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Our Reference – 24758/G030/39
Your Reference – 11/00664/FUL

John Hiscox
Planning Officer
Scottish Borders Council
Council Headquarters
Newtown St. Boswells
Melrose
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Dear Mr Hiscox

**11/00664/FUL ETC– ERECTION OF COMMUNITY WIND FARM, ASSOCIATED CONTROL BUILDING, FORMATION OF ACCESS ROAD AND BORROW PITS
SUPPLEMENTARY ENVIRONMENTAL INFORMATION**

We write on behalf of the Applicant with reference to the planning application submitted on 06 May 2011, seeking permission to construct and operate a Community Wind Farm comprising three turbines up to 125m in height to blade-tip and associated infrastructure. The planning application was supported by an Environmental Statement (ES) and a Supporting Planning Statement, along with various associated figures and plans.

Clarification on two points of issue raised in consultations was provided on 06 December 2011. At that time, it was noted that further issues relating to potential Visual impacts (particularly upon Oldhamstocks Conservation Area) and cumulative noise impacts had been raised by Scottish Borders Council and its consultees on the planning application. The Applicant has volunteered Supplementary Environmental Information (SEI) in response to these issues, as per section 19 of the Environmental Impact Assessment (Scotland) Regulations 1999 (as amended). The SEI is enclosed with this correspondence, and the Applicant awaits confirmation of the associated advertisement fee.

In addition, further comments have been received from consultees suggesting that the proposed development is inconsistent with pertaining development plan policy and supplementary planning guidance. These comments have been received from the Landscape Officer at Scottish Borders Council and Scottish Natural Heritage (SNH). A response to planning policy considerations raised by consultees is provided below and supplements the submitted Supporting Planning Statement.

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1. RESPONSE TO LANDSCAPE OFFICER COMMENTS

The Scottish Borders Council Landscape Architect (SBCLA) provided comments on the application on 08 June 2011. These comments held that the proposed development does not wholly accord with Scottish Borders Local Plan Policy D4 Criteria 2 - 5 relating to Commercial Wind Farms. The Local Plan does not define 'commercial' or 'community', however given the particulars of the development (parties involved and end use of revenue), it is contended that the proposed development complies as a 'community scheme'. As the proposed development is for a community rather than a commercial scheme, the degree to which the criteria noted apply is debateable. Nevertheless, each comment will be considered in turn.

1.1 POLICY 4: RENEWABLE ENERGY DEVELOPMENT

Criterion 2 indicates that "*Locations within large scale landscape settings defined as Upland type in the Landscape Classification hierarchy (contained within the Borders Landscape Assessment) will normally be more acceptable than other landscape character types*", depending upon the degree to which the area would be adversely affected by change.

The proposed site is located on the boundary between two different landscape character 'types': Upland Fringe and Coastal Farmland; both of which are noted as being "*intermediate in terms of landscape scale*", and therefore the site is noted by the SBCLA as only partially satisfying Criterion 2. Criterion 2 does not limit wind farm development to areas within Upland LCT, and requires each development to be assessed on its merits in order to determine whether the specific LCT could accommodate the development without sustaining adverse effects on the character of the area. The ES concludes that the proposed development would not result in any significant adverse effects upon LCTs, therefore the premise of this criterion is considered to be met.

Criterion 3 states that locations which are visually contained due to the surrounding landform or where there would not be any interference with prominent skylines or sensitive habitats would be looked on "*more favourably than other locations*". The SBCLA commented that the site is afforded "quite good landform containment", but that there is visibility to the north and northeast (Oldhamstocks and Cockburnspath), and that the "*immediate surroundings would become visually dominated by the turbines*" (in relation to Criterion 5i). In terms of wind energy development, the proposed site is well contained, thereby limiting the potential visual impacts of the turbines to within an area of approximately 3km (as concluded by the ES). Therefore, it is contended that the issue in relation to this criterion is whether the development would interfere with prominent skylines or conflict with sensitive habitat. The Landscape and Visual Chapter of the ES concluded that the turbines would

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affect a relatively small part of the skyline, and in particular would affect an area that is not known as being prominent. In addition, some sections of this area of skyline are already affected by turbine development. The Ecology Chapter of the ES concluded that the development would not have any significant impact upon habitats. Therefore it is contended that this criterion is satisfied.

Criterion 4 of Policy D4 states that *“effects on high sensitivity receptors including major tourist routes and important landscape viewpoint”* will be considered when assessing applications for wind energy developments. The SBCLA commented that the Oldhamstocks Conservation Area, Cockburnspath, some sections of the Southern Upland Way and residential properties all qualify as ‘high sensitivity receptors’ in the assessment of this application. The criterion states that impacts on these receptors will be considered in the landscape assessment, however it does not state what level of effect would or would not be acceptable; nor is this clarified in the Supplementary Planning Guidance (SPG) prepared by Scottish Borders Council. However, it is noted that the SPG states at Paragraph 5.16 that the high sensitivity receptors identified within the Borders Landscape Character Assessment were included within the spatial strategy in order to identify *“the visually sensitive areas in red taking cognisance of intervening land forms”*. The proposed turbines are located within an area of Moderate (lower) constraints, as identified within the SPG. This indicates that that site is outwith the area considered inappropriate for development due to landscape protection reasons.

Policy BE4: Conservation Areas within the Scottish Borders Local Plan relates only to development within or adjacent to a Conservation Area, and therefore does not provide any applicable assessment criteria in this instance. Policy BE4 does not discuss impacts upon the setting of Conservation Areas. Scottish Borders Structure Plan Policy N18: Development Affecting Conservation Areas states that *“there will be a presumption against development which is considered likely to have an adverse impact on a Conservation Area”*.

The Oldhamstocks Conservation Area is located within East Lothian Council; therefore the adopted East Lothian Local Plan (2008) provides advice on the key characteristics of the Conservation Area in Appendix 7. These are listed as being the:

- Linear form of buildings;
- surrounding land, as included within the Conservation Area;
- wide grass verges;
- stone walls;

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- line of buildings along the north side of the road; and
- the agricultural roots of the village.

As noted in the submitted Supporting Planning Statement (April 2011), Edinburgh and the Lothians Structure Plan 2015 (approved 2004) Policy ENV 1D, in relation to Conservation Areas, states that:

“Development affecting the following regional or local areas of natural heritage and built environmental interest, or their settings, will only be permitted where it can be demonstrated that:

- a) The objectives and overall integrity of the designated area will not be compromised; or*
- b) The social or economic benefits to be gained from the proposed development outweigh the conservation or other interest of the site.”*

The proposed development will not compromise the objectives or integrity of the Conservation Area (as listed above); whilst simultaneously resulting in considerable socio-economic benefits given that all the revenue generated from the development will be applied to charitable purposes.

Also of relevance to criterion 4 is the recommendation within the SPG (Paragraph 5.17) that a 2km buffer be maintained from Strategic Path routes (including the Southern Upland Way). At its closest point, the proposed development is 3.6km from the Southern Upland Way and as such, maintaining the guidance distance. In addition, the potential for impacts has been assessed as being minimal in both extent and scale of effect.

Criterion 5 states that applications *“will be assessed against the following criteria and will be approved where the overall impact is judged acceptable”*. A number of criteria are then listed for consideration. The SBCLA response states that the criteria in relation to the impact upon landscape character, views of the development from ‘sensitive receptors’ and cumulative impact are only partially satisfied. These issues have all been discussed in relation to Criteria 2-4 above, except for the issue of cumulative impact.

The comment that has been made is that the presence of Wester Dod is *“likely to make the Hoprigshiels turbines look even larger when seen in the same view i.e. from the east because they are nearer and also because they are in a smaller scale landscape.”*

Wireframes illustrating the impact on views from the east of the proposed site

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indicate that the turbines appear larger than those at Wester Dod when in close proximity to the Hoprigshiels site, which is logical. However, as the turbines become viewed cumulatively on the hinterland with Wester Dod the turbines appear to be of a more commensurate size. This is best illustrated by comparing the cumulative wireframe viewpoints from Ewieside Hill and the A1 layby by Cockburnspath (**Figures 7.14a and 7.17a**). It is considered that the turbines proposed would read well in relation to Wester Dod, and do not represent an uncomplimentary development.

The SBCLA also comments that the proposed development would result in “*co-incident*” and “*sequential*” cumulative impact when viewed with Wester Dod, however as the wireframes above and those originally submitted illustrate; the Hoprigshiels turbines would not extend the amount of skyline that would be impacted by turbines as they are included within the array already affected by Wester Dod (and Aikengall).

Overall, it is considered that the landscape impacts upon sensitive receptors are acceptable and that no feature would be unduly harmed. The proposals accord with the policies within the Development Plan and the SPG; and meet or improve upon the safeguarding distances to sensitive receptors suggested in the SPG.

2. RESPONSE TO SNH COMMENTS

SNH provided their comments to the Council on 10 August 2011. The majority of these comments related to potential impacts upon Landscape and Visual amenity resulting from the height of the turbines proposed, and which it is hoped will have been resolved through the redesign of the scheme. The SEI has assessed the anticipated landscape and visual impacts of the revised scheme (where effects are considered to differ from the assessment contained in the ES).

However, there is one point the Applicant wishes to comment on in this correspondence. It is suggested that it would be appropriate to determine the Hoprigshiels application “concurrently with the submitted application at Blackburn Farm”. The Applicant would not welcome this practice not least because it would be inconsistent with planning practice. In addition, the Blackburn Farm application is for a commercial scheme with double the number of turbines as Hoprigshiels, the application was submitted some months after the Hoprigshiels application, and the boundary is approximately 1.5km east of the Hoprigshiels boundary. The difficulty faced in determining all the applications for wind energy development currently within this area is recognised, however the Hoprigshiels application should be considered on its own merits

It is noted that SNH’s primary concerns relate to visual effects; particularly upon

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areas in and around the village of Oldhamstocks, other publically accessible areas within 5km of the proposed scheme and cumulative impacts in relation to existing and undetermined wind farm developments and applications. SNH requested that the proposed scheme be redesigned using turbines that are consistent with the precedent set in the area, referencing the 84m high turbines at Brockholes. As explained in the enclosed SEI, the scheme has been redesigned in order to reduce impacts on landscape and visual amenity. However, it is not viable for the turbines to be further reduced in height. Also, it is suggested that it is somewhat disingenuous to compare these two schemes, as the purpose of the two developments differ from each other. The development south-west of Brockholes Farm consists of three 84m to blade-tip turbines within an area of agricultural land that is not as well contained as the site proposed at Hoprigshiels farm.

The degree to which this development can aid the community hinges on the height of the turbines, as a relatively small reduction in height has a disproportionate effect on the amount of energy (and therefore profit) generated. It is therefore respectfully requested that the impacts upon the output of the scheme are weighed in the balance against any proposed reductions in height.

We trust this correspondence and the enclosed SEI clarify all issues outstanding in relation to this application. Please do not hesitate to contact the undersigned should any additional clarification be required.

Yours sincerely

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