

**Johnston, Charles**

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**From:** Pike, Emma on behalf of Planning & Regulatory Services  
**Sent:** 28 February 2014 12:37  
**To:** localplan  
**Subject:** FW: Regarding: Scottish Borders Council LDP Consultation Response  
**Attachments:** Copy of Scottish Borders Council LDP Consultation Response (XREPORT\_D - 1052923 - 1 - A) - 1.PDF

Received in PRS mailbox

Regards

Emma Pike  
 Clerical Assistant - Management Information  
 Business Support  
 Environment & Infrastructure

**From:** Gavin Shirley [REDACTED]  
**Sent:** 28 February 2014 12:05  
**To:** Planning & Regulatory Services  
**Subject:** Regarding: Scottish Borders Council LDP Consultation Response

Dear Sir / Madam,

Please find attached a consultation response to the Scottish Borders Council Proposed Local Development Plan by Natural Power Consultants Limited on behalf of Fred.Olsen Renewables Ltd.

I tried uploading our comments this morning using the Council's online portal (OLDP), however there are 2 issues. The "Add Comment" boxes are out of sync with the relevant paragraphs of the LDP but more fundamentally, the website won't acknowledge my comments and keeps crashing when I hit the "Save and Continue" box. I phoned the Council this morning and was informed I could email our consultation response to this email address. Therefore, please acknowledge that our attached consultation response has been accepted.

Yours sincerely,  
 Gavin Shirley

Title: Scottish Borders Council LDP Consultation Response  
 Document Class: XREPORT\_D  
 Document No: 1052923  
 Document Sheet: 1  
 Document Rev: A

Gavin Shirley  
 Assistant Project Manager  
 Natural Power  
 Renewable Energy Consultants

tel: [REDACTED]

## Scottish Borders Council Local Development Plan Consultation Response

Page 12, Paragraph 2.13: Disagree with the sentence *“A particular challenge to the continued attractiveness of the area for residents, visitors, tourists and visitors is the potential for wind energy generation, which, if not carefully managed and controlled, could have an adverse impact on this fundamental attribute”*. This statement is biased and could be applied to any development that is not properly managed and is thus unfair to single out wind energy development. It also assumes that wind farms deter tourism and visitors which fails to reflect the findings of regular studies carried by bodies including YouGov<sup>1</sup> in 2013, DECC<sup>2</sup> 2013, et al which consistently find that the majority of people in Scotland and the UK support the continued development of wind power.

Page 14, Paragraph 2.18: Concern over the negative stance toward future onshore wind energy development.

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### Policy ED9

Paragraph 1.1: Suggest re-wording this paragraph. The commitment to increase the amount of renewable sourced electricity is also driven (as stated in Scottish Planning Policy (SPP) 182) by its contribution towards sustainable economic growth.

Paragraph 1.3: Is the survey that was sent to local businesses available and what were its results?

Paragraph 1.5: In regard to the opening sentence; *“The most contentious issue regarding renewable energy is the increasing number of planning applications being submitted for wind turbines”*, it follows that applications for wind energy development should increase in the *“response to growing concern about the rise in atmospheric levels of carbon dioxide and...increasing the proportion of power generated from renewable energy sources (which) is supported by Government as a vital part of reducing these emissions” (para1.1)*.

The sentence *“There are very strong and differing opinions on the subject of wind turbines [ranging from those who are concerned about their economic efficiency and the cumulative impact they are having on the landscape, tourism and consequently the economy, and those who consider turbines as an appropriate and modern option for satisfying renewable energy targets]”* is not wrong but nor is it completely balanced: suggest re-wording or simply deleting the text in brackets above.

When was the public opinion survey carried out? How many respondents were there and what were the results?

*“...taking cognisance of a range of guidance including SPP...”*. SPP is policy not guidance.

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<sup>1</sup> Scots support renewable energy, YouGov (2013) <http://yougov.co.uk/news/2013/03/20/scots-support-renewable-energy/>

<sup>2</sup> DECC <https://www.gov.uk/government/publications/public-attitudes-tracking-survey-wave-5>

Paragraph 1.6: We consider that the current spatial strategy in the Supplementary Planning Guidance (SPG) does not comply with SPP. We would welcome a revision of the SPG following the emergence of the new SPP. It is unclear if the Ironside Farrar study has been subject to consultation or scrutiny?

Paragraph 1.7: The *“spatial strategy” (Fig ED9a) identifies constraints to be considered, giving levels of protection to landscape designations and identifying where cumulative impact is an issue to be addressed.* The spatial strategy does not appear to have been produced in line with SPP methodology. Firstly, the terminology is inconsistent with SPP and creates confusion; *“Areas of significant constraint”* should read *“Areas of significant protection”*, *“Areas of moderate constraint”* should read *“Areas of potential constraint”*. Secondly, it appears that local valued *“iconic viewpoints”* have informed these areas which, if the case, is not compliant with SPP. SPP paragraph 139 states that *“The level of protection given to local designations through the development plan should not be as high as the level of protection given to international or national designations.”*

Whilst we have reservations regarding lack of opportunity for public scrutiny of the Ironside Farrar landscape capacity study, we welcome that a landscape capacity study has been utilised for the identification of sites suitable for wind turbines, as illustrated in Figure ED9c, ED9d and ED9e of the draft local development plan. We consider this to be an advance from the SPG, albeit that the criteria applied are overly restrictive to further development, particularly in certain areas.

We have a concern regarding the use of the ED9a within the development plan. As it is not supported by SPP and appears to conflict with the other figures (e.g. ED9c, d & e), we consider that this results in confusion. Perhaps better just to make reference to the SPG and take the figure ED9a out.

#### Policy ED9

In line with SPP 187, the first sentence should be worded to reflect that renewable energy developments will be supported where they can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.

We welcome the approach put forward in the second sentence.

#### *“RENEWABLE ENERGY DEVELOPMENTS”*

Part 1) *“impacts which cannot be fully mitigated...”* should be re-worded to change *“fully”* to *“satisfactorily”* in line with its use in Part (2). Full mitigation equates to no change from the baseline which is impossible.

Part 2) The term *“population”* should be removed from the policy because it is unfeasible to assess how any sort of renewable energy development will affect a *“population”*. It is also potentially unnecessary given the inclusion of *“communities”* in the same sentence.

Part 2) The use of the term *“communities”* in regard to avoiding unacceptable adverse impacts is however somewhat vague. Can this be explained further? i.e. potential impacts from noise, shadow flicker, visual?

Parts 1 & 2 need balancing against the aims of SPP 184. The core purpose of planning is sustainable economic growth, SPP 4, and the planning system should consider the competing interests in determining a proposal, SPP 6. The potential impacts upon issues presented in parts 1 & 2 should be considered together and a balanced decision made considering the effects upon the environment, economy and society. At present this balancing exercise only occurs if there are significant adverse impacts which cannot be mitigated. This is subtly yet fundamentally different to the requirements of the SPP. We suggest that the contribution to sustainable economic growth should be included in a test 3 so that this general principle can be applied to the relevant applications and where necessary expanded elsewhere in the policy hierarchy.

#### “WIND TURBINE PROPOSALS”

*“In addition to the general provisions...”* should be re-worded to replace “addition” with “part of”. Socio-economic impacts should also be considered as set out above.

“General” - This does not appear to be “policy” and may be better placed in a guidance document.

Figures ED9b-ED9e are Landscape related and should be moved from the General section to the Landscape section.

The paragraph *“If turbines are proposed which exceed the turbine heights identified...”* should be deleted because Figure ED9e provides a spatial framework for turbines in excess of 100 m.

The protection of “wild land” needs qualified. To what level of wildness is the policy seeking to protect? In line with the proposed SPP, it should only be formally designated Core Wild Land that should be protected from significant/unacceptable adverse impacts. The presence of existing wind farms in “wild land” and the ongoing SNH work on Wild Land should also be taken in to context when considering this policy and potential effects.

#### *“Visual impact”*

First bullet point: We suggest the inclusion of the term “unacceptable” in the phrase *“should demonstrate minimal [unacceptable] effects”*

Agree with final sentence of first bullet point.

Second bullet point: We suggest that the sentence; *“where there is no interference with prominent skylines”* should be rephrased; **“where there is no unacceptable/significant adverse effect on prominent skylines”**.

*"Cumulative Landscape and Visual Impacts"*

Disagree with the test put forward. It doesn't refer to Figure ED9b. A cumulative impact can occur anywhere where two or more wind farms are visible either in combination, in succession or sequentially, as stated in the Scottish Governments online advice, August 2012. The test needs to be whether a cumulative effect is acceptable. Such effects should be judged on a case by case basis using the Landscape and Visual Impact Assessments (LVIA) provided in the Environmental Statements of wind farm applications.

Do not agree with the use of the term 'must be avoided'. In relation to significant sequential cumulative impact every wind farm is theoretically sequential depending on the timeframe.

*"Historic Environment, Technical Considerations, Infrastructure"*

It is unclear in terms of the hierarchy of the policy what these elements actually require or how a proposal would be judged by the council having considered these elements?

*"Other considerations"*

This appears to be a random mixture of topics without any indication as to how these will be interpreted by the Council.

The sentence starting with "In all cases.." appears to go beyond the requirements of SPP 187 which states that "*planning authorities should support the development of wind farms in locations where they can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed*".

The "*protection of carbon rich soils including peat land*" should be altered in line with Scottish Planning Policy paragraph 133 and rather state that potential impact upon areas of deep peat should be assessed.

The numbered paragraphs 1 - 8 are redundant as the issues they relate to are considered in the Policy already. Again the repetition of issues raised elsewhere in the policy alongside the introduction of new elements adds to the sense of confusion over how this policy is intended to work in practice, how it will be interpreted by the various users of the plan and how it will be used to determine applications. The "Routeing and timing of construction traffic" for example has little if anything to do with the operation of the turbines which this part of the policy proposes to relate to.

Overall this policy fails to address the fundamental requirements of the planning system as set out in the SPP and should be completely reworded to reflect these requirements.

“OTHER RENEWABLE ENERGY DEVELOPMENT”

This section of the Policy does not add anything and is also redundant. Short rotation coppice does not require planning permission.

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Policy ED10, Paragraph 1.3: *“Proposals should avoid areas of deepest peat and minimising impacts on soils and mitigation measures should be addressed”*. This statement should be reflected in Policy ED9 which relates currently to deep peat rather than avoiding the *“deepest peat”*. The consistency in terminology should be continued in Policy ED10 which as currently written, heavily restricts development on *“peat”*.

EP1, EP2, EP3, EP4, EP5 – no comment

Policy EP7: The sentence *“New development that adversely affects the setting of a Listed Building will not be permitted”* is overly restrictive and should be re-worded in line with SPP paragraph 113, to state there would be a presumption against development that would adversely affect the setting of a Listed Building. This alteration would allow for other material considerations to be taken in to account.

Policy EP8 –no comment

Policy EP<sup>P</sup>10: The statement that *“Proposals that will result in an unacceptable adverse impact will be refused”* goes beyond that put forward by SPP 122 which states that *“The effect of a proposed development on a garden or designed landscape should be a consideration in decisions on planning applications. Change should be managed to ensure that the significant elements justifying designation are protected or enhanced.”*

Policy EP13, EP 15, EP16, IS2, IS5 – no comment