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**Johnston, Charles**

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**From:** Craig Potter [REDACTED]  
**Sent:** 03 March 2014 14:22  
**To:** localplan  
**Subject:** Proposed LDP representation  
**Attachments:** 8382\_2020\_TNEI SBC Proposed Plan representation.pdf

Dear Sir / Madam

Thank you for the opportunity to provide comment on the Scottish Borders Proposed Plan. On behalf of our client, 2020 Renewables, please find attached a representation in relation to this document.

I would appreciate it if you could confirm receipt of our representation.

Kind regards  
Craig

Craig Potter  
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## Introduction

This representation has been prepared by TNEI Services Ltd. (TNEI) on behalf of 2020 Renewables Ltd. (2020 Renewables) in respect of their interests within the Scottish Borders area. 2020 is based in Greenock and was established in 2010 to specialise in the development, construction and operation of renewable energy projects. Collectively, staff at 2020 have obtained consent for nearly 1,000 Megawatts (MW) of renewable energy generating capacity and built and operated over 500MW of wind projects. The staff within 2020 has a proven track record of delivering planning consents since 1990 and of developing wind farms that are designed and built to generate renewable energy in the most economic way with minimal environmental impact. In October 2013, on behalf of 2020 Renewables, TNEI sought a Scoping Opinion from the Scottish Ministers in relation to a proposal for the construction and operation of up to 22 turbines and associated infrastructure on land between the Fruid Reservoir and the River Tweed, south of the settlement of Tweedsmuir. Although we are aware that individual developments cannot be individually and explicitly supported through the Local Development Plan (LDP) process, we have provided our view on the renewable energy policy and spatial frameworks which Scottish Borders Council (SBC) will adopt as an important material consideration in the determination of planning applications and Section 36 consultation responses.

Our representation centres on what appears to be inconsistent advice in relation to proposed land designations within the renewable energy spatial strategy, whilst also providing broad comment on the aspirations contained within the Proposed Plan and its background reports.

## Areas of Concern

We note that the main renewable energy policy is contained within Policy ED9: Renewable Energy Development and we are pleased to see that in principle, that SBC has retained a stance which is supportive of renewable energy. We also note that in general terms, the policy has adopted a more overt stance on landscape and visual concerns. We have some concerns regarding the treatment of landscape and visual parameters which will be further explored below.

### *Wild Land*

In relation to the 'landscape' section of Policy ED9, we note that the policy states *"proposals should not have adverse impacts on areas exhibiting remote qualities which are valued as "wild land"*. As SBC will be aware and indeed have responded to, SNH have recently completed a further consultation as a result of significant concerns during the consultation period of the draft Scottish Planning Policy (SPP). Whilst the consultation responses are currently being considered, we note that the wind industry, including 2020 Renewables, have significant concerns regarding the methodology employed to designate Core Areas of Wild Land (CAWL). Whilst the LDP consultation process is not the appropriate mechanism to reintroduce these arguments in full, we believe that outer or 'buffer' areas of CAWLs do not maintain the same 'wilderness' qualities as the interior. As such, the statement within Policy ED9 that *"proposals should not have adverse impacts on areas exhibiting remote qualities"* is overly restrictive, given that an adverse impact is subjective and given that developments not within (but in proximity to) CAWLs do not

have the same impacts upon the immediately adjacent areas within the CAWL as they might, should the entire CAWL area be rated as the same intrinsic and 'highest value' wilderness score. As such, owing to the uncertainty surrounding Wild Land and given the heavy criticism it received from several quarters, it would be preferable for SBC to delay policy interaction with Wild Land concerns until the issue is resolved at a national level.

#### *Landscape and Visual & Spatial Strategy*

We are concerned regarding what appears to be conflicting advice regarding landscape and visual across the guidance contained within the Proposed Plan, current supplementary guidance and supplementary guidance to the Proposed Plan.

Although it is outwith the scope of the Proposed Plan itself, we note that Appendix E of the Wind Energy SPG 2011 appears to have been replaced with a new spatial strategy in 2013, seemingly without consultation. In relation to our client's interests, the site at Whitelaw Brae is situated within an area of '*Moderate Constraints (Higher)*' but would not exclude development completely.

#### *Policy ED9: Renewable Energy Development*

We note that this same area within Figure ED9a of the Proposed Plan is now within an "*Area of Significant Constraint*" and within Figure ED9b under an area "*where cumulative impacts limit development*" and with "*very little capacity*". Figure ED9e also demonstrates that the area to the west of Fruid Reservoir has "*no capacity*" for 'very large' turbines of greater than 100m. The preamble to the policy, contained in paragraph 1.7, states that outputs from the Ironside Farrar study "*are used...to identify whether there is landscape capacity*".

However, it is clear from the Ironside Farrar study titled "*Wind Energy Consultancy Landscape Capacity and Cumulative Impact Report*" that the contents of the background supplementary report do not contain quite such a restrictive stance. On page 38 of the Ironside Farrar report, it is stated that the Broadlaw Group of hills as part of LCT 4(i) has a "*medium capacity*" for very large turbines, and that the western areas of this LCT are becoming characterised as "*Landscape with wind turbines*". It is further stated that the majority of this area has a "*topographical containment created by a large upland area and as a result has lower intervisibility*", however it is further stated that wind energy developments should be situated where they would be seen as a visual extension to the existing wind farm cluster in South Lanarkshire, and that the gaps in between should remain undeveloped - despite Ironside Farrar's assertion that the landscape is one '*with turbines*'.

It is evident that this introduces inconsistencies which are demonstrated through the Proposed Plan, given that Figure ED9a shows the area around Fruid Reservoir as an "*Area of Significant Constraint*" despite it being presently an '*Area of Moderate Constraints (Higher)*'. Given the assessment of the Ironside Farrar report in determining the Broadlaw Hills as having a '*medium*' capacity for very large turbines, owing to the topographical containment and potential lack of intervisibility, and given the assessment that there is potential for visual extensions to existing and consented schemes adjoining South Lanarkshire as part of a '*wind farm landscape*', we do not see how this can translate into

the findings of Figure ED9a. We feel that the spatial strategies within the Proposed Plan are disparate in nature and do not take full cognisance of the supplementary guidance. As such, we recommend that a review of the spatial strategies is undertaken prior to adoption, in order that place-specific landscape guidance is fully incorporated into the Proposed Plan.

This lack of integration is also present within the contents of Policy ED9 itself. The Ironside Farrar report states on page 38 that wind farms in the western part of LCT 4(i) Broadlaw Hills should be situated where they are seen as a visual extension to the wind farm cluster on the South Lanarkshire border. However, Policy ED9 states that “*significant coincident cumulative landscape and visual impacts must be avoided where an existing wind farm development is present in an adjoining area and can be viewed together with the proposed development*”. Should a wind energy development be placed close to this existing cluster around Clyde Wind Farm and its Extension, on one hand the development would fall short of the quoted policy excerpt above, but is in line with the landscape capacity guidance issued as part of the Supplementary Guidance.

### **Conclusion**

Although it is considered that the Proposed Plan contains a positive overall message towards wind energy development, which is noted and welcomed, we feel that in reality the message regarding acceptability of wind energy development is somewhat clouded by potentially conflicting information. We would suggest that the contents of the policy in relation to Wild Land are put on hold until the official position of SNH and the Scottish Government is revealed, as there are significant methodological concerns regarding the approach and work carried on Wild Land out to date. Should the Proposed Plan be adopted in advance of clear and adopted guidance on Wild Land, it would unfairly prejudice the prospects of applications which may interact with Wild Land designations.

In relation to the site our client is currently pursuing through the Section 36 process to the west of Fruid Reservoir at Whitelaw Brae, whilst we are aware that application-specific representations are unwarranted we have applied the spatial strategy and contents of supplementary guidance to our client’s site, and the results are confused given conflicting policy advice. We feel that the spatial strategies within the Proposed Plan are inconsistent and do not take full cognisance of the supplementary guidance, and as such we do not believe that the spatial strategy contained within the main Proposed Plan accurately reflects the landscape capacity potential identified by Ironside Farrar. As a consequence, the overall guidance is unduly restrictive to wind energy developments in landscape and visual terms.