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[REDACTED]

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Please find the attached submissions made by [REDACTED] on behalf of Coriolis Energy in respect of the Proposed Local Development Plan for Scottish Borders.

I should be grateful if you could confirm receipt of the attached and send any requests for further information to me.

Kind regards

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Coriolis Energy

Response to Scottish Borders Proposed
Local Development Plan

January 2021

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Document history

	Name	Date
Author	██████████	Jan 2021
Technical Reviewer	██████████	Jan 2021
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1 Introduction

- 1.1.1 Stephenson Halliday have been commissioned by Coriolis Energy to submit a response to the Scottish Borders Proposed Local Development Plan (SBPLDP) consultation.
- 1.1.2 This document sets out the response on behalf of Coriolis Energy regarding the SBPLDP and policies contained therein, it provides discussion in respect of a number of policies which relate to renewable energy, and onshore wind in particular, and sets out suggested alterations to the SBPLDP.
- 1.1.3 This submission has used the headings below based on the Councils online consultation and is structured as follows:
- Comment on SBPLDP Volume 1 Chapter 1-9 (Section 2); and
 - Comment on Policies (Section 3).
- 1.1.4 The text sets out the position on the Introductory Chapters and subsequent policies, suggesting an alternative view on how any changes can be incorporated and an opinion of the need for such changes to the policies as they stand at present.

2 Comment on Chapters 2-8

2.1 Chapter 2 – The Changing Context and Meeting the Challenges for Scottish Borders

2.1.1 UK and Scotland's current climate change ambitions are amongst the most ambitious in Europe and the world. The Scottish government declared a climate emergency in May 2019 and has recently passed the Climate Change Bill which has passed into law the requirement for a 100% reduction in CO2 emissions by 2045 – referred to as Net Zero. This is supported by the Scottish Energy Strategy's (Scottish Government 2017) target of 50% of all energy (including transport, heat and electricity) being supplied from renewables by 2030.

2.1.2 On 25th September 2020 Scottish Borders Council declared a climate emergency and are currently in the process of drawing up a Climate Emergency Plan. The declaration committed the Scottish Borders Council area to agree:

- *To set a target for reducing the Council's carbon emissions which is at least consistent with the Scottish Government's target of net zero by 2045 and the intermediate targets set out in the Climate Change (Emissions Reduction Target) (Scotland) Act 2019, being carbon-neutral by 2025;*
- *To build upon the work we have undertaken to date, and to align our policies to address the Climate Emergency;*
- *To set out a clear plan of action to reduce carbon emissions and other greenhouse gases, such plan to return to Council for consideration before March 2021;*
- *To assess the resource requirements placed on the Council by the aforementioned plan of action and to investigate all possible sources of external funding and match funding to support this commitment;*
- *To work collaboratively with Community Planning Partners, and other stakeholders, including businesses and the public in developing the Scottish Borders' response to the Climate Emergency;*
- *That the Sustainable Development Committee oversee development of the plan to be presented to Council before March 2021, and oversee the development and implementation of the plan agreed by Council in responding to the Climate Emergency; and*
- *That the Sustainable Development Committee develop recommendations on a collaborative and inclusive regional dialogue on climate action to be included in the plan to be considered by Council before March 2021.*

2.1.3 The SBPLDP does not refer to the Scottish Government's targets as set out in the Climate Change (Scotland) Act 2009 as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. It is submitted that the SBPLD, in Chapter 2, should clearly state the Scottish climate change targets in terms of Net Zero.

- 2.1.4 The declaration by the Council of a ‘climate emergency’ is supported and welcomed, however, the SBPLDP should be amended to include specific reference to the Council’s own declared climate emergency and the net zero targets with emphasis on the role the Scottish Borders Council will play in delivering these targets. It is also important to note that the recent June 2020 Committee on Climate Change (CCC) Progress Report to Parliament noted that *“delivering net zero emissions by 2050 in the UK will require a strong policy framework at all levels of government”*. It continues to note that *“the UK cannot achieve net zero in 2050 without strong policy from its devolved partners across key areas including planning, agriculture, land use, housing regulations and local government”*.

2.2 Chapter 3 – Policy Background

- 2.2.1 Paragraph 3.3, of the SBPLDP, states that *“The LDP must address the requirements of the Strategic Development Plan (SDP) for the area”*. It should be noted that the South East Scotland Strategic Development Plan (SESplan 2) was rejected by Scottish Ministers. It therefore has no weight regarding the development planning process regarding renewable developments. The reference to SESPlan should be removed.
- 2.2.2 It is noted that reference is made to the Queen’s Counsel (QC) opinion ‘that elements of the supporting technical papers and documents which helped guide the proposed SDP and incorporate more up to date positions. Consequently, these should be considered as material consideration’. It should be made clear, in the SBPLDP, that this does not apply to Renewable Energy Developments.

2.3 Chapter 4 – Visions, Aims and Spatial Strategy

- 2.3.1 As stated in 2.2, reference to the SDP should be removed from Chapter 4 of the SBPLDP.
- 2.3.2 It is submitted that the vision contained in Chapter 4 of the SBPLDP should be amended to include a recognition of the need to combat climate change as well as specific reference to how developments can help and support Scottish Borders Council in meeting climate change targets.
- 2.3.3 It is noted that paragraph 4.7, of the SBPLDP, states that *“The Council continues to promote and investigate ways to address climate change issues and adaption in order to seek a low carbon economy”*. Paragraph 4.8 goes on to outline how the vision will be delivered.
- 2.3.4 It is submitted that specific reference should be made, in Chapter 4 of the SBPLDP, to the role that renewable developments will play in supporting the Council meet its vision as well as specific reference to how such developments will support the obligation to be net zero by 2045.

2.4 Chapter 5 – Growing our Economy

- 2.4.1 Chapter 5 of the SBPLDP does not acknowledge the economic benefits which can be generated by renewable energy development and it is submitted that Chapter 5 of the SBPLDP should clearly acknowledge this. It is submitted that reference should be made, in SBPLDP Chapter 5, to the ‘Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments’ published in May 2019 stating the economic and community benefits of such developments.

2.5 Chapter 8 – Delivering Sustainability and Climate Change Agenda

- 2.5.1 It is noted that although there is reference to the Climate Change (Scotland) Act 2009 no reference is made to the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 in Chapter 8 of the SBPLDP. There is also no reference to the Climate Emergency as declared by the Scottish Government and the Scottish Borders Council. It is submitted that the Chapter should be redrafted to accurately reflect the commitments to emission reduction targets.
- 2.5.2 It is submitted that express reference should be made to the climate declarations and that the SBPLDP is reworded to reflect the Council's stated aims with regard to tackling climate change.
- 2.5.3 It is noted that paragraphs 8.7 and 8.8, of the SBPLDP, outline the role of Supplementary Guidance (SG) on Renewable Energy. Paragraph 8.8 states: *“Wind energy is the main component part of the Renewables SG and the document gives useful and up to date advice on a range of matters to be addressed when determining planning applications for turbines. This includes an updated Ironside Farrar Landscape Capacity and Cumulative Impact Study 2016”*.
- 2.5.4 The existing SG was prepared in accordance with the previous Local Development Plan (LDP) the Scottish Borders Local Development Plan May 2016 (SBLDP) and should not be carried over into a new LDP. The SG prepared in the context of any LDP should fall at the same time as the LDP falls, therefore the SG prepared in the context of the current SBLDP should fall at the same time as the SBLDP is superseded by the new LDP. It is submitted that reference to SG should be removed in its entirety. .
- 2.5.5 The Ironside Farrar Landscape Capacity Study is dated 2016 and is based on a document from 2013. It is not up to date in respect of its consideration of current wind turbine technology. It is submitted that reference to the Ironside Farrar Landscape Capacity and Cumulative Impact Study 2016 be removed.

3 Comment on Policies contained in Chapter 9

3.1.1 This Section of the submission comments on the policies which are contained in Chapter 9 of the SBPLDP. It considers the policies in the order in which they appear in the chapter. This Section of the submission focuses on those policies that are of most relevance to Coriolis. Where relevant a suggested revised wording for the policy is provided.

3.2 Policy PMD1 – Sustainability

3.2.1 The board principles of this policy are generally supported. It should be noted that several observations have been made and subsequently need to be addressed.

3.2.2 Paragraph 2.4 states that “*All policies contained within the Plan should be read against Policy PMD1*”. It should be clear that the Policy will be applied as far as reasonable and relevant to the proposed development. It is noted that no reference is made to mitigating the effects of climate change of which renewable developments would play a part is contained in the Policy PMD1.

3.2.3 It is submitted that the statement “*the support for climate change mitigation*” should be incorporated into Policy PMD1.

3.2.4 Policy PMD1, as currently drafted includes “*the protection of natural resources, landscapes, habitats and species*” which, appears, on the face of it, to offer enhanced protection to landscapes and which may lead to inappropriate opposition to renewable energy proposals. The text of Policy PMD1 should be amended in order that it is clear that landscape is part of the natural resources.

Policy PMD1 should be amended as follows:

In determining planning applications and preparing development briefs, the Council will apply the following sustainability principles, as relevant to the proposed development, which underpin all the Plan’s policies and which developers will be expected to incorporate into their developments:

- a) The contribution of the development to meeting climate change targets
- b) the long term sustainable use and management of land
- c) the preservation of air and water quality
- d) the protection of natural resources, including landscapes, habitats, and species
- e) the protection of built and cultural resources
- f) the efficient use of energy and resources, particularly non-renewable resources
- g) the minimisation of waste, including waste water and encouragement to its sustainable management
- h) the encouragement of walking, cycling, and public transport in preference to the private car

- i) the minimisation of light pollution
- j) the protection of public health and safety
- k) the support to community services and facilities
- l) the provision of new jobs and support to the local economy
- m) the involvement of the local community in the design, management and improvement of their environment.

3.3 Policy PMD4 – Development Adjoining Development Boundaries

- 3.3.1 This policy is understood to be related to built developments in close proximity to settlements. It is not considered to be a policy which should be applied to wind farm development. In situations where infrastructure associated with a wind farm development, such as an access track, are in close proximity to a settlement the impacts of these elements only should be considered. It is submitted that the reference to Renewable Energy in the list of Supplementary Guidance which may be relevant to the policy should be removed.

3.4 Policy ED9 – Renewable Energy Development

- 3.4.1 It is submitted that the supporting text for the policy in paragraphs 1.1 and 1.4 should be updated to reflect the fact that Scottish Borders Council has declared a Climate Emergency and the existing Scottish Government targets in respect of Greenhouse Gas Emissions.
- 3.4.2 Paragraph 1.5, of the supporting text, notes that the policy which was developed in the context of the extant SBLDP and it is stated that it “remains robust and makes reference to relevant matters to be considered to guide planning applications”. It is submitted that the Policy should be updated to properly reflect the current situation with regards Renewable Energy development.
- 3.4.3 It is submitted that Policy ED9 should be updated to reflect the current climate, most notably it should include reference to the Climate Emergency and that targets set out within this policy are amended to include those which are set out in the Scottish Government’s targets as set out Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 3.4.4 The reference to wind turbine developments as being “contentious” in paragraph 1.6 is not considered to be appropriate. . This first sentence of this paragraph should be deleted. It should also be it appears that only wind turbine developments have been referenced in this way.
- 3.4.5 As previously stated, it is submitted that the reference to the extant Supplementary Guidance should be removed.
- 3.4.6 The Draft Policy ED9 refers to several considerations regarding wind energy proposals. It is submitted that Policy ED9 should clearly consider the potential for positive as well as negative effects in accordance with paragraph 169 of Scottish Planning Policy.

Policy ED9 should clearly reference the need for renewable energy in ensuring the Scottish Government's and Council's net zero targets are met.

3.4.7 It is submitted that there is no need for Policy ED9 to refer to planning conditions and obligations. Planning conditions and obligations should be considered with respect of individual applications and should not form part of development plan policy.

3.4.8 It is submitted that the policy should be reworded to be generally supportive of renewable energy developments, subject to detailed environmental consideration.

3.4.9 It is submitted that Policy ED9 should be reworded as follows:

The Council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology, and solar power where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to relevant environmental and cumulative impact considerations.

The assessment of applications for renewable energy developments will be based on the principles set out in Scottish Planning Policy (2014), in particular, for onshore wind developments, the terms of Table 1: Spatial Frameworks and paragraph 169. Renewable energy developments, including wind energy proposals, will be approved provided that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated. If there are judged to be relevant significant adverse impacts or effects that cannot be satisfactorily mitigated, the development will only be approved if the Council is satisfied that the wider economic, environmental and other benefits of the proposal outweigh the potential unacceptable significant adverse impacts arising from it.

CONSIDERATION OF WIND ENERGY PROPOSALS

The assessment of wind energy proposals will include the following considerations:

- 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, the landscape and visual impact assessment for a proposal (which should demonstrate that it can be satisfactorily accommodated in the landscape), and other relevant landscape, visual and cumulative impact guidance, for example that produced by NatureScot;
- 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 and 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;
- consequences of lighting in terms of visual or amenity impacts;
- the scale of contribution to renewable energy generation targets, and the effect on greenhouse 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 options for minimising the operational impact of wind turbine proposals, including ancillary development such as tracks.

No comment is made in respect of the policy in respect of the consideration of other forms of renewable energy developments.

It should be made clear that Policy ED9 is the primary policy for the consideration of wind energy development. The references to the Landscape Capacity Study and the Supplementary Guidance 2018 should be removed from the list of guidance following the policy.

3.5 Policy ED1 – Protection of Prime Quality Agricultural Land and Carbon Rich Soils.

3.5.1 Paragraph 1.1 of the supporting text states that *“The policy seeks to prevent the permanent loss of prime quality agricultural land and carbon rich soils...including proposals for wind energy development”*. The Draft Peatland and Energy Policy Statement issued by the Scottish Government provides a common basis from which it and its agencies act in developing and implementing policies in relation to peatland and energy. It contains clear advice and reiterates that the map is not to be used as a development management tool but is to assist in the preparation of spatial frameworks for onshore wind developments.

3.5.2 It must be clear that where peat is present on a wind farm site the matter should be fully investigated and that the presence of peat on a wind farm site is not in itself a reason to refuse planning permission.

3.6 Policy HD3 – Protection of Residential Amenity

3.6.1 This Policy is understood to seek to protect residents from unacceptable effects of development in close proximity to residential properties. However there is reference to renewable energy in the supporting text at paragraph 1.1.

3.6.2 It is submitted that the reference to renewable energy in paragraph 1.1 of the supporting text should be removed. Any application relating to renewable energy which has the potential to result in adverse impacts on residential amenity should be dealt with in the context of Policy ED9.

3.7 Policy EP4 – National Scenic Areas

3.7.1 It is submitted that this policy should clearly link to the special qualities of National Scenic Areas. The first sentence of this policy should be amended to reflect this. The policy should be reworded as follows:

Development that may adversely affect National Scenic Areas (NSAs) will only be permitted where:

a) the objectives of the designation and the overall integrity of the NSA and its surrounds will not be compromised, or

b) any significant adverse effects on the qualities, for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

3.8 Policy EP5 – Special Landscape Areas

3.8.1 Special Landscape Areas are local designations and as such are not afforded the same level of protection as nationally designated landscapes. It is submitted that the policy should be reworded as follows:

In assessing proposals for development that may significantly adversely affect Special Landscape Areas, the Council will seek to safeguard landscape qualities identified in the Statement of Importance. Proposals that have an unacceptable significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social, environmental (including climate change) or economic benefits of national or local importance.

3.8.2 POLICY EP7 – LISTED BUILDINGS

3.8.3 Policy EP7 largely relates to development which would directly impact a listed building and is not considered to be applicable to commercial wind farms. Renewable energy is not identified as a keep policy for cross reference and it is submitted that Policy EP7 should be removed from the list of policies to be cross referenced with Policy ED9.

3.8.4 POLICY EP8 – HISTORIC ENVIRONMENT ASSETS AND SCHEDULED MONUMENTS

3.8.5 This policy refers to adverse impacts on the setting of scheduled monuments or other nationally important assets. To ensure the policy accords with national policy, SPP paragraph 145, this policy should clearly reference ‘impacts on the integrity of the setting’. Part A of the policy should be reworded as follows:

(A) NATIONAL ARCHAEOLOGICAL SITES

Development proposals which would adversely affect a Scheduled Monument or the integrity of its setting, or other nationally important assets will not be permitted unless:

a) the development offers substantial benefits, including those of a social (including climate change) or economic nature, that clearly outweigh the national value of the site, and

b) there are no reasonable alternative means of meeting the development need either through mitigation, design or location.

