.gov.uk/asp/2009/12/contents>

3. THE PROPOSED APPLICATION

The proposed application site is located within a mixed agricultural and forestry use area within the Scottish Borders, approximately 3 km south of the village of Chesters and 12 km south-east and 13 km south of the towns of Hawick and Jedburgh respectively. The Scotland-England border lies approximately 1.8 km south of the site. The site will be accessed via an entrance formed off the A6088 which lies to the north of the site, whilst the B6357 is adjacent to the western boundary of the site.

The application site which extends to approximately 1,097 hectares comprises predominantly commercial conifer forestry plantation in the southern section with the more northerly section comprising a mix of rough grazing and arable fields within agricultural use. Black Burn watercourse borders the site to the east, and the Jed Water runs through the site in a southerly direction. A number of smaller watercourses are also evident within the site. The pattern of topography varies across the site, with Wolfehopelee Hill (340 m AOD), one of the high points to the west of the site, sloping steeply down to the B6357. Other hills to the west include Black Hill and Wardmoor Hill, both of a similar height to Wolfehopelee Hill.

There are a number of disused quarries within the site, and a grouping of derelict buildings, known as Westshiels located centrally within the site. Crag Bank Wood located to the western boundary of the site adjacent to the B6357 contains ancient native woodland and wild flower glades. To the north-west and south-west of the site the landform is denoted by the distinctive hills of Wolfelee and Brockie Law, whilst to the north beyond the A6088 the landuse is of a more settled agricultural nature, the forestry plantation landuse character extends beyond the southern and eastern boundaries of the site.

The proposed development comprises 13No. three-bladed, horizontal axis wind turbines, 11No. measuring up to 176 m to blade tip, with 2No. measuring up to 150 m to blade tip. In addition a substation compound, containing a control building will be constructed, together with a series of upgraded and new access tracks and manoeuvring areas to service the proposed development. Crane hardstandings will be developed at the base of each turbine, with a network of underground cabling linking the turbines to the control building and substation. A number of temporary works will be associated with the proposed development including, a gate house and two construction compounds, crane hardstandings, borrow pits, welfare facilities and guyed lattice meteorological calibration masts and ancillary track spurs where necessary for access.

3.1 Planning History

A request for an EIA Scoping Opinion was submitted to the Scottish Government's Energy Consents & Deployment Unit (ECDU) in January 2014. The Scoping Opinion was provided by the ECDU on 24th March 2014. As a result of constraints identified by the Applicant through the EIA process and as a result of the Scoping Opinion the scale of the proposed development was significantly reduced from a +50 MW Section 36 application under The Electricity Act 1989, to that of a "Major" planning application (+20 MW). As a result of the significant amendment to the proposal a further scoping opinion was requested from Scottish Borders Council on 4th November 2015, who subsequently provided a formal scoping

opinion dated 8th December 2015. The consultation undertaken in respect of the proposed development is outlined in Chapter 3: Design Evolution and Alternatives of the Environmental Statement (ES) that accompanies this application.

4. DEVELOPMENT DESIGN AND DESCRIPTION

Chapter 2: Proposed Development of the ES outlines the proposed development for which planning permission is being sought for a temporary period of 30 years. The proposed development comprises the following:

- 13No. three-bladed horizontal axis wind turbines, with 2No. up to 150 m tip-height and 11No. up to 176m;
- turbine foundations;
- hardstanding areas at each turbine location for use by cranes erecting and maintaining the turbine;
- 4No. temporary guyed lattice calibration and power performance masts with associated hardstandings and track spurs;
- a wind farm substation compound containing a control building;
- a network of underground (buried) on-site electrical and control cables;
- a connection from the substation to the local grid network (not part of the wind farm planning application, but considered briefly later in this Chapter);
- site access tracks and turning points;
- 2No. temporary construction compounds;
- temporary welfare facilities;
- 5No. borrow pit search areas;
- drainage works, including a SuDs system
- forestry felling works;
- associated ancillary works; and
- engineering operations.

The design of wind turbines continues to improve technically, operationally and economically. As such the most suitable candidate turbine with overall heights of 150 m and 176 m, and currently with a nominal 3.45 MW generating capacity has been used for EIA purposes, but the final choice of turbine within the specified parameters would be made prior to construction and in agreement with the Scottish Borders Council (SBC). Planning permission is sought for a temporary period of 30 years, with a decision being made towards the end of this period as to refurbish, remove or replace the turbines. Any subsequent repowering of the proposed development would be subject to whatever planning and EIA regulations were in force at that time.

4.1 Development Description

4.1.1 *Wind Turbines*

The exact tower and blade dimensions of wind turbines vary marginally between manufacturers, but suitable turbines are produced by Senvion, Nordex and Vestas amongst others. The turbines will normally be finished in a pale grey colour with semi-matt finish, but this would be subject to agreement with the Scottish Borders Council. Each turbine would have a transformer, either housed internally within the tower or externally adjacent to it and switchgear to increase the generating voltage of 690 V to the 33 kV required to transport the electricity to the grid. A typical 176 m overall height turbine is illustrated in Figure 2.2 of Chapter 2: Proposed Development of the ES.

4.1.2 Foundations and Hardstanding

The wind turbines would be erected on steel re-enforced concrete foundations of gravity design. Figures 2.3 and 2.4 of the ES illustrate typical foundations and hardstandings respectively.

4.1.3 Borrow Pits

Five borrow pit search areas are illustrated on Figure 2.1 Infrastructure Layout of the ES. These are shown as the maximum potential areas for extraction of site won rock to be used in access track and hardstanding construction. The quality and nature of the aggregate will only be understood following the results of the pre-construction detailed site investigation works. Further detail on the proposed borrow pit search areas is contained in Chapter 2: Proposed Development of the ES.

4.1.4 Forestry works

Most of the proposed infrastructure will be located within the Dykelaw forest plantation, whereby phased felling and replanting works have been ongoing since 2004. The current Forest Management Plan confirms that the remaining mature areas of forest will be felled within the 2018-22 timeframe, which would coincide with the commencement of construction of the proposed wind farm. Accordingly felling operations will be tightly coordinated with civils works to minimise traffic impacts and ensure health and safety procedures are managed appropriately on site. Infrastructure located within the already felled and replanted younger areas of planting will only require keyhole felling. ES Chapter 10: Forestry, provides greater detail on the proposed forestry works.

4.1.5 Site Tracks & Access

The access track layout has been designed to minimise environmental disturbance and land take by using as much of the pre-existing agricultural and forestry tracks as practicable. The access track route utilises 13 existing watercourse crossings, with 2 new crossings proposed. All upgraded and new watercourses will be as illustrated in Figure 2.11 of the ES and will be designed not to restrict mammal movement, or water flow. Approximately 7.7 km of existing tracks will be upgraded with 5.5 km of new tracks formed, which are likely to be of excavated, rather than floating construction due to the lack of deep peat within the site.

The anticipated port of entry for the turbine components would be Blyth. The components would then be routed around the periphery of Newcastle before joining the A696, travelling north-west until joining the A68. Shortly after crossing the border in Scotland they will turn off onto the A6088, taking them to the site entrance at Southdean. This route is indicated in Volume 4 Technical Appendix 11.1 of the ES. Minor works within the public road network and in agreement with third party landowners would be required in connection with this preferred route.

4.1.6 *Electrical Connection & Grid Connection*

Each wind turbine would generate 690 V of electricity and would have an ancillary transformer located either within the nacelle or at its base to step up the voltage to the on-site distribution voltage of 33 kV. Each turbine would be connected to the substation, with underground cabling, typical cable trench sections are illustrated in Figure 2.9 of the ES.

The grid connection route has yet to be confirmed, and will be subject of a separate application under Section 37 of the Electricity Act 1989 by the relevant network operator.

4.1.7 *Substation & Control Building*

The control building and substation compound is proposed within the forest between turbines 5 and 7, as illustrated in Figure 2.1 of the ES.

The control building and compound would have a footprint of 1,885 m². The building will accommodate the metering equipment, switchgear, central computer system and electrical control panels, together with the necessary ancillary storage and welfare facilities, whilst the substation compound will contain electrical equipment including auxiliary transformers. Figures 2.7 and 2.8 respectively illustrate the typical layout and elevation of the proposed control building with a section of the compound fencing, with further detail contained in Chapter 2: Proposed Development of the ES.

4.1.8 *Temporary Construction Compound*

Two temporary construction compounds, each of approximately 3,000 m² are proposed just south of the site entrance off the A6088, with the second adjacent to the proposed control building and substation located between turbines 5 and 7. The compounds would include:

- temporary portable buildings to be used as site offices, security monitoring and welfare facilities;
- toilet facilities would be provided with a packaged treatment system designed in liaison with SEPA;
- containerised storage areas for tools, small plant and parts;
- parking for construction vehicles;
- a receiving area for incoming vehicles; and
- a bunded area for storage of fuels and greases;

Figure 2.13 of the ES illustrates a typical layout for the construction compound however it should be noted that the exact layout may be different in practice. All temporary development would be removed following completion of the construction phase and the ground reinstated and re-vegetated to restore to its pre-development state.

4.1.9 *Decommissioning*

The proposed operational life of the proposed development is 30 years from the date of commissioning. Towards the end of this period, a decision would be taken whether to refurbish, replace or remove the turbines. The relevant planning applications and any other relevant assessments or consents necessary would be applied for if the decision is to refurbish or replace the turbines.

In the event that a decision is taken to decommission the proposed development the turbines and crane hardstandings would be removed. In line with environmental guidance it would be normal practice to cut the cables and seal them and remove the turbine foundations to a depth of 1 m and grade with soil and allow to re-vegetate. The access tracks would either be removed and the ground reinstated, or left in situ to improve access for the land owner. Further detail on decommissioning is contained within Chapter 2: Proposed Development of the ES.

5. CONSULTATION

5.1 Community Engagement

There are a number of regulatory and best practice guidance documents which relate to community consultation and engagement of planning applications, these are:

- The Town & Country Planning (Scotland) Act 1997 (as amended)³;
- The Town & Country Planning (Development Management Procedure)(Scotland) Regulations 2013⁴;
- The Town & Country Planning (Hierarchy of Developments) (Scotland) Regulations⁵;
- Circular 3/2013: Development Management Procedures⁶;
- Scottish Planning Policy (2014)⁷;
- PAN 3/2010 Community Engagement⁸;
- SP=EED; Successful Planning =Effective Engagement & Delivery (PAS)⁹;

The Hierarchy of Development Regulations prescribes that the application subject of this planning statement is a “Major” development. Such developments are subject to a certain minimum level of community consultation as prescribed by the Development Management Procedure Regulations which require the notification of such procedures to the planning authority in a Proposal of Application Notice, at least a minimum of 12 weeks prior to the submission of the planning application.

The relevant Proposal of Application Notice was sent to the Scottish Borders Council on 20th October 2015 and outlined the intended consultation to be undertaken in accordance with both the regulations as minimum, but also that undertaken in addition to this in accordance with the best practice guidance contained in SPP, PAN3/2010 and the PAS developed community engagement tool kit SP=EED. The Council did not specify that any additional consultation was required to that specified in the Proposal of Application Notice.

The Development Management Procedure Regulations further require that a Pre-application Consultation (PAC) report is submitted with a “Major” planning application, describing the community engagement undertaken and the feedback from such engagement and consultation with the community. The necessary PAC report accompanies this planning

³ The Town & Country Planning (Scotland) Act 1997: <http://www.legislation.gov.uk/ukpga/1997/8/contents>

⁴ The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013: <http://www.legislation.gov.uk/ssi/2013/155/contents/made>

⁵ The Town & Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009: <http://www.legislation.gov.uk/ssi/2009/51/contents/made>

⁶ Circular 3/2013 Development Management Procedures: <http://www.scotland.gov.uk/Publications/2013/12/9882>

⁷ Scottish Planning Policy (June 2014): <http://www.scotland.gov.uk/Topics/Built-Environment/planning/Policy>

⁸ PAN 3/2010 Community Engagement: <http://www.scotland.gov.uk/Publications/2010/08/30094454/0>

⁹ SP=EED; <http://www.pas.org.uk/speed/>

application and confirms the key design changes to the proposed wind farm to take account of the communities' feedback. These comprise; a reduction from 37 to 13 turbines and their set back within the site to minimise visual impact, especially from Chesters; negating any visual impact from Carter Bar on A68 near to the border with England, and routing abnormal load traffic to avoid Chesters. Further detail on the community engagement and all consultation feedback undertaken in connection with the application proposal are contained in the PAC report submitted with this planning application.

5.2 Consultees

As part of the EIA process a scoping opinion was sought from the Scottish Government's Energy Consents & Deployment Unit on the initial proposal for 37 turbines in January 2014. As a result of the ECDU opinion including those from various consultees, the layout was refined to 20 turbines of a tip height of 150 m. The Applicant undertook additional consultation with a number of other consultees considered relevant to the design iteration process and the various environmental assessments required as part of the EIA process. As a result the layout was again amended to 13 turbines, with 11No. at 176 to tip and 2No. measuring 150m to tip. As the electricity generating capacity of the project was subsequently reduced below 50MW the application required to be made as a "Major" planning application to Scottish Borders Council, rather than under Section 36 of the Electricity Act to the Scottish Government. A scoping opinion on the 13 turbine layout was duly requested from the Scottish Borders Council in November 2015. A summary of the consultations undertaken and the responses which informed the design and EIA process are contained within Chapter 3: Design Evolution & Alternatives of the ES.

5.3 Commentary

The Applicant as part of the proposed development of the application proposal undertook early EIA scoping requests and consultation with stakeholders including early community engagement to understand the key issues and constraints to the proposed development. These were subsequently considered and formed part of an extensive design iteration process, resulting in the current proposal which is considered to be the most appropriate design for the application site which minimises environmental impact and is considered to be the right development in the right location, in accordance with the prevailing guidance in SPP.

6. DEVELOPMENT PLAN ASSESSMENT

Introduction

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006) (“the Planning Act”) states, in part, that:

“Where, in making any determination under the planning Acts, regard is to be had to the proposed development plan, the determination is, unless, material considerations indicate otherwise to be made in accordance with that plan...”

Section 37(2) of the Act states:

“In dealing with such an application the authority shall have regard to the provisions of the proposed development plan, so far as material to the application, and to any other material considerations”.

The adopted development plan that covers the proposed development site comprises:

SESplan Strategic Development Plan (approved 27th June 2013);

Scottish Borders Council Local Development Plan (adopted 12th May 2016)

SESplan produced the Strategic Development Plan (June 2013) (SDP)¹⁰ covering Edinburgh, southern Fife, the Lothians and the Scottish Borders. This plan sets out the long term vision for the southeast of Scotland and covers the period up to 2032. The second SDP is currently under preparation, with the Main Issues Report consulted upon in the late summer/autumn of 2015.

The Scottish Borders Council adopted the Scottish Borders Council Local Development Plan (SBCLDP)¹¹ on 12th May 2016. This replaced the Scottish Borders Consolidated Local Plan 2011. The SBCLDP sets out the overarching vision statement, spatial strategy and general planning policies for the whole of the Council’s area. Supplementary Guidance relating to the allocation of additional housing sites is currently being prepared by the Council and will, once approved, form part of the local development Plan. The Council also publish Planning Guidance covering various topics, which although not part of the development plan can be a material consideration for development management purposes. The Scottish Borders Council Supplementary Planning Guidance: Wind Energy 2011¹² will be a material consideration for this application proposal.

The sections below provides an assessment of the proposed development’s accordance with the development plan, with particular focus upon its aims and objectives, its policies and supporting justifications as relevant to the nature of the proposed development and the application site and its surroundings.

¹⁰

<http://www.sesplan.gov.uk/assets/files/docs/290813/SESplan%20Strategic%20Development%20Plan%20Approved%2027%20June%202013.pdf>

¹¹ https://www.scotborders.gov.uk/info/20051/plans_and_guidance/121/local_development_plan

¹² https://www.scotborders.gov.uk/downloads/download/412/planning_guidance_wind_energy

SESplan Strategic Development Plan (2013)

The SDP aims to ensure that the City Region of Edinburgh and the southeast Scotland, underpinned by its high quality built and natural environment continues to be internationally recognised as an outstanding area in which to live, work and do business. It aims to enhance the areas special qualities by setting out a spatial strategy which recognises existing development commitments and promotes a sustainable pattern of growth. This strategy is supported by a framework for delivery to promote the economic growth and the delivery of housing in the most sustainable locations. In addition it aims to promote the development of strategic transport and infrastructure networks to support growth and the needs of communities.

In terms of Energy, SDP recognises that the supply and consumption of energy has significant implications for the economy and environment. Ultimately there is a need to reduce energy consumption and to generate more heat from renewable sources. The SDP states that *"LDP's should promote the use of renewable energy and should encourage development that will contribute towards the following national renewable energy targets: 100% electricity demand equivalent from renewable by 2020; 11% heat demand from renewables by 2020; at least 30% overall energy demand from renewable by 2020; 500 MW community and locally owned renewable energy by 2020."*

The SDP acknowledges the range of renewable technologies and their varied impacts, and consideration of location, landscape and environmental quality and community impacts is required for onshore developments. The current contribution of onshore wind development in East Lothian, West Lothian and the Scottish Borders is recognised, but that concerns have been expressed in these areas regarding cumulative impacts of development. Accordingly LDP's should undertake assessments of such impacts. Policy 10 relates to sustainable energy technologies and requires LDP's to set a framework for the encouragement of renewable energy proposals that aim to contribute towards national targets for electricity and heat, taking into account relevant economic, social, environmental, and transport considerations. With the aim of facilitating a more decentralised pattern of energy generation and supply, in particular taking account of the potential to develop heat networks.

The SDP provides further generic policy guidance on topics such as water and flooding, infrastructure, and waste management and disposal, requiring Local Development Plans to provide more detailed and bespoke policy guidance for their areas on such matters.

This statement will ultimately demonstrate that the proposed development is supportive of the relevant aims and objectives of the SDP and compliant with the relevant provisions of Policy 10, in that it makes a significant contribution towards national electricity generation capacity targets, whilst minimising impacts on the environment and communities to an acceptable level.

The strategic aims and objectives of the SDP for the Scottish Borders area have been reiterated in the newly adopted Scottish Borders Local Development Plan (LDP).

Scottish Borders Council Local Development Plan (May 2016).

The Scottish Borders Council Local Development Plan (SBCLDP) was adopted by the Council on 12th May 2016. The plan replaces the Scottish Borders Local Plan and is intended to provide firm guidance until 2025, with reviews every 5 years from adoption. The accompanying Action Programme to the plan will set out how the ambitions of the plan will be delivered and will be monitored and revised every 2 years. In alignment with SESplan's SDP the SBCLDP focuses upon economic development and life improvement, with policies aimed at improving both within the Scottish Borders area.

The SBCLDP Vision states "In 2025 the Scottish Borders will continue to be an excellent place in which to live and work, with improved job opportunities, housing availability and connectivity. Development will be sustainable and meet the challenges of a changing climate. The built and natural environment will continue to be high quality and support economic development and provide for recreational and leisure activities." the plan's spatial strategy and generic policies aim, in particular relevance to this application, "To protect and enhance the natural and built environment", and "To integrate climate change adaptation requirements such as flood prevention and sustainable renewable energy production. These aims are transposed through many of the plan's policies

The Council have not adopted a spatial framework for onshore wind energy development as part of the currently adopted SBCLDP, but through the provisions of Policy ED9 : Renewable Energy Development, confirm such considerations should be in accordance with Table 1 of Scottish Planning Policy (SPP) in this regard, until the relevant Supplementary Guidance (SG), relating to onshore wind energy development, and containing the Council's spatial framework, can be prepared and adopted as part of the SBCLDP. The SG should be submitted to the Scottish Ministers for their approval, within 12 months of the adoption of the plan.

Site Specific and Relevant Generic Policy

Table 6.1 sets out the relevant site specific and generic topic specific policy from the SBCLDP.

Table 6.1: Site and nature of proposal Specific Policy

Policy Reference	Policy Title
ED9	Renewable Energy Developments
ED10	Protection of Prime Quality Agricultural Land and Carbon Rich Soils

The SBCLDP Proposals Map shows that the application site has no specific landuse designation covering it. Accordingly generic subject based policies relating to the nature of the development, and other relevant designations within the vicinity as affected by the proposed development will be relevant and are discussed and assessed further within this section.

Policy ED9: Renewable Energy Development confirms that the Council will support proposals for large scale and community scale renewable energy development, including 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. The policy confirms that renewable energy developments will be based on the principles set out in SPP (2014), in particular for onshore wind developments in terms of Table 1 of SPP. Development will be approved provided that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated. Where judged that such effects are not satisfactorily mitigated the development will only be supported if the Council are satisfied that the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it. It is confirmed that the Council will prepare Supplementary Guidance (SG), including a spatial framework for onshore wind energy development within 12 months of the LDP adoption.

In particular respect of wind energy proposals the following considerations will apply:

- the onshore spatial framework which identifies those areas that are likely to be most appropriate for onshore wind turbines;
- landscape and visual impacts, to include effects on wild land, and taking into account the report on Landscape Capacity and Cumulative Impact (July 2013) as an initial reference point, the landscape and visual impact assessment for a proposal (which should demonstrate that it can be satisfactorily accommodated in the landscape, and should properly address the issues raised in the 2013 report), and other relevant landscape, visual and cumulative impact guidance, for example that produced by Scottish Natural Heritage;
- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas, the cumulative impact of existing and consented development may limit the capacity for further development;
- impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker);
- impacts on carbon rich soils (using the carbon calculator), public access, the historic environment (including scheduled monuments, listed buildings and their settings), tourism and recreation, aviation and defence interests and seismological recording, telecommunications and broadcasting installations, and adjacent trunk roads and road traffic;
- effects on the natural heritage (including birds), and hydrology, the water environment and flood risk;
- opportunities for energy storage;
- net economic impact, including local and community socio-economic benefits, such as employment, associated business and supply chain opportunities;
- the scale of contribution of renewable energy generation targets, and the effect on greenhouse gas emissions;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

“Developers must demonstrate that they have considered the options for minimising the operational impact of wind turbine proposals, including ancillary development such as tracks.”

Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

This policy seeks to restrict development (other than that for renewable energy) which would result in the loss of prime quality agricultural land, or significant carbon rich soil reserves, particularly peat, unless the site is otherwise allocated within the plan, the development meets an established need and no other site is available, and the development is of a small scale and directly related to a rural business. Proposals for renewable energy development, including onshore wind, will be permitted if they accord with the objectives and requirements of policy ED9 on renewable energy development.

Policy Considerations & Assessment

Chapter 3: Design Evolution Considerations and Alternatives of the ES sets out the site selection process undertaken and design strategies that were adopted in arriving at the final design of the proposed development.

The initial turbine layout was based solely upon general design principles and preliminary constraint information and not informed by significant amount of baseline environmental information or assessment.

From the outset, the following design principles have been adhered to when designing the infrastructure:

- mitigation by design should be the principle method of reducing potential environmental impacts;
- utilisation of existing infrastructure should be implemented whenever possible to avoid unnecessary development;
- turbines to be hidden from radar installations at Spadeadam and Lowther Hill
- minimise visual impact as viewed from Carter Bar and other sensitive locations;
- all site infrastructure efficiently designed to minimise overall extent of development whilst maximising renewable energy generation potential; and
- inclusion of borrow pit search areas to identify rock on site to reduce construction traffic movements.

The final turbine layout saw the number of turbines reduced from 37 to 13 turbines. The reduction in turbines was done to mitigate potential impacts upon:

- landscape & visual;
- cultural heritage;
- aviation; and
- ecology /GWDTEs;

The final design that has been subject to the EIA process undertaken is shown in Figure 3.3 (Layout 4) of Chapter 3: Design Evolution and Alternatives of the ES. This turbine layout represents the optimal design when balancing the environmental, technical and engineering considerations. It has been developed using the key principle of mitigation by design, taking cognisance of the views of all stakeholders, including the consultees and local community.

In terms of designing the infrastructure, the defining principle used was to reduce the land take by using existing tracks where possible, other design principles included, minimising the number of new water crossings required, avoiding identified constraints whilst minimising track length by efficient routing of infrastructure, limiting visual impact of smaller scale elements such as borrow pits and the control building and substation, and avoiding forestry felling by appropriate routing of infrastructure.

Policy ED9 recognises the outdated nature of the Council's current spatial framework for onshore wind energy development as it is based on the SPP 2010 requirements. The policy confirms in the absence of an updated spatial framework, the relevant national policy guidance on such matters in SPP (2014) Table 1: Spatial Frameworks, (page 39) are relevant. The Council have committed to prepare new Supplementary Guidance (SG) on renewable energy development, to include a spatial framework for onshore wind energy development, within 12 months of their adoption of the SBCLDP.

Table 1 criteria confirm that the proposed application site would be considered a Group 3 area with potential for wind farm development, as it does not impact any designated site within Group 1, nor Group 2, nor affect any identified "wild land" or carbon rich soil, deep peat or priority peatland habitat, nor is it within the up to 2 km distance from an identified settlement with the LDP, as specified in Group 2 of Table 1.

In principle therefore the proposed application site could be considered suitable for an onshore wind energy development, subject to detailed consideration against the criteria listed in Policy ED9 for such development and an assessment of the acceptability of any mitigated significant impacts in respect of the relevant criteria. The assessment of each of the criteria within policy ED9 is contained in the following subsection topics.

In terms of the landuse implications of Policy ED10, the proposed development does not infringe upon any prime quality agricultural land, or carbon rich soils as indicated in Figure ED10a and as such the provisions of this policy are not applicable to this proposal. However as a renewable energy development, had it infringed such areas, it would have been excluded from consideration, but required assessment under ED9 in respect of impacts upon carbon rich soils, particularly peat habitat.

Landscape and Visual Policy

Chapter 4 (Landscape and Visual) of the ES presents the landscape and visual impact assessment for the proposed development. The relevant SBCLDP policies in relation to landscape and visual impact are summarised and assessed below.

Table 6.2: Landscape and Visual Policy

Development Plan Document and Policy Reference	Policy Title
EP4	National Scenic Areas
EP5	Special Landscape Areas
PMD1	Sustainability
PMD2	Quality Standards

Development Plan Document and Policy Reference	Policy Title
ED9	Renewable Energy Development

Policies

Policy EP4: National Scenic Areas restricts development that affect such areas unless the objectives of the designation and overall landscape value of the site and its surroundings are not compromised, or that significant adverse effects on the qualities for which the site and its surroundings have been designated are clearly outweighed by social or economic benefits of national importance.

Policy EP5: Special Landscape Areas the Council will seek to safeguard landscape quality where proposals affect such areas and will have particular regard to the landscape impact, including the visual impact. Proposals which have a significant adverse impact will only be permitted where the impact is clearly outweighed by social or economic benefits of national or local importance.

Policy PMD1: Sustainability in determining planning applications and preparing development briefs the Council will have regard to a number of listed sustainability principles which underpin the plan's policies and which developers will be expected to incorporate into their developments. In respect of landscape and visual impact these include the protection of natural resources landscapes, habitats and species.

Policy PMD2: Quality Standards requires that all new development is of high quality and in accordance with sustainability principles, designed to fit within the Scottish Border's townscapes and integrate with its landscape surroundings. A number of standards relating to Sustainability, Place Making, Accessibility and Green Space, Open Space and Biodiversity apply. Most of the criteria listed relate to more traditional forms of development, and are not applicable directly to a proposed wind farm development, although where relevant the ethos of these standards can be applied. In respect to landscape and visual impact these would include, design, scale, layout, orientation and construction elements, and hard and soft landscaping associated with the development

Policy ED9: Renewable Energy Development confirms that the Council will support proposals for large scale and community scale renewable energy development, including 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. In respect of onshore wind energy development a number of criteria are listed for consideration, those relevant to landscape and visual impact are;

- landscape and visual impacts, to include effects on wild land, and taking into account the report on Landscape Capacity and Cumulative Impact (July 2013) as an initial reference point, the landscape and visual impact assessment for a proposal (which should demonstrate that it can be satisfactorily accommodated in the landscape, and should properly address the issues raised in the 2013 report), and other relevant landscape, visual and cumulative impact guidance, for example that produced by Scottish Natural Heritage;

- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas, the cumulative impact of existing and consented development may limit the capacity for further development;

Policy Considerations & Assessment

The application site is not subject to any landscape designations. However, there are national, regional and local designations present within the wider study area including the following:

- Eildon & Leaderfoot National Scenic Area, located approximately 20 km northwest of the proposed development;
- Northumberland National Park, located to the east of the proposed development, with its closest point being 5.5 km at Carter Bar;
- Langholm Hills Regional Scenic Area, located approximately 28 km southwest of the proposed development;
- Teviot Valley SLA, abuts the application site's northern boundary;
- Cheviot Hills SLA, located 3.2 km east of the site;
- Tweed Lowlands SLA, located 16.3 km to the north of the site;
- Tweed, Etrick & Yarrow Confluence SLA, located 21.5 km northwest of the site;
- Tweedsmuir Uplands SLA, located 29.3 km northwest of the site;
- Tweed Valley SLA, located 32.4 km northwest of the site.

No Wild Land Area (WLA), as identified in the SNH map of Wild Land Areas, issued in June 2014 is located within the wider study area.

As outlined previously within this section, the proposed development is situated in a Group 3 (Area with potential for wind farm developments) as defined by Table 1 of Scottish Planning Policy (SPP). Scottish Natural Heritage Guidance Spatial Planning for Onshore wind Turbines - natural heritage considerations, was published in June 2015 to replace their Strategic Locational Guidance for onshore wind farms. This guidance seeks to provide further guidance to planning authorities, developers and communities on the preparation of spatial frameworks and the identification of strategic capacity for all scales of onshore wind energy development as prescribed in SPP. In terms of guidance for decision making it provides advice in relation to both development planning and development management aspects of onshore wind energy development.

Scottish Borders Council have recently adopted their Local Development Plan (LDP) without a spatial framework for onshore wind energy development, but have confirmed to the preparation of one as part of statutory Supplementary Guidance (SG), which will follow due process for preparation, consultation and approval by Scottish Ministers, prior to it forming part of the adopted LDP. It is likely that such SG would adhere to SNH's guidance on identifying areas with strategic capacity for onshore wind energy development, however at this point in time no such guidance exists in relation to the direction of strategic capacity for large scale wind farms in the Scottish Borders. As such the application site is expected

to in due course be identified as an Area with Potential for onshore wind in the forthcoming spatial framework, in accordance with the criteria in Table 1 of SPP. Accordingly in principle, subject to detailed consideration of the merits of the proposed development against certain relevant criteria it is considered that the application site is a suitable location for onshore wind energy development.

As summarised within Table 4.9, Chapter 4: Landscape and Visual of the ES, the following residual significant landscape and visual effects are predicted to arise from the proposed development within parts of the Teviot Valley Special Landscape Area, and from parts of the following Landscape Character Types, and identified receptors:

- Southern Upland Type with Forest Covered - Wauchope/ Newcastleton (LCT BDR5), in which the proposed development is located;
- Cheviot Foothills - Falla Group (LCT BDR7);
- Grassland with Hills - Bonchester/Dunion (LCT BDR11) - which contains the site access;
- Grassland with Hills - Rubers Law - (LCT BDR11);
- Chesters;
- Southdean;
- Ruletownhead;
- the A6088;
- the B6357 at the formal vantage point and picnic site;
- the Pennine Way adjoining the A68, at Windy Crag; and
- the Borders Abbey Way at Black Law;
- Black Law Scenic Viewpoint; and
- Rubers Law Scenic Viewpoint.
- Core Paths 1, 116, 192 and 203; and
- The Wheels Causeway and Dykeraw Forest PROW

Chapter 3 of Volume 2 of the ES provides details on design iteration used to minimise landscape and visual impacts from the proposed development. Such measures included set back from settlements and key transport and recreational routes; avoidance of siting turbines on prominent elevated locations at the southern part of the site to minimise visibility from Carter Bar vantage point at the border and the Northumberland National Park; set back from more enclosed landscapes such as river valleys and more settled farmed landscapes; avoiding prominent ridges such as Rubber's Law; and the preferential positioning of turbines within the part of the site enclosed on three sides by topography. The site is also located within a low to medium sensitivity large scale, upland landscape dominated by coniferous plantation with a rolling topography affording potential for embedded design mitigation of the proposed development during its design evolution phase. The design of the infrastructure has also been carefully considered to minimise landscape and visual impact, through siting of infrastructure to take account of natural screening and utilisation of existing forestry tracks.

Chapter 4 of Volume 2 of the ES confirms that despite the size of the proposed turbines, it would have a relatively constrained viewshed, fragmented outwith the immediate proximity of the site and A6088 corridor and would result in a concentration of significant effects within 10 km, with only a small number of localised significant effects outwith this area, on elevated positions in the Cheviots, but outwith Northumberland National Park.

The cumulative baseline in Chapter 4 of Volume 2 considered operational, consented and proposed schemes. Of the operational and consented schemes which are afforded greater weight due to their certainty of existence or greater probability, these are located a significant distance from the proposed development, generally to the north and to the southwestern and southeastern extremes of the study area and do not therefore result in significant cumulative effects on landscape character or visual impact. The proposed schemes at Birneyknowe and Wauchope/Newcastleton are in appeal and scoping respectively and therefore less certain to proceed, but would due to proximity to the proposed development result in a more conspicuous cumulative impact. Given their lack of certainty, especially that of Wauchope/Newcastleton whose design is likely to change significantly to that submitted for scoping, such potential effects require to be afforded lesser weight in the planning balance in considering landscape and visual impact.

Policies EP4 and EP5 seek to safeguard National Scenic Areas and Special Landscape Areas from inappropriate development. As confirmed above and within Chapter 4 of the ES, no significant effects are predicated in any National Scenic Areas. Whilst a small number of significant landscape and visual effects are predicted to be experienced in the Teviot Valleys SLA, due to its proximity to the proposed development's boundary, such effects are limited to elevated areas due to intervening topography. Furthermore the visibility of the turbines from such locations would not undermine the views of the visually prominent hills from within the visually connected river valleys and the integrity of the SLA will not therefore be adversely affected. Such a minor impact when weighted against the wider public benefit of renewable energy generation in reducing climate change is such that the relevant provisions of Policy EP5 are satisfied.

Policies PMD1 and PMD2 relating to sustainability and quality standards require protection of landscapes and quality design and materials to be used in placemaking. These have limited application to the proposed development, but in terms of the general objectives of the policies in furthering these aims, no conflict with the proposed development is found.

Policy ED9 in terms of wind energy development requires consideration of the landscape and visual impacts of the proposed development, including effects on wild land. Consideration of the Council's Landscape Capacity and Cumulative Impact Report (July 2013) should be an initial reference point and the LVIA should illustrate that the proposed development can be satisfactorily accommodated in the landscape, and properly address both the issues raised in this report and other relevant guidance such as that produced by SNH. In addition cumulative landscape and visual impacts must be given consideration, recognising in some areas such development limits capacity for further development.

As highlighted above and in more detail within Chapter 4 of the ES as part of the LVIA, the development due to a careful and considered design evolution can be accommodated within the landscape. Notwithstanding the size of the proposed turbines, given the landscape character in largely containing the development, the major concentration of significant effects are predicated within a 10 km of the outer turbines. Cognisance has been taken of all relevant design and siting guidance in order to minimise significant landscape and visual effects to an acceptable level, thereby in compliance with the requirements for support in Policy ED9.

It is also illustrated that there are no additional significant cumulative landscape or visual effects predicted beyond those residual significant effects which would result from the

proposed development in isolation, as a result of the existing and consented wind farms. Such development requires to be given greater weight in the planning balance due to greater certainty of such effects. Even in considering proposed schemes, such as those in scoping which would have a greater cumulative effects on landscape character and visual amenity, this landscape would not likely be considered to be over capacity. Accordingly no contention exists with the cumulative consideration for Policy ED9. The policy test is unacceptable significant adverse impact, not merely that significant effects are predicted. The LVIA demonstrates that whilst significant effects are predicted these are not unacceptably adverse in terms of impact either on landscape character or visual impact and as such the policy test is complied with and no contention found in respect of such considerations for Policy ED9.

The proposed development is considered therefore to be in accordance with both the development plan and with the relevant planning guidance in respect of landscape and visual effects. Further discussion of the wider material considerations in this respect will be discussed in 'Section 7 Material Considerations' of this statement.

Cultural Heritage Policy

Chapter 7 (Cultural Heritage & Archaeology) of the ES evaluates the effects of the proposed development on cultural heritage resources. The relevant SBCLDP policies in relation to cultural heritage are summarised and assessed below.

Table 6.3: Cultural Heritage Policy

Development Plan Document and Policy Reference	Policy Title
EP7	Listed Buildings
EP8	Archaeology
EP9	Conservation Areas
EP10	Gardens & Designed Landscapes
ED9	Renewable Energy
PMD1	Sustainability
PMD2	Quality Standards

Policies

Policy EP7: Listed Buildings will support development which conserve, protect and enhance the character, integrity and setting of listed buildings. Alterations, extensions or development within the curtilage of such buildings must meet certain listed criteria. New development adversely affecting the setting of listed buildings will not be permitted, nor will the demolition of such building unless it is demonstrated that there are overriding reasons to demolish it.

Policy EP8: Archaeology development which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless it offers substantial benefits which clearly outweigh the

national value of the site and there are reasonable alternative means of meeting the development need. Proposals that adversely affect an archaeological asset of regional or local significance will only be permitted where the benefits outweigh the heritage value of the asset. Any proposal which adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

Policy EP9: Conservation Areas development within or adjacent to conservation areas will be supported where they preserve or enhance the special architectural or historic character and appearance of the area. Further detailed criteria are listed relating to demolition and redevelopment within conservation areas.

Policy EP10: Gardens & Designed Landscapes development that safeguards or enhances the landscape features, character, or setting of such designated sites will be supported, whilst development that has an adverse impact will be refused.

Policy ED9: Renewable Energy Development confirms that the Council will support proposals for large scale and community scale renewable energy development, including 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. In respect of onshore wind energy development a number of criteria are listed for consideration, those relevant to landscape and visual impact are;

- impacts on carbon rich soils (using the carbon calculator), public access, the historic environment (including scheduled monuments, listed buildings and their settings), tourism and recreation, aviation and defence interests and seismological recording, telecommunications and broadcasting installations, and adjacent trunk roads and road traffic.
- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas, the cumulative impact of existing and consented development may limit the capacity for further development;

Policy PMD1: Sustainability in determining planning applications and preparing development briefs the Council will have regard to a number of listed sustainability principles which underpin the plan's policies and which developers will be expected to incorporate into their developments. In respect of cultural heritage impact these include the protection of built and cultural resources.

Policy PMD2: Quality Standards requires that all new development is of high quality and in accordance with sustainability principles, designed to fit within the Scottish Border's townscapes and integrate with its landscape surroundings. A number of standards relating to Sustainability, Place Making, Accessibility and Green Space, Open Space and Biodiversity apply. Most of the criteria listed relate to more traditional forms of development, and are not applicable directly to a proposed wind farm development, although where relevant the ethos of these standards can be applied. In respect to cultural heritage impact this would be a consideration of a sense of place, based upon an understanding of the context and designed in sympathy with Scottish Borders architecture.

Policy Considerations & Assessment

As set out within Chapter 7: Cultural Heritage & Archaeology of the ES a Core Study area for direct effects comprised the site (scoping boundary) and up to 3.5 km of this as a Wider

Study Area. A study area up to 5 km was used for indirect effects (setting), and a study area of up to 15 km for cumulative effects.

There are 24 Scheduled Monuments and 18 Listed Buildings within the 5 km study area where indirect significant effects of the proposed development could be predicted. There are no World Heritage Sites, Gardens & Designed Landscapes, Inventoried Battlefields or Conservation Areas within this study area. There are 114 heritage features identified within the Wider Study Area where direct effects could be possible.

Chapter 7: Cultural Heritage & Archaeology of the ES confirms that potential effects on heritage assets identified within the study areas have been primarily mitigated by embedded mitigation through the design evolution process, and this is further outlined in Chapter 3: Design Evolutions & Alternatives. These included identifying heritage constraint areas during the design evolution process and thereby reducing the turbine numbers and physical impact of development footprint potentially impacting on unknown buried archaeological remains, and repositioning of the turbines to the south to reduce the impact on the setting of heritage receptors such as the Southdean hill fort, settlement and church, and Dykeraw Tower.

The archaeological potential of the Core Study Area is considered to be low to moderate in general, but possibly higher around the Highlee enclosure, Tamshiel Rig, Westshiels Farmstead and Dykeraw Tower where buried assets associated with these may remain below ground level. Embedded mitigation such as designing infrastructure to avoid assets and applying buffers, and using the existing tracks as much as practicable to reduce ground disturbance has been applied through the design evolution phase. It is considered that the predominant forestry land use within the Core and Wider Study Areas will have already damaged many features, however notwithstanding any damage to such assets construction effects from the proposed development will be mitigated by standard planning conditions, in accordance with PAN 2/2011 Planning & Archaeology requiring a series of archaeological monitoring and recording works during the construction phase.

In terms of cumulative impact no significant effects on heritage assets are predicted from adding the proposed development to a background scenario with current applications and scoped proposals. No significant direct effects are predicted subject to mitigation during construction around Dykeraw Tower and Millmoor Rig as outlined in Chapter 7 of the ES. One temporary significant indirect effect is predicted as a result of the setting of the Dykeraw Tower being impacted by the construction compound, however this will be removed following the construction phase and no residual significant effect is predicted on its setting from some turbines visible to the south.

Policies EP7, EP8, EP9 and EP 10 relate to safeguarding specific heritage features, namely listed buildings, archaeology, conservation areas and gardens and designed landscapes. Chapter 7 of the ES assess impacts on all relevant heritage features and outlines that through embedded design mitigation and mitigation during the construction phase any such effects are negligible. Accordingly no significant effects are predicted on any such features as a result of the proposed development and no unacceptable adverse impact on these heritage assets, or others such as scheduled monuments or world heritage sites are identified. As such no contention exists with these development plan policies.

Policy ED9 supports proposals for large scale renewable energy development, such as the proposed development, where they can be accommodated without unacceptable significant

adverse impacts or effects, giving due regard to environmental, community and cumulative impact considerations. In respect of wind energy proposals and cultural heritage and archaeology, consideration requires to be given to the effects on the historic environment (including scheduled monuments and listed buildings and their setting). ES (Volume 2) Chapter 7 confirms there to be no predicted significant effects on archaeology or the historic environment either individually or cumulatively with other development. The setting of Dykeraw Tower will be affected only temporarily by the construction compound, but not in the longer term, for the duration of the development by a few turbines visible to the south, given their distance. There is no conflict therefore with Policy ED9 in respect of these provisions as they relate to the historic environment.

Policies PMD1 and PMD2 are not development specific, or directly related to the protection of the historic environment, but have provisions generally safeguarding such interests and ensuring that the traditional Scottish Borders architecture is respected in placemaking terms. As highlighted above in respect of specific policies safeguarding different elements of the historic environment no contention is found. With regard to PMD2 and placemaking this relates predominantly to townscape considerations which are not relevant to the proposed development, however the proposed development is generally compliant with the relevant criteria in respect of accessibility and sustainability contained in this policy and overall no contention is found.

In terms of cultural heritage there is no conflict with the development plan. Any other relevant material considerations relating to this aspect of the development will be discussed in Section 7 of this statement.

Ornithology Policy

Chapter 6: Ornithology of the ES presents the assessment of the effects of the proposed development on ornithological resources. The relevant SBCLDP policies in relation to ornithological resources are summarised and assessed below.

Table 6.4: Ornithology Policy

Development Plan Document and Policy Reference	Policy Title
EP1	International Nature Conservation Sites and Protected Species
EP2	National Nature Conservation Sites and Protected Species
EP3	Local Biodiversity
ED9	Renewable Energy Developments
PMD1	Sustainability
PMD2	Quality Standards

Policies

Policy EP1: International Nature Conservation Sites and Protected Species developments which would have a likely significant effect on a designated or proposed Natura site, including Ramsar site are only permissible where appropriate assessment demonstrates

there will no adverse affect on the integrity of the site, no alternative solution exists and there are imperative overriding reasons in the public interest. Where there is likely presence of a European Protected Species the Council must be satisfied that there is no satisfactory alternative and the development has an overriding need in the public interest, or for preserving public health and/or safety and is not detrimental to the maintenance of the identified species population at a favourable conservation status in its natural range.

Policy EP2: National Nature Conservation Sites and Protected Species development which will have a likely significant adverse effect, either directly or indirectly on a SSSI, or habitat directly supporting a nationally important species will not be permitted unless, the integrity of the site can be preserved and substantial benefits of national importance, clearly outweigh the national nature conservation value of the site. On or of-site mitigation will be required to offset any damage caused by the development.

Policy EP3: Local Biodiversity development which would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it is demonstrated that public benefits clearly outweigh the value of the habitat for biodiversity conservation. Development that could impact on local biodiversity should avoid fragmentation and isolation of habitats, minimise impacts, compensate for loss of biodiversity through appropriate offsets and aim to enhance biodiversity value through the ecosystems approach, including wildlife corridors and provision for their long term management and maintenance.

Policy ED9: Renewable Energy Development confirms that the Council will support proposals for large scale and community scale renewable energy development, including 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. In respect of onshore wind energy development a number of criteria are listed for consideration, those relevant to ornithological impact are;

- effects on the natural heritage (including birds), and hydrology, the water environment and flood risk;
- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas, the cumulative impact of existing and consented development may limit the capacity for further development;

Policy PMD1: Sustainability in determining planning applications and preparing development briefs the Council will have regard to a number of listed sustainability principles which underpin the plan's policies and which developers will be expected to incorporate into their developments. In respect of ornithological impact these include the protection of natural resources, landscapes, habitats, and species.

Policy PMD2: Quality Standards requires that all new development is of high quality and in accordance with sustainability principles, designed to fit within the Scottish Border's townscapes and integrate with its landscape surroundings. A number of standards relating to Sustainability, Place Making, Accessibility and Green Space, Open Space and Biodiversity apply. Most of the criteria listed relate to more traditional forms of development, and are not applicable directly to a proposed wind farm development, although where relevant the ethos of these standards can be applied. In respect to ornithological impact this would be a

retention of physical or natural features or habitats which are important to the amenity or biodiversity of the area and makes provision for adequate mitigation or replacement.

Policy Considerations & Assessment

As set out within Chapter 6: Ornithology of the ES, there are no statutory conservation designations within the application site.

The following statutory conservation designations apply within the 20 km study area around the application site.

Kielderhead Moors: Carter Fell to Peel Fell SSSI - designated for its breeding bird assemblage including golden plover, dunlin, five schedule 1 raptor species, ring ouzel, wheatear, whinchat, snipe, curlew redshank & teal. Located approximately 1.1 km southeast of the site.

Kielderhead and Emblehope Moors SSSI - designated for its breeding bird community including golden plover, dunlin, birds of prey and a variety of typical moorland species such as dipper, common sandpiper, ring ouzel, wheatear and whinchat. The lower moors and grasslands also support populations of lapwing, oystercatcher and curlew. Located approximately 2.4 km southeast of the site.

Kielderhead National Nature Reserve (NNR) - designated for merlin, buzzard, peregrine, hen harrier, golden plover, dunlin, skylark, stonechat and meadowpipit. Located approximately 2.4 km south-east of the site.

Whitelee Moor NNR - designated for a variety of upland birds. Located approximately 3.5 km southeast of the site.

Langholm-Newcastleton Hills SPA - designated for breeding hen harrier and located approximately 16 km south-west of the site.

Langholm-Newcastleton Hills SSSI - designated for breeding hen harrier, breeding bird assemblage including black and red grouse, nine wader species, and six raptor species and located approximately 16 km south-west of the site.

As concluded within Chapter 6: Ornithology of the ES, overall, and highlighted in Table 6.13 Summary of Effects, there are no predicted significant impacts on ornithology as a result of the proposed development, or cumulatively, following the implementation of the identified Breeding Bird Protection Plan and Forest Design Plan as mitigation measures. Based on the distance to the nearest SPA at approximately 16 km from the site, and lack of activity of hen harrier across the site which is the qualifying interest, it is concluded there will be no significant effects on the SPA or any other Natura 2000 site due to a lack of connectivity. In addition no other designated sites' (SSSIs or NNRs) qualifying interests have any connectivity with the application site.

Policies PMD1 and PMD2 are not development specific, or directly related to the protection of nature conservation, but have provisions generally safeguarding nature conservation interests. As highlighted in the relevant ES chapter, there are no adverse effects on any local, national, or international designations for ornithological interests and provided mitigation measures are applied there will be no significant effects on any such interests.

Policies EP1, EP2 and EP3 require that development does not have a significant, significant adverse, or unacceptable adverse effect respectively on protected species for nature conservation, either directly or indirectly. As highlighted above subject to the appropriate mitigation, no significant effects are predicated on protected or important bird populations

as a result of the proposed development and there is no contention with the provisions of these policies.

Policy ED9 supports proposals for large scale renewable energy development, such as the proposed development, where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to environmental, community and cumulative impact considerations. In respect of wind energy proposals and ornithology, consideration requires to be given to the effects on natural heritage (including birds), and hydrology, the water environment and flood risk. Chapter 6: Ornithology confirms there to be no cumulative significant effects on the protected and important bird populations as a result of the proposed development and other existing or consented wind farms within the study area. As highlighted above compliance with the specific policies in the SBCLDP protecting nature conservation illustrates there to be no significant adverse impacts on ornithology interests. As such the relevant consideration and wider provisions of Policy ED9 in respect of ornithological interest are complied with.

In terms of Ornithology there is no contention with the development plan. Any other relevant material considerations relating to this aspect of the development will be discussed in Section 7 of this statement.

Ecology Policy

Chapter 5 (Ecology) of the ES presents the assessment of the effects of the proposed development on ecological resources. The relevant SBCLDP policies in relation to ecology are summarised and assessed below.

Table 6.5: Ecology Policy

Development Plan Document and Policy Reference	Policy Title
EP1	International Nature Conservation Sites and Protected Species
EP2	National Nature Conservation Sites and Protected Species
EP3	Local Biodiversity
EP13	Trees Woodland & Hedgerows
ED9	Renewable Energy Developments
PMD1	Sustainability
PMD2	Quality Standards

Policies

Policy EP1: International Nature Conservation Sites and Protected Species developments which would have a likely significant effect on a designated or proposed Natura site, including Ramsar site are only permissible where appropriate assessment demonstrates there will no adverse affect on the integrity of the site, no alternative solution exists and there are imperative overriding reasons in the public interest. Where there is likely presence of a European Protected Species the Council must be satisfied that there is no

satisfactory alternative and the development has an overriding need in the public interest, or for preserving public health and/or safety and is not detrimental to the maintenance of the identified species population at a favourable conservation status in its natural range.

Policy EP2: National Nature Conservation Sites and Protected Species development which will have a likely significant adverse effect, either directly or indirectly on a SSSI, or habitat directly supporting a nationally important species will not be permitted unless, the integrity of the site can be preserved and substantial benefits of national importance, clearly outweigh the national nature conservation value of the site. On or of-site mitigation will be required to offset any damage caused by the development.

Policy EP3: Local Biodiversity development which would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it is demonstrated that public benefits clearly outweigh the value of the habitat for biodiversity conservation. Development that could impact on local biodiversity should avoid fragmentation and isolation of habitats, minimise impacts, compensate for loss of biodiversity through appropriate offsets and aim to enhance biodiversity value through the ecosystems approach, including wildlife corridors and provision for their long term management and maintenance.

Policy EP13: Trees, Woodlands & Hedgerows development which would result in the loss or serious damage to the woodland resource will be resisted unless the resultant public benefits clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Development which impacts on woodland resource should aim to minimise impacts on the biodiversity value, including its environmental quality and ecological status and viability, ensure appropriate replacement planting (where possible with the Scottish Borders) and adhere to any relevant planning agreement to enhance woodland resource.

Policy ED9: Renewable Energy Development confirms that the Council will support proposals for large scale and community scale renewable energy development, including 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. In respect of onshore wind energy development a number of criteria are listed for consideration, those relevant to ecological impact are;

- effects on the natural heritage (including birds), and hydrology, the water environment and flood risk;
- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas, the cumulative impact of existing and consented development may limit the capacity for further development;

Policy PMD1: Sustainability in determining planning applications and preparing development briefs the Council will have regard to a number of listed sustainability principles which underpin the plan's policies and which developers will be expected to incorporate into their developments. In respect of ecological impact these include the protection of natural resources, landscapes, habitats, and species.

Policy PMD2: Quality Standards requires that all new development is of high quality and in accordance with sustainability principles, designed to fit within the Scottish Border's townscapes and integrate with its landscape surroundings. A number of standards relating to Sustainability, Place Making, Accessibility and Green Space, Open Space and Biodiversity

apply. Most of the criteria listed relate to more traditional forms of development, and are not applicable directly to a proposed wind farm development, although where relevant the ethos of these standards can be applied. In respect to ecological impact this would be a retention of physical or natural features or habitats which are important to the amenity or biodiversity of the area and makes provision for adequate mitigation or replacement.

Policy Considerations & Assessment

The application site does not contain any ecological designations. The ecological (non-avian) designated sites within 5 km of the site are listed below (*Figure 5.1 Vol.2 of ES*):

River Tweed SAC - designated for its populations of river, brook, and sea lamprey as well as Atlantic salmon, otter and floating vegetation. The Black Burn which borders the eastern side of the site is part of the SAC, as is the Jed Water below the confluence with Black Burn. Catlee Burn, close to the westernmost part of the site is also part of the SAC. Borders Woods SAC - designated for its mixed woodland on base-rich soils associated with rocky slopes. The Cragbank and Wolfehopelee components are adjacent to, and in part overlapping with the western site boundary, approximately 1.7 km from the closest proposed turbine location.

Cragbank and Wolfehopelee SSSI - designated for its sections of broadleaved, mixed, and yew woodland, and beetle assemblage. Located overlapping with and adjacent to the western site boundary, coincidental in extent with the Borders Woods SAC components.

Cragbank Woods National Nature Reserve (NNR) - designated for its woodland habitat. Coincidental in extent with Borders Woods SAC and Cragbank and Wolfehopelee SSSI.

Border Mires, Kielder - Butterburn SAC - designated for its areas of blanket bog, wet heath, dry heath, transition mires and quaking bogs, and petrifying springs. Located approximately 2.4 km south-east of the site.

Kielderhead Moors: Carter Fell to Peel Fell SSSI - designated for its blanket bog and subalpine dry heath habitats. Located approximately 1.1 km southeast of the site.

Kielderhead and Emblehope Moors SSSI - designated for its blanket bog, dry heath, and wet heath habitats. Located approximately 2.4 km southeast of the site.

Kielderhead National Nature Reserve (NNR) - designated for its undisturbed moorland. Located approximately 2.4 km south-east of the site.

Whitelee Moor NNR - designated for its active blanket bog and heathland. Located approximately 3.5 km southeast of the site.

Ancient Woodland (as recorded within SNH's Ancient Woodland Inventory) - there are areas within 5 km of the site; the nearest of which being the woodland of semi-natural origin which forms part of the Cragbank and Wolfehopelee SSSI, adjacent to the westernmost site boundary. No Ancient Woodland is found within the site. (*Figure 5.1 Vol.2 of ES*)

The site comprises a mosaic habitat with no dominant habitat present. Peat depths are generally shallow within the site with deeper areas (beyond 0.5m) largely restricted to small areas within the extensive conifer plantation in the south and southeast of the site. These areas do not form part of an overall coherent and connected mire complex, having been degraded by historical and prolonged drainage associated with the forestry practices in the area.

There are four main burns within the site, the most prominent being the Jed Water running through the eastern section of the site. On average, the Jed Water is around 5 m wide on site, with a depth up to 0.5 m with a substrate dominated by cobbles and boulders, and

banks of marshy grassland. Additional smaller watercourses include Peden's Cleuch and the Black Burn. These watercourses drain into the Jed Water, and are smaller with a maximum width of 1-2 m and depth of 0.5-1 m.

The application site and wider environs are predominantly managed as commercial forestry plantation, with open ground across the central and northern sections intensely managed for grazing.

As concluded within Chapter 5: Ecology of the ES, ecological receptors identified in the site were considered to be of International (River Tweed SAC, Border Woods SAC and Border Mires, Kielder - Butterburn SAC), National (Cragbank & Wolfhopelee SSSI; Cragbank Woods NNR; Kielderhead Moors: Carter Fell to Peel Moor SSSI; Kielderhead & Emblehope Moors SSSI; Kielderhead NNR and Whitelee Moor NNR), Regional (Running water and fish and Pine marten), and Local (Blanket Bog, Wet Modified Bog, Marshy Grassland, Otter, Bats, Badger and Red Squirrel) nature conservation value. With the exception of the River Tweed SAC the other international and national designated sites are scoped out of the environmental assessment due to their lack of ecological or hydrological connectivity to the site. With the implementation of the identified mitigation and enhancement measures, it is considered that all effects will not be significant.

Mitigation measures include restoration of borrow pits, disturbance reduction measures including night time working, and vehicular speed limits; ecological and water quality monitoring; watercourse crossings designed to allow the passage of fish and small mammals; the inclusion of a Species Protection Plan (SPP) and pollution prevention measures. Additional design mitigation measures for terrestrial ecology and habitats were applied as set out within Chapter 3: Design Evolution and Alternatives, and include avoiding potentially sensitive areas for ecological receptors such as badgers and bats and as far as practicable the avoidance of potentially highly dependent GWDTes. (*Figure 5.4 Vol. 2 of ES*)

Pollution prevention measures and ecological and water quality monitoring during construction will be set out in the Construction and Decommissioning Method Statement (CDMS) and these will be designed to ensure protection of the ecological features in the site, in particular the running water and fish populations in respect of the qualifying interests of the River Tweed SAC and its tributaries.

Policies EP1, EP2 and EP3 seek to safeguard designated sites and their integrity from significant, significant adverse, and unacceptable adverse effects of development respectively. Chapter 5 of the ES Main Report (Vol.2) confirms there are no residual significant effects on any local, national or international designations for ecological interests provided the identified mitigation measures are applied, in particular the implementation of Good Practice Measures during the construction and decommissioning phases will ensure protection of the water environment and thereby reduce any likely significant effects on the River Tweed SAC.

Policy EP13 presumes against the loss of or serious damage to woodland resources unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Development will require to minimise impact on the biodiversity of the resource including its environmental quality and ecological status and viability, and to ensure compensatory replacement planting is undertaken. In terms of ecological status and biodiversity the woodland resource affected by the development is commercial forestry and accordingly has limited ecological value and biodiversity as

described within Chapter 5. The woodland lost as part of the development will be replanted off-site and this can be controlled by a suspensive planning condition requiring suitable replacement planting to be agreed with SBC. The public benefits of renewable electricity generation in terms of combating climate change would in this particular instance clearly outweigh the environmental quality, biodiversity and ecological status and viability of the woodland resource lost on site to accommodate the development. More detail on forestry is contained in Chapter 10 of the ES (Volume 2) and further assessment of Policy EP13 is contained in this statement in relation to this topic. In terms of the ecological impacts however there is no conflict with the relevant provisions of Policy EP13.

Policies PMD1 and PMD2 are not development specific, or directly related to the protection of nature conservation, but have provisions generally safeguarding nature conservation interests. As highlighted in ES Chapter 5: Ecology, there are no adverse effects on any local, national, or international designations for ecological interests and provided mitigation measures are applied as described in Chapter 5 there will be no likely significant effects on any such interests.

Policy ED9 supports proposals for large scale renewable energy development, such as the proposed development, where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to environmental, community and cumulative impact considerations. In respect of wind energy proposals and ecology, consideration requires to be given to the effects on natural heritage (including birds), and hydrology, the water environment and flood risk. ES (Volume 2) Chapter 5: Ecology confirms there to be no existing or consented wind farms within the 20 km study area. As such no cumulative significant effects on the protected and important habitat, mammal or fish populations are predicted. As highlighted above compliance with the specific policies in the SBCLDP protecting nature conservation illustrates there to be no significant adverse impacts on ecology interests. As such the relevant consideration and wider provisions of Policy ED9 in respect of ecological interest are complied with.

In terms of Ecology there is no contention with the development plan. Any other relevant material considerations relating to this aspect of the development will be discussed in Section 7 of this statement.

Hydrology, Hydrogeology and Geology Policy

Chapter 8: Hydrology, Hydrogeology and Geology of the ES present the assessment of the effects of the proposed development on geology, hydrology and hydrogeology resources. The relevant SBCLDP policies in relation to geology, hydrology and hydrogeology resources are summarised and assessed below.

Table 6.6: Hydrology, Hydrogeology and Geology Policy

Development Plan Document and Policy Reference	Policy Title
IS8	Flooding
IS9	Waste Water Treatment Standards and Sustainable Urban Drainage
EP15	Development Affecting the Water Environment

Development Plan Document and Policy Reference	Policy Title
ED9	Renewable Energy Development
ED10	Protection of Prime Quality Agricultural Land and Carbon Rich Soils
PMD1	Sustainability
PMD2	Quality Standards

Policies

Policy IS8: Flooding essentially directs development to areas free from significant flood risk, by restricting development that would be at risk of flooding from any source, or would create flood risk elsewhere, development should be directed away from functional flood plains to protect their ability to store floodwater. Further detailed policy guidance is provided on development type and level of risk, and as to the need for flood risk assessments and mitigation strategies where risk potential exists.

Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage prioritises the Council's method for dealing with waste water from new development and requires that surface water management for new development shall be in accordance with current best practice on SUDs to the satisfaction of the Council and other interested parties including SEPA and SNH. A drainage strategy shall be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of necessary features.

Policy EP15: Development Affecting the Water Environment the Council will support development that seeks to improve the quality of the water environment. Development that would result in a significant adverse effect through impact on the water environment's natural or physical characteristics will be resisted. Assessment of potential impacts on the water environment from new development will be required, including adherence to current SUDs best practice.

Policy ED9: Renewable Energy Development confirms that the Council will support proposals for large scale and community scale renewable energy development, including 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. In respect of onshore wind energy development a number of criteria are listed for consideration, those relevant to landscape and visual impact are;

- effects on the natural heritage (including birds) , and hydrology, the water environment and flood risk;
- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas, the cumulative impact of existing and consented development may limit the capacity for further development;

impacts on carbon rich soils (using the carbon calculator), public access, the historic environment (including scheduled monuments, listed buildings and their settings), tourism

and recreation, aviation and defence interests and seismological recording, telecommunications and broadcasting installations, and adjacent trunk roads and road traffic.

Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils seeks to restrict development (other than that for renewable energy) which would result in the loss of prime quality agricultural land, or significant carbon rich soil reserves, particularly peat, unless the site is otherwise allocated within the plan, the development meets an established need and no other site is available, and the development is of a small scale and directly related to a rural business. Proposals for renewable energy development, including onshore wind, will be permitted if they accord with the objectives and requirements of policy ED9 on renewable energy development.

Policy PMD1: Sustainability in determining planning applications and preparing development briefs the Council will have regard to a number of listed sustainability principles which underpin the plan's policies and which developers will be expected to incorporate into their developments. In respect of hydrological impact these include the minimisation of waste, including waste water and encouragement of its sustainable management, and the protection of natural resources.

Policy PMD2: Quality Standards requires that all new development is of high quality and in accordance with sustainability principles, designed to fit within the Scottish Border's townscapes and integrate with its landscape surroundings. A number of standards relating to Sustainability, Place Making, Accessibility and Green Space, Open Space and Biodiversity apply. Most of the criteria listed relate to more traditional forms of development, and are not applicable directly to a proposed wind farm development, although where relevant the ethos of these standards can be applied. In respect of hydrological impact this requires SUDs proposals and their maintenance, minimum water usage and appropriate waste storage.

Policy Considerations & Assessment

The site predominantly comprises of commercial forestry plantation and open moorland utilised for rough grazing.

The majority of the proposed development lies within the Jed Water catchment which originates from the convergence of several burns which issue within the Core Study Area (application boundary and wider 10 km area from turbine locations). The Jed Water flows from south-west to north-east before a confluence with Black Burn approximately 1.1 km north-east of Turbine 10. It is classed by SEPA as having an overall status of Good with High confidence in 2008, with overall ecological status of Good and overall chemical status of Pass. It is also classified as a Fresh Water Fish Directive Salmonoid Water.

Of the seven statutory designations relating to water as identified in ES Chapter 8, none except the River Tweed SCA are considered to be hydrologically connected to the proposed development due to distance and hydrological gradient. The relevant catchment for potential effects on the designated area of the River Tweed SAC are considered to be the primary catchment of the Jed Water. Accordingly sufficient information is provided within Chapter 8 of the ES (Volume 2) to allow the competent authority to undertake an Appropriate Assessment of the potential effects on the qualifying (Salmonoid) interests of the SAC under the Habitats Regulations. This confirms that given the single recording during

survey of a qualifying interest, careful turbine and infrastructure design distant from tributaries of the SAC, and carefully designed control and management measures following best practice that only negligible effects are predicted on the Salmonoid population. Accordingly neither the conservation objectives, nor integrity of the SAC would be compromised, either by the proposed development in isolation or in combination with other potential developments.

The SEPA Flood Map (2014) identifies areas with a 0.5% (1:200) or greater risk of flooding, as medium to high risk for flooding. No turbines, transformers, construction compounds or borrow pits are located in such areas at flooding risk from pluvial, fluvial or groundwater sources. A minor section of the new access track near the site entrance is located adjacent to a medium to high flood risk from the Jed Water, with one existing water course crossing also located within an area of medium to high risk flooding from fluvial sources. Such risk is not considered significant or detrimental to the operation of the proposed development, and subject to the design of the infrastructure and construction methods outlined in the draft Construction Method Statement (Technical Appendix 8.1, Volume 4 of ES) the proposed development will not increase flood risk within the site nor surrounding area.

Chapter 8 of the ES confirms that all private water supplies as identified at potential risk from the proposed development are located outwith the surface and near surface water catchment and considered not to be hydrologically connected to the development due to distance and hydrological gradient.

Desk based and site survey confirm that the development area is overlain by thin peaty soils with the majority of probes indicating depths of less than 0.5 m. The design evolution process resulted in no infrastructure being located on peaty soil with a depth greater than 0.5 m or on a 10% gradient. No peat slide risk is identified, but this would be subject to further investigation and confirmation prior to commencement of the construction phase.

Phase 1 habitat and National Vegetation Classification (NVC) surveys indicate potential Ground Water Dependent Terrestrial Ecosystems (GWDTEs), however the application of “wetland typology” identified habitats with the potential to be highly or moderately ground water dependent. Whilst further study considers such habitats to be ombrogenous and not ground water dependent, the sensitivity of the wetland habitats in relation to the proposed development’s impact on their hydrological function is assessed within Chapter 8 of the ES and relevant design mitigation measures as highlighted in paragraph 8.153 of Chapter 8 are proposed to ensure any indirect effects on such habitats would be negligible.

Chapter 8: Hydrology, Hydrogeology and Geology of the ES concludes that all effects, including cumulative effects both during construction and residual, are predicted as negligible on geology, hydrology and hydrogeology resources as a result of the proposed development.

Policies PMD1 and PMD2 are not development specific, or directly related to the protection of hydrological, geological or hydrogeological matters but have provisions generally safeguarding such interests. As highlighted above and in the relevant ES chapter, there are no adverse effects on such interests or designations for such interests provided the identified mitigation measures are applied, accordingly there is no conflict with the general provisions of these policies.

Policy ED10 seeks to protect peat and other carbon rich soils and requires appropriate justification for development which would override any adverse impact on such soils. In

terms of renewable energy development (including wind energy) such justification is not required provided the relevant objectives and requirements of Policy ED9 are complied with. As highlighted above peat depths are shallow within the development area and design mitigation has sought to minimise any impact on the slightly deeper areas of peat. Any peat disturbed would be subject of good practice for storage and reuse as illustrated in the draft Construction Method Statement (ES Volume 4: T.A 8.1). Subject to compliance with the provisions of Policy ED9 therefore, no contention exists with Policy ED10.

Policies IS8, IS9 and EP15 seek to safeguard the water environment from inappropriate development, to prevent/reduce flood risk and to incorporate Sustainable Drainage Systems (SuDS) into the development. As outlined above and as confirmed in Chapter 8: Hydrology, Hydrogeology and Geology all of these matters are addressed by the proposed development which has been designed in accordance with the provisions of these policies and no significant effects on the water environment are predicted.

Policy ED9 supports proposals for large scale renewable energy development, such as the proposed development, where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to environmental, community and cumulative impact considerations. In respect of wind energy proposals and impact on hydrology, hydrogeology and geology, consideration requires to be given to the effects on hydrology, the water environment and flood risk. As highlighted in Chapter 8 of the ES and above, all predicted effects are negligible following embedded design mitigation during the project's evolution and the proposed implementation of good practice measures during construction as outlined in the ES. As such no conflict exists with this consideration of Policy ED9.

In terms of hydrology, hydrogeology and geology matters there is no contention with the development plan. Any other relevant material considerations relating to this aspect of the development will be discussed in Section 7 of this statement.

Traffic and Transport Policy

Chapter 11: Traffic and Transport of the ES evaluates the effects of the proposed development on the transport and traffic resource. The relevant SBCLDP policies in relation to traffic and transport are summarised and assessed below.

Table 6.7: Traffic and Transport Policy

Development Plan Document and Policy Reference	Policy Title
IS2	Developer Contributions
IS4	Transport Development & Infrastructure
IS5	Protection of Access Routes
IS6	Road Adoption Standards
IS7	Parking Provision & Standards
ED9	Renewable Energy Development
PMD1	Sustainability

Development Plan Document and Policy Reference	Policy Title
PMD2	Quality Standards

Policies

Policy IS2: Developer Contributions the Council will expect full or partial contributions for sites that are acceptable in planning policy terms, but cannot proceed due to infrastructure, service, or environmental impact deficiencies created or exacerbated by the development in order to address such deficiencies. In relation to this application this could include contributions towards the protection, enhancement and promotion of environmental assets and road improvements works to allow turbine delivery and safe access to the site.

Policy IS4: Transport Development & Infrastructure identifies certain routes where the Council support new and improved infrastructure, development that would prejudice such improvements will be resisted. Support will be provided for transport infrastructure proposals that promote sustainable travel and movement of goods, which do not have an unacceptable adverse impact on the natural or built environment, or amenity of adjacent occupiers by virtue of noise or smell pollution.

Policy IS5: Protection of Access Routes the council will require suitable diversions or an appropriate route whereby development will adversely impact a public access route.

Policy IS6: Road Adoption Standards new roads, footpaths or cycleways should, unless for development which can be served by a private access, be constructed to the Council's adopted standards in order to secure Road Construction Consent.

Policy IS7: Parking Provision & Standards requires development proposals to provide car and cycle parking in accordance with approved standards.

Policy ED9: Renewable Energy Development confirms that the Council will support proposals for large scale and community scale renewable energy development, including 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. In respect of onshore wind energy development a number of criteria are listed for consideration, those relevant to traffic and transport impact are;

- impacts on carbon rich soils (using the carbon calculator), public access, the historic environment (including scheduled monuments, listed buildings and their settings), tourism and recreation, aviation and defence interests and seismological recording, telecommunications and broadcasting installations, and adjacent trunk roads and road traffic;
- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas, the cumulative impact of existing and consented development may limit the capacity for further development;
- impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker).

Policy PMD1: Sustainability in determining planning applications and preparing development briefs the Council will have regard to a number of listed sustainability principles which underpin the plan's policies and which developers will be expected to incorporate into their developments. In respect of traffic and transport impact these include the encouragement of walking, cycling, and public transport in preference to the private car. A number of accessibility standards are provided and in particular it requires there to be no adverse impacts on road safety, including, but not limited to the site access. Design and Access Statements will be required where relevant.

Policy PMD2: Quality Standards requires that all new development is of high quality and in accordance with sustainability principles, designed to fit within the Scottish Border's townscapes and integrate with its landscape surroundings. A number of standards relating to Sustainability, Place Making, Accessibility and Green Space, Open Space and Biodiversity apply. Most of the criteria listed relate to more traditional forms of development, and are not applicable directly to a proposed wind farm development, although where relevant the ethos of these standards can be applied. In respect of traffic and transport impact this requires SUDs proposals and their maintenance, minimum water usage and appropriate waste storage.

Policy Considerations & Assessment

The Port of Blyth on the north-east coast of England has been identified as the location for onshore deliveries of the blades, tower sections and nacelles required for turbines. As such, the delivery route from port would be eastbound along the B1329 then through a series of A class roads until it reached the A1, where it would travel south to just north of Newcastle upon Tyne to meet the A696. It would then travel northwards onto the A68, leaving this road at Carter Bar at the Scottish Border and joining the A6088 until reaching the site entrance. The abnormal load delivery route as proposed does not travel through the villages of Chesters or Bonchester Bridge, or Hawick, although construction traffic could potentially travel to site from the north or south and thereby through these communities. Minor works within the public road network and in agreement with third party landowners would be required in connection with this preferred route.

Vehicular access to the site will be via a new entrance formed off the A6088. A new section of track will be formed leading onto existing forestry tracks which will then be upgraded as part of the track infrastructure for the proposed development.

To minimise effects on local communities the Transport Management Plan will seek to limit where practicable construction traffic from the north/west via Bonchester Bridge and Chesters.

On site borrow pits will be utilised to minimise the impact on the road network.

The IEA Guidelines for the Environmental Assessment of Road Traffic have been followed during the assessment process as set out within Chapter 11: Traffic and Transport of the ES. The study network included the abnormal load delivery route and potential construction traffic routes via the A6088 approaching from the North and via the B6357 approaching from the South.

Chapter 11: Traffic and Transport of the ES concludes that the traffic impact is satisfactory when considering absolute flow numbers involved and any potential effects are not significant in EIA terms.

Given there are no potential wind farm developments in the area that would use the same routes for construction traffic occurring at the same time as that of the proposed development it has been considered within the ES that no significant cumulative effects are predicted.

Nevertheless, mitigation is proposed in the form of a Transport Management Plan (TMP) to be implemented during the temporary construction phase of the proposed development.

In terms of Policy IS2 it is not considered that the proposed development will necessitate any public expenditure in terms of infrastructure support, or servicing. As such there is no contention in respect of this policy in respect of developer contributions. Any repairs to the public road network would be subject of control under the Roads Act and as such further planning controls are not necessary to duplicate such control as explained in Circular 4/1998.

Policy IS4 requires the safeguarding of certain specified routes and the proposed development would not adversely impact on any of these identified routes. Sufficient information has been submitted in Chapter 11 and its associated Appendices to enable the likely effect of both on-site and off-site transport implications to be considered. It is concluded that there would be no significant effects arising from the transport and traffic implications of the development, during the construction or operational phases. The provisions of the policy in relation to the promotion of sustainable travel and movement of goods are not engaged by the nature of the proposed development however it does not have any adverse effects on traffic safety, or the wider public safety in the vicinity or surrounding area. The relevant provisions of policy IS4 are therefore complied with.

Policies IS5, IS6 and IS7 require the protection of existing public access routes, and adherence to road adoption and parking standards respectively. No existing public access routes will be impacted by the proposed development, and the internal tracks and parking provision would be required to be to an adoptable standard, or have prescribed parking standards. The entrance formed from the A6088 however will be designed and formed in accordance with the relevant standards and in agreement with the relevant roads authority. All tracks will be appropriately designed to withstand the loading and scale of construction vehicles and take account of varying ground conditions within the site, and adequate parking will be provided on site both during the construction and operational phases of the proposed development. As such there would be no conflict with the provisions of policies IS5, IS6 and IS7.

Policy ED9 supports proposals for large scale renewable energy development, such as the proposed development, where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to environmental, community and cumulative impact considerations. In respect of wind energy proposals and traffic and transport issues consideration requires to be given to impacts on adjacent trunk roads and road traffic. As outlined above there would be no significant adverse impacts on the A68 trunk road or on the operational and traffic safety aspects of the surrounding road network arising from the proposed development.

Policies PMD1 and PMD2 are not development specific, or directly relate to sustainability and quality standards. PMD1 promotes sustainable modes of transport in preference to the private car, whilst PMD2 requires that new development does not have an adverse impact on road safety, including site access. The proposed development whilst being in itself a

contribution towards sustainability, does not result in significant traffic movement beyond that of the construction phase, accordingly PMD1 has little relevance in terms of such a provision. As previously outlined above and in Chapter 11 of the ES there will not be an adverse impact on the surrounding road network in terms of traffic or public safety and the site entrance will be designed and constructed in accordance with the relevant guidance and agreement of the relevant roads authority, as such no contention exists with the relevant provisions of Policy PMD2.

In terms of Traffic and Transport issues there is no contention with the development plan. Any other relevant material considerations relating to this aspect of the development will be discussed in Section 7 of this statement.

Noise Policy

Chapter 9: Noise of the ES evaluates the effects of the proposed development on the acoustic environment of the surrounding area. The relevant SBCDP policies in relation to noise are summarised and assessed below.

Table 6.8: Noise Policy

Development Plan Document and Policy Reference	Policy Title
ED9	Renewable Energy Development
HD3	Protection of Residential Amenity

Policies

Policy ED9: Renewable Energy Development confirms that the Council will support proposals for large scale and community scale renewable energy development, including 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. In respect of onshore wind energy development a number of criteria are listed for consideration, those relevant to landscape and visual impact are;

- impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker);
- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas, the cumulative impact of existing and consented development may limit the capacity for further development.

Policy HD3: Protection of Residential Amenity resists against development which would have an adverse impact on the amenity of existing or proposed residential area. Criteria for consideration relevant to this proposal includes (iii) the generation or traffic or noise and (iv) the level of visual impact.

Policy Considerations & Assessment

As set out within Chapter 9: Noise of the ES, operational noise levels were predicted using a noise propagation model, the proposed development layout, terrain data and assumed turbine noise emission data. The predicted noise levels are within derived appropriate noise limits at all considered wind speeds. The proposed development complies with the

relevant guidance on wind farm noise and the impact on the amenity of all nearby residential properties would be regarded as acceptable.

A construction noise assessment has been carried out in accordance with BS 5228 1:2009 “*Noise control on construction and open sites Part 1 - Noise*”. With due regard to mitigation outlined Table 9.22 within Chapter 9: Noise of Volume 2 of the ES indicates that predicted noise levels likely to be experienced at representative critical residential properties are below relevant construction noise criteria. As such significant effects are not predicated.

A cumulative operational noise assessment was completed for the potential impact of the proposed development alongside the proposed Birneyknowe and Windy Edge wind farms. The predicted noise levels are within derived appropriate noise limits at all considered wind speeds. Therefore the noise impact on the amenity of all nearby residential properties due to the cumulative impact of the proposed development and any relevant operational, consented and “in planning” wind farms would be regarded as acceptable.

The assessment undertaken as outlined in Chapter 9: Noise confirms that the relevant provisions of Policy ED9 in respect of adverse impact on residential amenity of both communities and individual dwellings due to noise disturbance from the development, either in isolation or cumulatively with other proposed development, is not predicated and the provision of Policy ED9 is complied with in this respect. The other elements relating to impacts on amenity as prescribed in Policy ED9 such as visual impact, residential amenity and shadow flicker will be discussed further on in this statement.

Policy HD3 in respect of the protection of residential amenity in relation to noise disturbance has been complied with and the assessment confirms that noise pollution arising from the proposed development in either its construction, or operational phase is not anticipated. Planning conditions would normally be attached to any permission to afford adequate protection of amenity in this respect.

The proposed development is in accordance with the provisions of the above SBCLDP policies in relation to noise considerations. Any other relevant material considerations relating to this aspect of the development will be discussed in Section 7 of this statement.

Forestry Policy

Chapter 10: Forestry of the ES evaluates the effects of the proposed development on the woodland environment of the surrounding area. The relevant SBCLDP policies in relation to tress and woodland are summarised and assessed below.

Table 6.9 Forestry Policy

Development Plan Document and Policy Reference	Policy Title
EP13	Trees Woodland & Hedgerows
ED9	Renewable Energy Development
PMD1	Sustainability

Policies

Policy EP13: Trees, Woodlands & Hedgerows development which would result in the loss or serious damage to the woodland resource will be resisted unless the resultant public benefits clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Development which impacts on woodland resource should aim to minimise impacts on the biodiversity value, including its environmental quality and ecological status and viability, ensure appropriate replacement planting (where possible with the Scottish Borders) and adhere to any relevant planning agreement to enhance woodland resource.

Policy ED9: Renewable Energy Development confirms that the Council will support proposals for large scale and community scale renewable energy development, including 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. In respect of onshore wind energy development a number of criteria are listed for consideration, those relevant to landscape and visual impact are;

effects on the natural heritage (including birds), and hydrology, the water environment and flood risk.

Policy PMD1: Sustainability in determining planning applications and preparing development briefs the Council will have regard to a number of listed sustainability principles which underpin the plan's policies and which developers will be expected to incorporate into their developments. In respect of impact on woodland resource these include the protection of natural resources, landscapes, habitats, and species.

Policy Considerations & Assessment

The Forestry Study Area extends to 965.98 ha and comprises of privately owned and managed woodlands, subject to a current Forest Plan. As a result of the proposed development the species composition of the forest would result in a minor change from the current plan, with a decrease in the predominant Sitka spruce and an increase in the proportion of open ground. There would be a change in the pattern of timber harvesting with part of the felling programme being advanced compared to the Forest Plan. A net loss of 26.13 ha of woodland would be compensated for by off-site replanting to be agreed with the Forestry Commission Scotland, and subject of a suspensive planning condition to ensure the Scottish Government's Control of Woodland Removal Policy is complied with.

As highlighted previously the existing commercial plantation forestry provides little contribution to the scenic quality of the existing landscape, ecological value of the site or historic assets set within the site or in the wider vicinity. The existing forestry does not promote biodiversity and supports limited habitats. Given its commercial nature and subject to the current Forest Plan the forest has been and will continue to be felled in coupes and replanted, and as such the baseline presents little opportunity to enhance landscape character, environmental value and the biodiversity of the area. The proposed development will only ultimately result in the loss of 26.13 ha of woodland to accommodate the turbines and associated infrastructure, which will be replanted off-site to compensate for this loss. Compensatory replanting will be agreed with the Forestry Commission Scotland and SBC and conditioned to ensure compliance.

Policy EP13 seeks to safeguard woodland from adverse impact and removal unless development is clearly in the wider public benefit. The proposed renewable energy development will help combat climate change and would clearly outweigh the loss of a limited area of commercial plantation forestry (26.13 ha) as highlighted above. In terms of compensatory planting the opportunity exists to replant more native species thereby enhancing the ecological value and biodiversity to that presented by commercial plantation. No conflict exists therefore with the provisions of Policy EP13 and the forestry proposals as outlined in Chapter 10 of the ES.

In terms of the relevant considerations of Policy ED9 and PMD1 in terms of renewable energy development and sustainability the forestry proposals to accommodate the proposed development do not present any conflict. Accordingly it is compliant with SBCLDP in respect of impacts on trees and woodlands.

Other Relevant Policies

For completeness, this section identifies and assesses the relevant provisions of other policies which do not specifically relate to the ES chapter topics as set out above. These include; Recreation; Tourism; Socio-economic benefits and contribution to carbon reduction targets; Shadow Flicker, Aviation, and Telecommunications and other existing infrastructure.

Policies

Policy PMD1: Sustainability in determining planning applications and preparing development briefs the Council will have regard to a number of listed sustainability principles which underpin the plan's policies and which developers will be expected to incorporate into their developments.

Policy PMD2: Quality Standards requires that all new development is of high quality and in accordance with sustainability principles, designed to fit within the Scottish Border's townscapes and integrate with its landscape surroundings. A number of standards relating to Sustainability, Place Making, Accessibility and Green Space, Open Space and Biodiversity apply.

Policy PMD4: Development Outwith Development Boundaries seeks to restrict development (in particular, but not specified housing development) to within identified settlement boundaries as identified in the plan. Exceptions may include job generating development in the countryside that has an economic justification under Policies ED7 or HD2, is affordable housing justified under Policy HD1, a shortfall is identified through the housing audit for an effective 5 year land supply, or significant community benefits clearly outweigh the need to protect the development boundary.

Policy EP16: Air Quality development which could individually or cumulatively adversely affect air quality in a locality to a level that could potentially harm human health or wellbeing, or the integrity of the natural environment must include provisions to minimise impacts to an acceptable level, to the Council's satisfaction. Where appropriate an Air Quality Assessment will be required.

Policy ED9: Renewable Energy Development confirms that the Council will support proposals for large scale and community scale renewable energy development, including 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. In respect of onshore wind energy development a number of criteria are listed for consideration, those relevant to other relevant matters not outlined and assessed in previous sections are listed below:

- the onshore spatial framework which identifies those areas that are likely to be most appropriate for onshore wind turbines;
- impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker);
- impacts on carbon rich soils (using the carbon calculator), public access, the historic environment (including scheduled monuments, listed buildings and their settings), tourism and recreation, aviation and defence interests and seismological recording, telecommunications and broadcasting installations, and adjacent trunk roads and road traffic;
- opportunities for energy storage;
- net economic impact, including local and community socio-economic benefits, such as employment, associated business and supply chain opportunities;
- the scale of contribution of renewable energy generation targets, and the effect on greenhouse gas emissions;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

Policy Considerations & Assessment

Recreation & Tourism

Policy ED9 requires that the proposed development does not result in significant effects on tourism and recreational interests. The findings of the 2008 Moffat Report confirmed that wind farms do not have an adverse impact on tourism in Scotland. These findings have subsequently been confirmed in further studies into tourist attitudes to wind farms such as the more recent report by the James Hutton Institute on behalf of ClimateXchange ‘The Impact of Wind Farms on Scottish Tourism’¹³, the findings of the 2012 Scottish Parliament’s Economy, Energy and Tourism Committee, VisitScotland’s 2011 Wind Farm Consumer Research¹⁴ and a YouGov Poll undertaken by Scottish Renewables¹⁵.

Given the findings of the various studies undertaken into tourist attitudes of wind farms and that the final proposed layout has reduced the potential visibility to key sensitive tourism receptors such as at Carter Bar at the Scottish/English border and core recreational paths, the proposed wind farm is not considered to have an unacceptably adverse significant effect on these receptors. Potential effects on hill walkers and recreational routes are assessed in Volume 2 of the ES at Chapter 4: Landscape and Visual.

Socio-Economic Benefits & Contribution to Carbon Reduction Targets

The economic and social benefits associated with the proposed development, include:

¹³ <http://www.climateexchange.org.uk/reducing-emissions/impact-wind-farms-scottish-tourism/>

¹⁴ http://www.visitscotland.org/pdf/Windfarm%20Consumer%20Research%20final_docUpdatedx.pdf

¹⁵ <http://www.scottishrenewables.com/news/new-poll-scots-twice-favourable-wind-than-nuclear/>

- Electricity generation from a renewable source leading to greater security of supply and reducing the UK's dependence of imported fossil fuels and gas;
- Up to 45 MW of installed renewable electricity generating capacity thus contributing to regional and national renewable energy targets;
- Expenditure in the local economy;
- Contribution in business rate annually to the Scottish Borders economy.

Expenditure in the local economy during the proposed development, construction and operation of wind farm projects in UK varies from project to project as a function of various factors, including project size, duration and availability of local suppliers. Drawing on experience of its own projects throughout the UK, the Applicant estimates typical spend with local stakeholders, suppliers and service providers has been in the region of £279,000 per wind turbine during the proposed development, construction and first year of project operation. In some cases it has been possible to significantly improve on this number. Using this figure, the Applicant estimates a local spend of approximately £3.627 million (13 turbines x £279,000) may be generated in the local area as a result of the proposed development. This would be concentrated across the construction period and first operational year and could represent a significant boost to the local economy during this time.

In addition to the expenditure during the construction period and first operational year, it is anticipated that the proposed development would contribute approximately £576,000 in business rates annually to the Scottish Borders economy.

With a generating capacity of up to 45 MW the proposed development will make a significant contribution to the targets set by both the Scottish and UK governments to increase capacity from renewable energy development to assist in achieving greenhouse gas emission reduction targets and thereby helping to mitigate climate change. Further detail is contained on this in the following Section 7: Material Considerations.

Shadow Flicker

The ES Volume 2 Chapter 3: Design Evolution Considerations and Alternatives confirms that the nearest house to a proposed turbine is 1.6 km, which equates to approximately 13 x the rotor diameter which is in excess of the recommended 10 rotor diameter distance to prevent adverse effects from shadow flicker adversely affecting residential amenity. Accordingly no significant shadow flicker is expected to occur.

Residential Amenity

Impacts on individual residential properties and communities are assessed elsewhere in terms of noise disturbance, shadow flicker, traffic and transport and communications impacts, however visual impact as a component of such amenity is often discussed and even assessed for large scale wind farm development such as that proposed. This does not equate to whether a residential property, or community have a view of the development, but whether the proximity of the turbines have an overdominant relationship to the property or community in terms of visual impact and such an overbearing effect that the

property or community would become an unattractive place to live (*commonly referred to as the Lavender test*). Given the distance of the turbines to the nearest residential properties, the closest being 1.6 km away, it is not considered such a proximity to result in overdominance and an overbearing effect on this property, or any others at a greater distance. In addition the nearest village of Chesters whilst having views towards the proposed development the turbines will not have a dominating effect in such views, nor appear overbearing. Accordingly in applying the Lavender test no overbearing visual impact will occur to the detriment of residential amenity of individual dwellings or communities.

Aviation

The ES Volume 2 Chapter 3 provides details on aviation interests potentially affected by the proposed development.

NATS En Route (NERL) supplies air traffic service to all En Route aircraft navigating UK airspace. The applicant has consulted the published NATS safe-assessment maps which have been produced to indicate if a wind farm development will impact NERL infrastructure. The proposed development lies outside the safeguarding areas which identify need for further consultation with NERL and therefore the proposed development will have no impact on NERL infrastructure.

DIO (Formerly Defence Estate) safeguard all MOD and Met Office infrastructure that may be impacted by the presence of wind turbines. DIO were consulted and advise of concerns relating to threat radars, low flying operations and Eskdalemuir and the provision of infra-red aviation lighting to be added to the proposed turbines. The applicant is continuing discussions to suitably mitigate the DIO's concerns in respect of these matters and is minded to accept reasonable planning conditions to secure such mitigation if necessary. No UK Met weather radars would be affected by the proposed development.

Discussions are ongoing with the applicant, CAA and onshore wind industry body RUK as to the most practicable and effective way to provide lighting to tall turbines that exceed 150 m in height. Once agreement is reached such measures to provide the lighting can be secured by planning condition.

Telecommunications & Other Existing Infrastructure

The Applicant has consulted all telecommunications providers /operators and OfCom and there are no microwave or radio links impacted by the proposed development. Should Planning Permission for the proposed development be granted, the Applicant would agree a scheme of assessment and mitigation with the Council to be implemented in the case of complaints associated with television reception. Should interference to reception occur as a result of the proposed development, a range of viable mitigation measures can be considered. Any necessary work would be undertaken in a timely manner following receipt of a valid complaint, and would be funded by the wind farm operator.

Due to the remote nature of the site, the potential for ice throw to affect members of the public is considered to be low, with the nearest public roads, or habitations located well beyond the recommended ice throw risk distance. However mitigation for potential ice throw from the turbines is proposed, as outlined in Chapter 3 of Volume 2 of the ES.

In terms of health and safety matters in relation to the operation of the proposed development, the Applicant will comply with relevant regulations and best practice guidance.

As illustrated above the various considerations within Policy ED9 are addressed within Volume 2 of the ES and do not present any conflict between the proposed development and the development plan.

Policies PMD4 in relation to development outwith settlement boundaries and AP16 relating to air quality are not relevant to the nature of the proposed development and thereby no conflict exists.

As demonstrated above the proposed development is in accordance with the provisions of the above SBCLDP policies in relation to the various provisions.

Energy Storage

The applicant welcomes the provisions in Policy ED9 supporting the storage of energy associated with renewable energy development. The Applicant is at the forefront of energy storage in the UK, having previously developed storage facilities on a commercial basis in the U.S.A and are currently working with National Grid Energy Transmission (NGET) to provide 20MW of storage capacity to the UK systems network. This will act as a forerunner to the development of a much larger portfolio of storage facilities which will provide fast frequency response services to balance the transmission network and manage capacity thereby allowing a greater mix of renewable energy developments to redress the loss of fossil fuel generation within the systems network (electricity transmission grid). At present the technology does not exist to provide commercial “behind the meter storage” on existing or proposed onshore wind energy developments to better manage capacity as exported to the systems network, but as technology is developed it is hoped this would be available in the near future. Scottish Borders Council should be commended for their forward thinking as to the inclusion of support for such technological advances within their newly adopted development plan.

Summary of Assessment of Compliance with the Development Plan

This section of the Statement has considered the proposed development’s compliance with the Development Plan.

The Development Plan has a clear presumption in favour of renewable energy development. The SBCLDP, in accordance with SESplan centres its ambitions on economic development as the key driver to improve the quality of life and investment in children and young people. There is a clear presumption in favour of renewable energy development to support the Scottish Government’s climate change objectives, with the focus of development within sustainable locations. In respect of onshore wind energy development, the plan highlights the potential for possible adverse and cumulative impacts arising especially in terms of landscape and visual impact and landscape capacity. The proposed development however does not result in any such adverse cumulative impacts and is largely consistent with and can draw support from the aims and objectives of the statutory Development Plan.

Policy ED9 of the SBCLDP is the key policy in assessing the nature of the proposed development. There are also numerous policies which seek to protect resources within the proposed Development Plan area. These policies have been fully assessed in the sections above.

Whilst there are some significant landscape and visual effects associated with the proposed development, these limited effects are considered to be acceptable in planning policy terms and the proposed development is in accordance with the SBCLDP policies. Furthermore, the proposed development is supported by the site's identification as a Group 3 'Area with potential' for wind farms. No significant effects in relation to any other environmental considerations are predicted.

Based on the findings of the accompanying ES and the assessment of the proposed development's compliance with all relevant policies of the Development Plan as set out above, it is concluded that the proposed development accords with the aims and policies of the statutory development plan.

Section 7 ('Material Considerations') below outlines relevant material considerations in the determination of the planning application for the proposed development and considers their relationship with the proposed development.

7. MATERIAL CONSIDERATIONS

There are a number of material considerations that should be considered in respect of the proposed development. The following material considerations listed are not exhaustive, but this statement focuses on those that relate to the key issues of national policy and best practice guidance and the relevant local policy context and best practice guidance developed by Scottish Borders Council in respect of onshore wind energy development. Given that the development plan has primacy in decision making those issues covered in the preceding section on the assessment of the proposed development against the development plan will not be reiterated in this section.

7.1 Renewable Energy Policy Context & Targets

The response to the issues of climate change can be traced through a series of conventions, directives and policy statements at international, European and national levels over the last 24 years. These include the Earth Summits at Rio de Janeiro, Kyoto, Cape Town and most recently Paris. The Kyoto Agreement of 1997, to which the UK is a signatory, came into force in February 2005. The global UN Conference in Bali at the end of 2007 produced a “Road Map” for tackling Climate Change, and the Copenhagen Accord signed on 18th December 2009 saw agreement between the worlds developed and biggest developing countries on limits for greenhouse gas emissions. During the 21st Session of the Conference of the Parties (COP21) to the UN Framework Convention on Climate Change (UNFCCC) in Paris in December 2015, world leaders hammered out a historic agreement aimed at stabilizing the climate and avoiding the worst impacts of climate change, by keeping the rise in global temperatures below 2^oC. The agreement was subsequently signed by 174 countries in New York on 22nd April 2016 making it legally binding.

The European Union already had its own objectives even before the 1992 Rio de Janeiro Earth Summit, seeking urgent action to support renewable energy sources. The EU targets were to meet 22.1% of the total electricity consumption across the EU by 2010, and this was underpinned by an Energy Review published by the EU early in 2007. EU Directive 2009/28/EC published in June 2009 set out not only a binding requirement on the UK to provide 15% of its energy from renewables by 2020 but also a series of interim indicative targets for every two years along the way.

7.2 The UK Government

The Scottish Parliament has devolved authority over matters relating to the implementation of energy policy and hence such matters as renewable energy developments under the general planning and environmental powers it operates. The UK Government retains control over the overall direction of energy policy and thus the starting point for a review of the national energy policy begins with that UK Government position.

The UK response to global warming can be traced through a series of papers and measures since the Energy Paper 55 of 1988, and the Electricity Act of 1989, which created the concept of the Non-Fossil Fuel Obligation and then the Renewables Obligation under which supply companies have to purchase increasing amounts of electricity each year from

renewable sources. Initial targets of 5% by 2005 and 10% by 2010 were followed by a target for the whole of the UK of 20% of electricity from renewable sources by 2020.

These measures were then followed by the Energy White Paper of 2003 and the Energy Review of 2006. The former set out a new direction for energy policy in which the Government set out on a path to reduce carbon dioxide emissions by 60% by 2050. This milestone in energy policy is based on four pillars:

- The environment;
- Energy reliability;
- Affordable energy for the poorest; and
- Competitive markets for business, industry and households.

In the Energy Review, the Prime Minister stated that overcoming the challenges of greenhouse gas emissions and the use of energy required hard decisions to be made. Renewable energy is an integral part of the Government's long-term aim of reducing CO2 emissions by 60% by 2050, and using renewables tackles climate change by reducing our dependence and use of fossil fuels for electricity generation.

The "*Renewables Statement of Need*" confirmed the findings of the Review in a commitment to the important role that renewables would play in helping the UK to meet its energy needs. It goes on to say that:

"Renewable energy as a source of low-carbon, indigenous electricity production is central to reducing emissions and maintaining the reliability of our energy supplies at a time when our indigenous fossil fuels are declining more rapidly than expected. A regulatory environment that enables the proposed development of appropriately sited renewable projects and allows the UK to realise its extensive renewable resources, is vital if we are to make real progress towards our challenging goals."

A major contribution to the climate change debate in the UK came with the publication of the Stern Report. Sir Nick Stern was commissioned by the Chancellor to lead a review of the economics of climate change, to understand more comprehensively the economic challenges and how they can be met, both in the UK and globally. The Prime Minister said the Stern Report showed that scientific evidence of global warming was "*overwhelming*" and its consequences "*disastrous*", while the Chancellor promised that the UK would lead the international response to tackle climate change.

In May 2007, the UK Government published a further White Paper which referred to a "*clear steer*" being given to planning professionals and local authority decision-makers that they should look favourably on renewable energy developments. It restates the Renewables Statement of Need from the 2006 Energy Review as a clear statement that the wider benefits of renewable energy must be taken into account and that any contribution, whatever its size, is a material consideration which should be given significant weight when considering renewable proposals.

At the end of 2008, the Climate Change Act was passed restating the UK Government's commitment to wind and other renewables in the move towards a low carbon economy. The Act looks ahead to reductions in the UK carbon dioxide emissions by 2050 of 80% and making these legally binding on the Government. A new system of annual open and transparent reports to Parliament were introduced with the Committee on Climate Change providing an

independent progress report to which the Government must respond. This will ensure that the Government is held to account on its progress towards each five-year carbon budget and towards the 2020 and 2050 targets. As part of the Act, the Government is committed to more investment in renewable energy, specifically in wind and wave energy, so as to provide clarity for business.

A further development of UK energy policy came forward with the publication of the Renewable Energy Strategy in July 2009 alongside the UK Low Carbon Transition Plan. The essence of these is that whereas the Government had been working towards a UK 2020 target of 20% of electricity coming from renewable sources, the adopted scenario in the Renewable Energy Strategy is that this figure is now to be raised dramatically. The UK Government has signed up to the EU requirement that 15% of all energy consumed in the UK should be from renewable sources by 2020, but as the Renewable Energy Strategy points out this also covers fuel and heating, i.e. all energy sources and not just electricity.

In the light of the difficulties in providing significant elements of fuel and heating from renewables by 2020, the proportion of electricity supply that will have to come from renewables to balance this out will need to be raised substantially, to 30% or more.

Onshore wind and offshore wind are expected to provide about 64% of all the electricity from renewable sources by 2020, made up of 29% onshore and 35% offshore.

The Renewable Energy Strategy also proposed major changes to the grid infrastructure and indicated new grid interconnectors to facilitate export of both onshore and offshore wind away from the production areas to the areas of greatest consumption. A key change in the strategy is that the EU Directive requires a series of intermediate reports monitoring the extent to which the country is on track to meet the trajectory for its 2020 targets. The first of these intermediate reporting points is 2011/12 with three more before 2020, and this emphasises the need for an early commitment to more installed capacity to get the UK as a whole on course for its new targets.

This was enshrined in a new Statutory Instrument in March 2011 setting out the thresholds for each of the reporting stages and the legal requirement for the UK to meet that 15% energy target by 2020. The delivery of the targets for renewables was also addressed in the new UK Renewable Energy Roadmap, the White Paper on Electricity Market Reform published by the UK Government in July 2011, and the Updates to the Roadmap in December 2012 and November 2013, the proposed further update due in late 2015 has yet to be published by the Department of Energy & Climate Change (DECC).

7.3 The position in Scotland

There have been parallel approaches within Scotland to the United Kingdom's policy on renewable energy, which have resulted in the adoption of commitments for Scotland which are proportionately much higher than those in the UK as a whole. The higher 2010 Scottish target figure is due to the fact that even before there was any significant development of wind energy on a commercial scale, Scotland already derived about 11% of its total electricity consumption from hydro-electricity, whereas in England the level of renewable electricity supply was negligible.

Following a range of consultations on the subject of renewable resources, the Scottish Government laid before the Scottish Parliament the Renewables (Scotland) Orders. These

formalised the objectives of the Scottish Climate Change Programme to see the share of electricity supply generated from renewables (including large-scale hydro) rising to 18% by 2010. New guidance was published in NPPG6 and PAN 45, while the Scottish Government then stated in SPP6 and elsewhere that it had a target of 40% of Scotland's electricity demand being met from renewables by 2020 (compared to the overall UK figure of 20% which was the then target of the UK Government).

The First National Planning Framework in 2004 set out the aim of the Scottish Ministers that action was required to tackle climate change and that the proposed development of renewable energy sources to reduce carbon emissions alongside a reduction in energy consumption had a key role to play. It expected wind power to rise significantly over the next ten years as a response to the new targets.

The National Planning Framework 2 issued in June 2009 reinforced that earlier commitment. It identified the Scottish Government's commitment to providing 20% of all energy use from renewables by 2020 (compared to the figure for the UK as a whole of 15% at that time) with 50% of electricity coming from renewables. It expected Scotland to become an energy exporter over the long term and one of the national developments was the provision of a range of new interconnectors to facilitate this.

The position on targets set out in SPP6 in March 2007 has changed radically since then. In the Scottish Budget Spending Review 2007, published in mid-November, the new target figures set out were to raise the proportion of electricity consumed in Scotland from renewable sources to 31% by 2011 and to 50% by 2020; no doubt reflecting the recent growth in consenting of major wind energy projects throughout the country, and the Scottish Ministers' confidence that the 2020 target of 40% was capable of being reached several years early.

The Scottish Ministers raised the target to 80% of Scottish electricity consumption by 2020 in May 2011, and subsequently raised this again to 100%.

The current UK target is to secure 15% of all energy (i.e. including heat, lighting, transport and indeed any other use of energy) from renewable sources by 2020, the Scottish figure set out in the 2020 Routemap for Renewable Energy in Scotland (2011) sought to secure double that figure; 30% of all energy use to come from renewables by 2020. The document welcomed the progress that had been made to date, but urged that Scotland needed to go even further and even faster in securing renewable energy sources.

The 2020 Routemap for Renewable Energy in Scotland Update published in September 2015 confirmed that in the first half of 2014 renewables overtook nuclear as Scotland's single largest source of electricity for the first time, and that renewable sources generated a record 49.8% of electricity consumption in 2014, well on the way to achieving the interim target of 50% by 2015. However it acknowledged that we cannot be complacent given the UK Government actions in removing subsidy for onshore wind early and providing little clarity on a route to market for onshore wind energy development to ensure adequate development and investment within the sector. It is now acknowledged that onshore wind is the cheapest way of producing large scale renewable electricity in the UK. Through this update the Scottish Government reiterated and reinforced their commitment to support the renewables industry to deliver its ambitious targets and to help tackle climate change.

The Climate Change (Scotland) Act 2009 sets out statutory targets for reductions in CO₂ by 2020 and 2050.

A further contribution to the debate on the future of energy supplies in Scotland came with the publication of the Economy, Energy and Tourism Committee Report in June 2009. The Committee accepted that achieving the 2020 target (50% of electricity from renewables) would require a five-fold increase in deployment to date.

One submission from a Scottish Government official (para 161) indicates that “export of electricity is fundamental to the long-term vision for Scottish energy” and that “in the longer term from 2030 to 2040, the exports of Scottish energy production could be very significant indeed. We could be talking about exporting something like three or four times our Scottish consumption to England and countries further afield, if the grid ideas that have been discussed come off.”

Since 50% of Scottish electricity consumption equates to about 8GW of installed capacity, this would be equivalent to an export figure of 48-64GW of installed capacity of renewables.

The most recent statement of policy on renewables in Scotland is contained in the Electricity Generation Policy Statement, published by the Scottish Government in June 2013. This confirmed that the renewables potential in the country was such that it would be capable of generating much more than would be needed to meet the domestic demand for electricity and the remainder could be exported to the rest of the UK and to continental Europe to help other countries meet their binding targets.

The Statement contained detailed modelling that demonstrated that the target of at least 100% of domestic consumption coming from renewables by 2020 was achievable. The Statement also noted that in just under three years from April 2010 to January 2013, the renewables industry had announced projects that would support over 9,000 jobs and £13billion of investment in Scotland.

The Statement finally noted that after a record year of deployment in 2012, there was 5.9GW of renewable capacity in operation in Scotland, 1.7GW under construction and 2.6GW consented. Given the figure noted above, that 50% of Scotland’s electricity consumption equates to about 8GW of installed capacity, the current figure of built and under construction has now exceeded that figure given the proposed developments already completed or started in 2013. The 2015 Routemap update confirmed that in March 2015, Scotland had 7.4 GW of installed renewable electricity generation capacity.

The policy ideal that all targets should be regarded as minima, and raised when met subject to environmental capacity, has been highlighted by the recent decision to seek at least 100% of the Scottish domestic electricity consumption from renewables by 2020. This was reiterated in the Chief Planner’s Letter to all Heads of Planning dated 11th November 2015¹⁶, whereby he reiterated these targets were not a cap, and that the supportive policy context within SPP for onshore wind development was reaffirmed, despite the actions of the UK Government.

The message for this application is that the UK targets for 2020 (which were already double the 2010 target) have been raised by another 50% and this will mean that all avenues for deployment of renewable energy sources will need to be explored over the next 4 years. Given the lead from the Scottish Government in setting targets for Scotland which are

¹⁶ <http://www.gov.scot/Resource/0048/00488945.pdf>

ahead of those for the UK as a whole, and the strategic intentions to reinforce the interconnectors between England and Scotland, the scope for Scotland making an even more fundamental contribution to the overall UK targets is clear.

Despite the progress in Scotland, however, the overall UK targets of 30% by 2020 remain to be met as part of our commitment to the European targets; confirmed in the new Renewable Energy Strategy as part of the global dimension to the problem of climate change. National Planning Framework 2 made a commitment to strengthening the transmission system interconnectors between England and Scotland which would enable Scottish renewables to contribute towards the UK target even once the minimum 100% figure of Scottish electricity consumption has been reached.

It is clear that national UK and in particular Scottish Government policy lends significant support to renewable development as a means to reduce the UK's & Scotland's greenhouse gas emissions and to achieve the carbon reduction targets. Onshore wind energy development is the most cost effective and proven source of providing renewable energy. This support requires that significant weight is given to Government Policy and Targets in balancing the decision on the proposed Highlee Hill Wind Farm.

7.4 National Planning Policy Framework 3 (June 2014)

National Planning Framework 3 issued in June 2014 has a statutory function in accordance with Part 1A, Section 3A(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) as the Scottish Government's spatial expression of the Government's Economic Strategy, and contains the plans for infrastructure investment to create great places that support sustainable economic growth across Scotland. It provides a clear national vision of what is expected of the planning system and the outcomes that it must deliver for the people of Scotland. It brings together the Government's plans and strategies in economic development, regeneration, energy, environment, climate change, transport and digital infrastructure to provide a coherent vision of how Scotland should evolve over the next 20 or 30 years.

NPF3 confirms that one of four Visions for Scotland is to be "a low carbon place". Scotland aims to be a world leader in low carbon energy generation, both onshore and offshore. To make our built environment more energy efficient, produce less waste and largely decarbonise our travel. The spatial strategy presents opportunities for growth and regeneration, investment in the low carbon economy, environmental enhancement and improved connections across Scotland, and indicates where most change is expected to realise such opportunities.

NPF3 confirms the Scottish Government's ambition to achieve at least 80% reduction in greenhouse gas emissions by 2050, and confirms that Planning will play a key role in delivering the commitments set out in Low Carbon Scotland: Report of Policies & Proposals (RPP2). At present the energy sector accounts for a significant share of our greenhouse gas emissions and to address this we need to capitalise on our outstanding natural advantages. This includes, hydropower, and our significant onshore and offshore wind resource as sources of clean energy.

NPF3 acknowledges that a planned approach to onshore wind energy development has largely avoided our internationally and nationally protected areas, but that *"whilst there is strong public support for wind energy as part of the renewable energy mix, opinions about*

onshore wind in particular locations can vary. In some areas, concern is expressed about the scale, proximity and impacts of proposed wind energy developments. In others, it is recognised as an opportunity to improve the long-term resilience of rural communities.” (NPF3 : Para.3.7)

NPF3 reiterates the Scottish Government's targets of generating at least 30% of overall energy demand from renewable by 2020, including 100% of gross electricity consumption from renewables, with the interim target of 50% by 2015. NPF3 confirms that in time it is expected that the pace of onshore wind energy development will be overtaken by a growing focus on Scotland's significant marine energy opportunities, including wind, wave and tidal energy. However given the current costs associated with marine energy development and generation and reducing subsidy levels in the UK, the proposed development opportunities in this sector are unlikely to be realised at a sufficient level to meet the target deadlines. Onshore wind is an established, cost effective form of renewable development and will therefore continue to make significant contributions to the targets.

NPF3 recognises the above and confirms that onshore wind will continue to make a significant contribution to diversification of energy supplies, however such development should not be contained in National Parks or national Scenic Areas. Scottish Planning Policy also issued in June 2014 to accompany NPF3 sets out the required approach to spatial frameworks to guide wind energy development to appropriate locations.

The recent publication of NPF3 in June 2014 as Scotland's spatial expression of the Government's Economic Strategy and the support it lends to renewable energy development, and in particular the acknowledgement of the significant contribution made by onshore wind requires the appropriate weight to be apportioned in the decision making for the proposed development.

7.5 Scottish Planning Policy (June 2014)

Scottish Planning Policy was published concurrently with NPF3 in June 2014 as a statement of the Scottish Government's policy on nationally important land use planning matters. It replaces Scottish Planning Policy 2010 and Designing Places (2001). SPP does not have a statutory function, but both Strategic Development Plans and Local Development Plans should be prepared in accordance with the statements of national policy as contained in SPP. Given its recent publication SPP carries significant weight as a material consideration in the determination of planning applications and appeals, as an up-to-date statement of the Scottish Government's land use planning policies.

SPP confirms that planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public whilst protecting and enhancing natural and cultural resources. Both SPP and NPF share a single vision for Scotland to have a *“growing, low carbon economy with progressively narrowing disparities in well being and opportunity. It is growth that can be achieved whilst reducing our emissions and which respects the quality of the environment, place and life and which makes our country so special.”* (SPP. Para. 11)

The Scottish Government's 16 National Outcomes articulate the Government's purpose and what they want to achieve over the next 10 years. Planning is broad in scope and cross cutting in nature and therefore contributes to the achievement of all of the national

outcomes. SPP confirms the four national planning outcomes which should help support this vision:

- A successful, sustainable place;
- A low carbon place;
- A natural resilient place; and
- A more connected place.

In terms of the outcomes SPP confirms that creating a successful, sustainable place will be achieved by locating the right development in the right place, will support sustainable economic growth and regeneration and the creation of well designed sustainable places. A low carbon place will be achieved by reducing our carbon emissions and adapting to climate change, SPP sets out how the diversification of the energy sector supported by NPF3 will be delivered on the ground. A natural resilient place will be delivered by the protection and enhancement of our natural and cultural assets, and facilitating their sustainable use. A more connected place will be achieved by supporting better transport and digital connectivity.

SPP introduces a presumption in favour of development that contributes to sustainable development. In order to achieve this policies and decisions regarding development should be guided by a number of principles. Development plans require to be consistent with the policies set out in SPP, whilst development management decisions should where development plans are out of date, such as in the case of the subject of this appeal, place significant weight on the presumption in favour of development that contributes to sustainable development.

SPP at paragraph 153 states that “Terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities.” The planning system should support the proposed development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity. As part of such support SPP and in recognition of its importance in supporting such development specific policy guidance is provided in relation to onshore wind energy development.

Planning authorities should set out within their development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. A specified approach to how such frameworks should be prepared is outlined in SPP (Table 1) and further advice is contained in the Scottish Government’s online renewable advice:<http://www.scotland.gov.uk/Topics/Built-Environment/planning/Policy/Subject-Policies/low-carbon-place/Heat-Electricity/renewables-advice> .

It should be noted that at the time of writing this statement, this advice was being updated to align it with the new SPP, although some additional guidance was published relating to onshore wind development on 5th December 2014, in relation to the guidance contained in SPP:<http://scotgovplanningarchitecture.com/2014/12/05/onshore-wind-questions-answered/>

SPP confirms development plans should set out the criteria for consideration in deciding all applications for wind farms of different scales, taking account of certain development management considerations outlined in paragraph 169. Individual properties and those settlements not identified within the proposed development plan will be protected by the safeguards set out in the LDP policy criteria for determining wind farms and the proposed development management considerations accounted for when determining individual applications.

SPP (2014) continues to provide a supportive national policy context for renewable energy development and for onshore wind energy development as part of this mix. In a wider context SPP clearly advocates sustainable development and support for a growing low carbon economy. In order to achieve this aim it seeks to ensure that development is located in the right place.

It is clear that Scottish Borders's Council's current spatial framework for onshore wind energy development is based on the previous version of SPP (2010) and in Section 6 previously it was noted that the proposed development lies predominantly within a Stage 3 Area of Search within this framework.

The development management criteria listed in paragraph 169 have been largely addressed under the Council's development plan in the previous section and no contention found with any of the listed criteria. Based upon these considerations SPP (2014), as a recent statement of national planning policy lends significant support in favour of the proposed development.

7.6 Scottish Borders Council: Wind Energy (May 2011)

The supplementary planning guidance published by SBC in 2011 relating to wind energy is a material planning consideration. However given that it is based upon both superseded national planning guidance from SPP(2010) and the superseded local plan as a development plan context, the weight to be afforded to its content is very limited. The spatial framework advice is outdated as now superseded by that contained in SPP (2014), as discussed within Section 6 of this statement confirming that the proposed development is located within an area of potential for onshore wind energy development. In addition the development plan context is now updated by the adoption of SBCLDP in May 2016, which again is fully assessed in Section 6 above, confirming the proposed development is in compliance with the development plan.

The Council have committed to the preparation of new supplementary guidance as part of the SBCLDP, which will ultimately have a statutory basis if approved by the Scottish Ministers following due process.

The current SPG however is adhered to by the applicant in relation to the conception, and evolution of the proposed development where still of relevance in terms of more general siting and design guidance and guidance on the EIA and planning submission process.

7.7 Planning Advice Notes (PANs)

PANs provide advice and information on technical planning matters. The following are considered relevant to the proposed development and are available on the Scottish

Government website: <http://www.scotland.gov.uk/Topics/Built-Environment/planning/Roles/Scottish-Government/Guidance>

PAN 3/2010: Community Engagement

PAN 3/2010 provides advice to communities on how they can get involved and advice to Planning Authorities and developers on ways of effectively engaging with communities on planning matters. It sets out the legal requirements on prospective applicants to engage with the community on certain applications.

As set out within the accompanying PAC Report, consultation with the local community and stakeholders has been undertaken in line with good practice and guidance.

PAN 51: Planning, Environmental Protection and Regulation

PAN 51 seeks to support the existing policy on the role of the planning system in relation to the environmental protection regimes. It also summarises the statutory responsibilities of the environmental protection bodies, as well as informing these bodies about the planning system.

The environmental assessments which have informed the ES have taken account of environmental protection regimes to ensure the proposed development has been suitably designed to avoid any unacceptable significant adverse effects on the environment. A number of commonly accepted measures have been proposed in order to assist in implementation of the proposed development in such a manner as to avoid adverse effects.

PAN 1/2013: Environmental Impact Assessment (EIA)

PAN 1/2013 replaces PAN 58 and brings EIA guidance fully in line with the latest regulations. It contains new guidance on the integration of EIA procedures into the proposed development management process with the aim of achieving a more efficient and effective EIA. It specifically relates to EIA for development projects authorised under planning legislation. It provides information and advice on EIAs, including the aims of EIAs; main steps in the EIA process; proportionality in relation to significant environmental effects, screening, scoping and the ES; and resourcing.

The EIA undertaken for the proposed development is consistent with and in accordance with the advice contained within PAN 1/2013.

PAN 2/2011 Planning and Archaeology

PAN 2/2011 is intended to inform the day-to-day work of a range of local authority advisory services and other organisations that have a role in the handling of archaeological matters within the planning process. It states that planning authorities should take into account the relative importance of archaeological sites when considering planning applications.

The ES fully considers the effects of the proposed development on the historic environment and no significant effects in relation to cultural heritage are predicted. The proposed development is considered to be acceptable in cultural heritage and planning terms and is consequently considered to be supported by the principles of PAN 2/2011 in relation to the historic environment.

PAN 60: Planning for Natural Heritage

PAN 60 provides advice on how development and the planning system can contribute to the conservation, enhancement, enjoyment and understanding of Scotland's natural

environment. It further encourages developers and planning authorities to be positive and creative in addressing natural heritage issues.

As set out within the ES, no significant effects on natural heritage resources are predicted and the proposed development is in accordance with and supportive of the provisions of PAN 60.

PAN 1/2011: Planning and Noise

PAN 1/2011 provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise.

The advice contained in PAN 1/2011 has been considered and included in the noise assessment contained in full within Chapter 9: Noise of the ES. The Government recommended guidance ESTU-R-97 has been followed and the noise assessment and the proposed development fully accords with the ETSU-R-97 methodology.

PAN 73: Rural Diversification

PAN 73 provides advice to all those involved in rural diversification projects and highlights how the planning system can assist in rural diversification. It states that "*there are many activities that make a valuable contribution to the rural economy that are less immediately obvious such as large scale industrial activities like quarrying and waste disposal, hydro-electric schemes and wind turbines*". In the context of the proposed development rural diversification will be achieved in the form of economic activity within the countryside.

PAN 75: Planning for Transport

PAN 75 sets out good practice guidance which Planning Authorities, developers and others should carry out in their policy development, proposal assessment and project delivery. The document aims to create greater awareness of how linkages between planning and transport can be managed. It highlights the roles of different bodies and professions in the process and points to other sources of information.

The Transport Assessment for the proposed development is set out in Chapter 11: Traffic & Transport of the ES. A Traffic Management Plan is proposed for the temporary construction phase of the proposed development.

Transport Assessment and Implementation: A Guide

The Transport Assessment and Implementation document¹⁷ provides a guide to help identify and deal with the likely transport effects of development proposals. It sets out requirements according to the scale of development being proposed; from a minimal change requiring a simple transport statement or explanation of transport issues through to a major complex development where detailed technical analyses will be required.

The Transport and Traffic Assessment for the proposed development is set out in Chapter 11: Traffic and Transport of the ES.

¹⁷ The Scottish Government (2005), "Transport Assessment and Implementation: A Guide", Available Online At: <http://www.scotland.gov.uk/Resource/Doc/57346/0016796.pdf>

PAN 61: Planning and Sustainable Urban Drainage Systems

PAN 61 provides good practice advice for planners and the proposed development industry which complements the Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland and Northern Ireland. SUDS are most commonly found within urban or “built” developments such as housing estates and commercial developments. However, the principles can be applied to other types of developments.

Consideration has been given to the potential impact upon hydrological features within Chapter 8: Hydrology, Hydrogeology & Geology of the ES as summarised above.

8. CONCLUSIONS

Introduction

In accordance with Section 25 and Section 37(2) of the 1997 Act as amended, this Statement has assessed the proposed development against the relevant provisions of the Development Plan and other material planning considerations in respect of the determination of the planning application for the proposed development.

The Proposed Development

The primary aim of the proposed development is to generate energy from a renewable resource. With this there are clear environmental, economic and social benefits, including:

Electricity generation from a renewable source leading to greater security of supply and reducing the UK's dependence of imported fossil fuels and gas;

Up to 45 MW of installed renewable electricity generating capacity thus contributing to regional and national renewable energy targets;

Expenditure in the local economy; and contribution in business rate annually to the Scottish Borders economy.

The proposed development has been through an iterative design process which considered site constraints and likely environmental issues, in order to maximise renewable energy potential without causing unacceptable environmental effects.

The proposed development design has been led by issues raised during scoping and follow up consultation in conjunction with the views of stakeholders and members of the public through the process of community engagement, full details of which are provided in the PAC Report prepared by the Applicant.

A thorough site selection and design process has been undertaken for the proposed development and this has resulted in a turbine layout and infrastructure design which represents optimal design when balancing environmental, technical and engineering considerations.

The site has relatively few constraints and is located within a landscape which has the character, and capacity to accommodate the proposed development without unacceptably adverse significant effects.

As a result of this good practice approach, the final project design presented in this application is considered to be in accordance with both the Development Plan and all other relevant material considerations in the determination of the application for the proposed development.

The Need for the Development

There is a clear need for renewable energy development in Scotland. Scotland has set ambitious targets of having an installed renewable energy capacity equivalent to 50% of national electricity needs by 2015, and 100% of national electricity needs by 2020.

Considerable support can be drawn from national planning and energy policy which is wholly supportive of renewable energy development, recognising the contribution towards sustainable development and tackling climate change, to safeguarding the UK and Scotland's energy supply and, increasingly, its economic benefits. The proposed development would make a valuable contribution towards the UK's legally binding targets for reductions in carbon emissions and energy from renewable resources where there is a current shortfall.

There is strong support for the proposed development due to the need for, and the benefits of, renewable energy. There is also a need to consider a number of environmental and amenity considerations, and balancing those considerations in assessing the proposed development, i.e. the planning balance, which has been done in this Statement, when considering the limited landscape and visual effects of the proposed development against the benefits that the scheme will bring, specifically in relation to rural diversification and renewable energy targets.

The Development Plan and Material Considerations

The Development Plan has a clear presumption in favour of renewable energy development. A full assessment has been made of the proposed development's compliance with the Development Plan within this Statement and the proposed development was found to comply with the aims and objectives of the Development Plan through harnessing and developing renewable resources and making a significant contribution to national energy and economic objectives.

The proposed development was also found to be in full accordance with all of the relevant policies contained within the Development Plan, of particular relevance, Policy ED9 relating to renewable energy development.

As summarised above, the proposed development is situated in an 'Area with potential' for wind farm developments (as defined in Table 1 of SPP).

Given the relatively limited incidence of significant landscape and visual effects and the findings presented in the ES, it is concluded that there is capacity within the landscape to accommodate the proposed development.

Whilst there are some significant landscape and visual effects, these are largely contained within 10 km of the proposed development, and would not be considered to be unacceptably adverse in planning policy terms and the proposed development is considered to be in accordance with the SBCLDP policies.

This Statement has demonstrated that the proposed development is wholly in accordance with the Development Plan and therefore Section 25 of the Planning Act which states that *"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless, material considerations indicate otherwise to be made in accordance with that plan..."*

Relevant material considerations have been considered in section 7 ('Material Considerations') and the publications considered fully support the proposed development. The proposed development was found to accord with national policy on renewable energy and other relevant planning issues.

In line with Section 25 of the Planning Act, we respectfully request that the Council give significant weight to the above assessment and conclusions and grant planning permission for the proposed development.

Overall Conclusions

In the planning balance, significant weight should be attached to the clear need for renewable energy and contribution the proposed development will make to meeting national targets.

Whilst there are some significant landscape and visual effects associated with the proposed development, these effects are limited and are considered to be acceptable in planning policy terms.

Furthermore, the predicted effects, as set out within the accompanying ES, are temporary (albeit long-term) and reversible, as permission is being sought for a period of 30 years. It is considered that the benefits of the proposed development clearly outweigh the limited significant effects that have been predicted.

It is considered that the site and surrounding area can accommodate the proposed development and that it meets the sustainability and other objectives of the Development Plan and relevant material considerations to promote renewable energy developments where environmental impacts are considered acceptable.

9. APPENDIX A - LIST OF RELEVANT DEVELOPMENT PLAN POLICIES

Applicable Current Strategic Development Plan Policies (SDP)

Policy Reference	LDP Policy Title
Policy 10	Sustainable Energy Technologies

Applicable Current Local Development Plan Policies (SBCLDP)

Policy Reference	LDP Policy Title
PMD1	Sustainability
PMD2	Quality Standards
PMD4	Development Outwith Development Boundaries
ED7	Business, Tourism and Leisure Development in the Countryside
ED9	Renewable Energy Development
ED10	Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD3	Protection of Residential Amenity
EP1	International Nature Conservation Sites & Protected Species
EP2	National Nature Conservation Sites & Protected Species
EP3	Local Biodiversity
EP4	National Scenic Areas
EP5	Special Landscape Areas
EP7	Listed Buildings
EP8	Archaeology
EP9	Conservation Areas
EP10	Gardens & Designed Landscapes
EP13	Trees, Woodlands & Hedgerows
EP15	Development Affecting the Water Environment
EP16	Air Quality
IS2	Developer Contributions
IS4	Transport Development & Infrastructure

Policy Reference	LDP Policy Title
IS5	Protection of Access Routes
IS6	Road Adoption Standards
IS7	Parking Provision & Standards
IS8	Flooding
IS9	Waste Water Treatment Standards & Sustainable Urban Drainage