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Plans and Research Team  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose  
Scottish Borders  
TD6 0SA

3<sup>rd</sup> March 2014

Dear Sir / Madam,

**Scottish Borders Local Development Plan: Proposed Plan**

I am writing on behalf of TCI Renewables Limited to raise an objection in relation to *Policy ED9: Renewable Energy Development* of the Proposed Local Development Plan (LPD) for the following reasons:

1. The Council's present policy relating to renewable energy developments (Policy D4) in the adopted Scottish Borders Consolidated Local Plan states that such developments will be approved provided that there are no unacceptable adverse impacts on the natural heritage, including landscape, biodiversity, built environment and archaeological heritage, or provided that any adverse impacts can be "*satisfactorily mitigated*". In contrast proposed Policy ED9 states that renewable energy developments will be approved provided that "... *there are no unacceptable adverse impacts which cannot be fully mitigated ...*"

This is considered to set the bar too high and it is relevant to note that under part 2 in relation to recreation and tourism, population, communities and access routes it states that developments will be approved provided that there are no unacceptable impacts that cannot be "*satisfactorily mitigated*". It is considered that both 1 and 2 of this part of the proposed policy should be consistent and use the words 'satisfactorily mitigated' rather than 'fully mitigated'.

2. The proposed policy requires proposals for wind turbine development to be judged against the guidance on opportunities, constraints and landscape capacity contained in diagrams ED9b - e. As indicated in the supporting text to the policy contained in paragraph 1.6 these have been derived from the '*Landscape Capacity and Cumulative Impact Study - Final Report*' dated July 2013 carried out by Ironside Farrar, and in particular, Figures 6.1a - c and 6.4. However, this report has not been subject to public consultation by the Council, and therefore, this is considered a serious flaw which means that this part of the policy cannot presently be afforded any material weight and is open to challenge.



3. Notwithstanding the above, the proposed policy states that "*If turbines are proposed which exceed the turbine heights identified within figures ED9b – e the onus would be on the applicant to demonstrate how the impact of the proposal on key constraints and any significant adverse effects can be mitigated ...*". However, any commercial scale wind farm development would inevitably have significant landscape and visual effects from their construction and operation for a number of kilometres around a site which cannot be mitigated, wherever it is located. The policy should therefore be amended to require a developer to demonstrate how the design and layout of the wind farm has sought to 'minimise' the environmental impacts. Clearly it is also necessary in assessing a proposal to weigh the inevitable harm against the wider environmental, economic and social benefits as required under the first part of the policy in relation to renewable energy developments in general.
4. In respect of the various criteria set out in the policy relating to wind farm proposals the first in relation to "*Landscape*" is whether the landscape is capable of accommodating the proposal without significant detrimental impact on landscape character. However, as stated above commercial scale wind farms will always have a significant effect on landscape character for a number of kilometres. The present wording of the policy is not considered to be consistent with Scottish Planning Policy which requires proposals to be carefully considered to ensure that the landscape and visual impacts are "*minimised*". It is considered that the wording of the policy should be amended accordingly.
5. In relation to "*Visual Impact*" it is considered unreasonable to require a commercial scale wind farm to demonstrate "... *minimal effects on sensitive receptors ...*". It is considered that the policy should be amended to require developers to demonstrate that proposals have sought to 'minimise' visual impacts so as to accord with SPP.
6. In relation to '*Cumulative Landscape and Visual Impacts*' it is considered that the words 'which are not outweighed by the environmental, economic and social benefits of the proposal' should be added to the end of the last bullet point.

Yours faithfully,



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Planning Manager