

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5th OCTOBER 2026

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 24/00512/S36
	ECU REFERENCE NUMBER: ECU00004619
OFFICER:	Scott Shearer
WARD:	Tweeddale East
PROPOSAL:	The construction and operation of a new wind farm comprising up to 13 wind turbines each up to a maximum of 200m to turbine blade tip and ancillary items.
SITE:	Leithenwater Wind Energy Hub Land North Of The Glenntress Forest Innerleithen
APPLICANT:	Leithenwater Wind Energy Hub Limited
AGENT:	Land Use Consultants

1.0 PLANNING PROCESSING AGREEMENT:

- 1.1 A PPA is in place for Scottish Borders Council (SBC) to determine its response to this application at the 5th October 2026 Planning and Building Standards Committee

2.0 PURPOSE OF THE REPORT

- 2.1 To advise the Scottish Government of the response from Scottish Borders Council on an application submitted under section 36 of The Electricity Act 1989 (as amended) to construct 8 wind turbines and associated infrastructure at Leithenwater, near Innerleithen.

3.0 PROCEDURE

- 3.1 Scottish Borders Council (SBC) is a consultee as a 'relevant planning authority'.
- 3.2 The views of SBC will be provided to the Energy Consents Unit at Scottish Government (ECU), the body responsible for processing onshore Section 36 planning applications. The proposal is required to be determined via Section 36 (S36) of the Electricity Act 2017 because it consists of a wind farm with a generating capacity in excess of 50MW. The ECU advertises the application and carries out consultation with other interested bodies. There is, therefore, no need for SBC to undertake a tandem process although consultation has taken place with relevant specialists within the Council. Any S36 approval granted by the Scottish Ministers would benefit from deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.
- 3.3 Given the nature of the application, an Environmental Impact Assessment (EIA) and Further Environmental Information (FEI) has been submitted.

- 3.4 It should be noted that if permission is granted, the Council (rather than the ECU) would become the relevant enforcement authority responsible for monitoring compliance with the terms of an approval including discharging any suspensive conditions attached to any consent.

4.0 SITE DESCRIPTION

- 4.1 The site is tract of forestry and moorland located on elevated ground above the Tweed Valley on the western edge of the Moorfoot Hills. The B709 abuts the south-eastern boundary of the site with Glentress Forrest lying to the south-west. The settlements of Cardrona and Innerleithen are located approx. 2km and 3km respectively to the south with Peebles located 4.3km to the south-west.
- 4.2 The Tweed Valley Special Landscape Area (SLA) bounds the site to the southwest with the designation extending across the adjacent valley landscape. The Upper Tweeddale National Scenic Area (NSA) is located 5.4km from the site to the west of Peebles.
- 4.3 The Leithen Water, which forms part of the River Tweed Special Area of Conservation (SAC), runs along part of the eastern side of the site. Three residential properties are situated along the Leithen Water valley within the eastern part of the site namely Hunters Knowe, Williamslee and Williamslee Hope. The Category A listed Leithen Lodge, Gamekeepers Cottage, Whitehope and Burnside lie to the south-east of the site.

5.0 PROPOSED DEVELOPMENT

- 5.1 The proposal relates to the construction and operation of the Leithenwater Wind Farm. The development consists of the following main components;
- 13 turbines between 180m – 200m to tip
 - 10MW of Battery Energy Storage (BESS)
 - Turbine infrastructure including foundations, transformers, hardstanding's
 - Substation and control building set
 - Construction compound
 - Alterations to the public road network, including new junction at B709 and widening of existing access track
 - Approximately 8km of new access tracks and upgrade of 7km of existing tracks
 - Seven watercourse crossings
 - Anemometry mast or LiDAR compound
 - Up to 5 temporary 1 borrow pits
- 5.2 If consented, a 40-year operational period is sought.

6.0 PLANNING HISTORY

- 6.1 The site itself does not have any direct planning history.
- 6.2 It is relevant to note that Bowbeat Wind Farm, constructed in 2002, lies to the north and its access runs along the northeastern boundary of this site. Glentress mountain bike trail centre has been developed to the southwest along with the associated holiday lodge development.

7.0 REPRESENTATION SUMMARY

- 7.1 Third party representations are submitted directly to the ECU, and it is for that authority to take these into consideration when assessing the proposed developments on behalf of the Scottish Ministers. Third party representations are available to view via the ECU's public portal here [Public Representations](#)

8.0 APPLICANTS' SUPPORTING INFORMATION

- 8.1 The application has been supported by:
- a full Environmental Impact Assessment (EIA) split across 13 Chapters including Technical Appendices, supporting Figures and a Non-Technical Summary
 - Planning Statement
 - Design and Access Statement
 - Economic Impact Assessment
 - Supplementary Environmental Information (SEI) on Ornithology, specifically Golden Eagles
 - Landscape Rebuttal
 - Additional Environmental Information on Grid Connection
- 8.2 On 26th June 2026 Additional Information (AI) was provided providing updated environmental information of the proposed amendment.

9.0 INTERNAL CONSULTATION RESPONSES

- 9.1 **Access Ranger:** No response received at the time of writing.
- 9.2 **Archaeology Officer:** No response received at the time of writing.
- 9.3 **Ecology Officer:** Remains concerned that insufficient information has been provided to confirm that the development will not adversely affect Golden Eagles, particularly juvenile eagles.
- 9.4 Turbines 10 – 13 are located on habitats which are included on the Scottish Biodiversity list as habitats where conservation action is required, the officer recommends that these impacts are reduced. Restocking the existing woodland plantation is supported, using appropriate vegetation may reduce collision risk. Up to 48.87ha of compensatory woodland would be required, ideally at a local location. If approved, conditions covering the following matters are required;
- Construction Environmental Management Plan (CEMP)
 - Species Protection Plans (SPP) for raptors, owls, otter, badger, pine marten,
 - bats, black grouse, waders and invertebrates.
 - Habitat Restoration and Enhancement Plan (HREP).
- 9.5 **Flood Risk Officer:** No response received at the time.
- 9.6 **Environmental Health:** No objection, subject to noise limits for residential properties listed in Table 14 and 15 of the Noise Assessment being imposed by planning condition.

9.7 **Landscape Architect:** Object. The development is located in a highly sensitive location towards the edge of an upland mass which is closely associated with designated landscape. The proposal would erode the natural character of the Tweed Valley uplands which will be experienced from a number of sensitive locations. The wind farm would appear visually overbearing and dominant from the Tweed Valley SLA and Tweedsmuir Uplands NSA, harming the setting and special qualities of these unique and highly valued landscapes which also contribute to popular recreation and tourism pursuits. Adverse effects are identified at viewpoints up to 16.5km from the development suggesting that the impacts are beyond localised. Cumulative concerns are raised that the development fails to relate to the scale of the Bowbeat Wind Farm and may increase harmful landscape effects in association with Cloich.

9.8 Recommend that unless turbines are deleted and tip heights are reduced, a wind farm of this scale cannot be accommodated in this sensitive location without causing unacceptable landscape and visual impacts.

9.9 **Roads Planning:** No objection in principle, however, recommend the following matters are addressed;

Agreement of a Traffic Management Plan which should including cumulative effects of HGV wind traffic accounting for timber extraction and borrow pit activities associated with constriction works

- Agreement of works (including widening, street furniture removal) required to accommodate the route of any abnormal loads, this includes dry runs.
- Pre and post development surveys of the road network, including B7007 and B709
- On completion of development any damages caused to the road networks as a result of the development is required to be repaired, potentially via a Section 96 agreement
- Engineering details

10.0 OTHER CONSULTATION RESPONSES SUBMITTED TO THE ECU

10.1 As Members are aware, the Council is a consultee in the Section 36 application process and does not undertake any outside consultation itself. Consultation responses provided by other bodies including Community Councils are returned to the ECU and are available via the ECU's public portal here; [Other Consultation Responses Submitted to the ECU](#)

11.0 LEGAL FRAMEWORK

- The Electricity Act 1989
- The Town and Country Planning (Scotland) Act 1997
- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

12.0 DEVELOPMENT PLAN POLICIES:

12.1 National Planning Framework 4

- Policy 1: Tacking the Climate and Nature Crises
- Policy 2: Climate Mitigation and Adaption
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 5: Soils

- Policy 6: Forestry, Woodland, and Trees
- Policy 7: Historic Assets and Places
- Policy 11: Energy
- Policy 22: Flood Risk and Water Management
- Policy 25: Community Wealth Building
- Policy 33: Minerals

12.2 **Scottish Borders Council Local Development Plan 2024**

- PMD1 Sustainability
- PMD2 Quality Standards
- ED9 Renewable Energy Development
- HD3 Protection of Residential Amenity
- EP1 International Nature Conservation Sites and Protected Species
- EP2 National Nature Conservation Sites and Protection Species
- EP3 Local Biodiversity and Geodiversity
- EP4 National Scenic Areas
- EP5 Special Landscape Areas
- EP7 Listed Buildings
- EP8 Historic Environmental Assets and Scheduled Monuments
- EP10 Gardens and Designed Landscapes
- EP13 Trees, Woodlands, and Hedgerows
- EP15 Development Affecting the Water Environment
- IS4 Transport Development and Infrastructure
- IS5 Protection of Access Routes
- IS8 Flooding
- IS9 Wastewater Treatment Standards and Sustainable Urban Drainage

13.0 **OTHER PLANNING CONSIDERATIONS:**

13.1 Adopted SBC Supplementary Planning Guidance (SPG) and other documents:

- Renewable Energy 2018 including Update of Wind Energy Landscape Capacity and Cumulative Impact Study 2016
- Visibility Mapping for Windfarm Development 2003
- Local Landscape Designations 2012
- Sustainable Urban Drainage Systems 2020
- Developer Contributions 2010
- Biodiversity 2005

13.2 **Scottish Government Advice and Guidance;**

- Onshore Wind Turbines: Planning Advice [Online]
- Circular 3/2011 Environmental Impact Assessment (S) Regulations 2011
- PAN 60 Planning for Natural Heritage 2008
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 3/2010: Community Engagement (2010)
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 61: Planning and Sustainable Urban Drainage Systems
- PAN 69 Flood Risk 2015
- PAN 73: Rural Diversification
- PAN 75 Planning for Transport

- PAN 81 Community Engagement Planning with People
- Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Development 2016
- Digital telecommunications: planning guidance (Scottish Government, 2023)
- Chief Planner and Ministerial letter; Planning – work programme update: September 2024
- Battery Energy Storage Systems 2026

13.3 Historic Scotland Publications:

- Scottish Historic Environment Policy (2011)

13.4 NatureScot Publications:

- Siting and Designing Windfarms in the Landscape Version 3 February 2017
- Visual Representation of Wind Farms Version 2.2 February 2017
- Assessing the Cumulative Impact of Onshore Wind Energy Developments 2012
- Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations 2015
- Good Practice during Wind Farm Construction 2019

13.5 Other Publications:

- ETSU-R-97 - The Assessment and Rating of Noise from Wind Farms
- Borderlands Inclusive Growth Deal 2014

14.0 ENERGY POLICY

- Onshore Wind Policy Statement (OWPS) 2022
- Draft Energy Strategy and Just Transition Plan 2023
- The Onshore Wind Sector Deal 2023
- The Climate Change Act 2008 (2050 Target Amendment Order 2019)
- United Nations Climate Change - The Paris Agreement 2015
- Climate Change Committee - The Sixth Carbon Budget: The UK's path to Net Zero (2020)
- Scottish Government (2020) Securing a green recovery on a path to net zero: climate change plan 2018-2032
- Climate Change (Scotland) Act 2009
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- Powering Up Britain (March 2023)
- British Energy Security Strategy (April 2022)

15.0 KEY PLANNING ISSUES:

- 15.1 Bearing in mind that SBC is a consultee rather than the determining authority, the key issues are whether the development of a wind farm in this location accords with the relevant policies of the Development Plan (including NPF4) and other material planning considerations the Council is responsible for.

16.0 ASSESSMENT OF APPLICATION

The Electricity Act 1989

- 16.1 This proposal is required to be assessed under Section 36 of the Electricity Act 1989. The Electricity Act requires that in formulating proposals to generate

electricity, regard shall be had to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural or historic interest and to mitigating the impact any proposals may have on these; and that Scottish Ministers shall have regard to these matters in considering an application under Section 36. The Development Plan is a material consideration in the determination of a Section 36 application. The applicant has had regard to the criteria listed in Schedule 9 of the Electricity Act 1989.

Planning and Energy Policy

- 16.2 There is a legally binding obligation under the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 to achieve net zero greenhouse gas emissions by 2045. Nevertheless, the merits of this proposal must be assessed against current national and local planning policy provision.
- 16.3 NPF4 sets out the Scottish Government's long-term spatial principles until 2045 and by applying these principles, the national spatial strategy will support the planning and delivery of: sustainable places, liveable places, and productive places. Unlike its predecessors, NPF4 has elevated status as it forms part of the statutory development plan. NPF4 contains cross-cutting outcomes including national planning policy which affords significant weight to both the global climate emergency, reducing greenhouse gas emissions, addressing the nature crisis, and protecting and enhancing the environment. Meeting net zero climate ambitions are acknowledged by NPF4 to require rapid transformation across all sectors of our economy and society. To support this, NPF4 designates any on or offshore wind farm with a generating capacity of more than 50MW, which includes repowering proposals, as a National Development. As this proposal would have an installed capacity of up to 85.8MW it has National Development status which gives significant weight to the principle of the proposed development against NPF4.
- 16.4 Part 2 of NPF4 sets out the national planning policy framework to meet policy aspirations under the three themes of: Sustainable Places, Liveable Places, and Productive Places. A range of policies are relevant to this proposed development and NPF4 must be applied as a whole; however, when considering the principle of this development; Policy 1: Tackling the Climate and Nature Crisis and Policy 11: Energy, has particular significance.
- 16.5 Policy 1 seeks to promote developments which addresses the global climate emergency and nature crises. This proposal would generate and store renewable energy. The development therefore has the potential to play a significant role in meeting net zero ambitions and draws clear support from this policy.
- 16.6 Energy policy principles are set out in Policy 11 which encourages, promotes, and facilitates all forms of renewable energy development, including onshore wind farms and battery energy storage. The policy does not permit wind farm development to take place within National Parks or National Scenic Areas. The site is not located in either of these designations. The siting of the development outwith these designations confirms that the proposal is located within an area which may be suitable for wind farm development.

- 16.7 Criteria (c) of the Policy 11 requires that developments must now maximise their net economic impact, including local and community socio-economic benefits. This places greater emphasis on socio-economic benefits that a renewable energy development would provide as part of the assessment of the scheme's wider merits.
- 16.8 Criteria (d) requires that the developments impact on any international or national designations be assessed in relation to Policy 4. For this proposal, this requires the impact of the development on the River Tweed SAC and protected species to be considered against Policy 4 along with impacts on the Upper Tweeddale National Scenic Area (NSA) which lies 5.45km to the southwest of the site.
- 16.9 Criteria (e) of the policy provides a list of impacts that the project design and mitigation will be expected to address. This includes impacts on communities and individual dwellings, significant landscape and visual impacts, public access, historic environment, aviation, and defence interests including seismological recording, as well as other cumulative and environmental impacts. The policy requires that in considering these impacts, the decision maker must place significant weight on the developments contribution towards renewable energy generation targets and greenhouse gas emissions reduction targets.
- 16.10 While assessment is required against all other Policies within NPF4, of the other Policies, Policy 3 Biodiversity and Policy 4 Natural Places are of particular relevance for this proposal. Policy 3 requires that national developments will only be supported where it is demonstrated that the proposals both conserves, restores and enhances biodiversity interest. Policy 4 seeks to protect various international and national designations from harmful forms of development, specifically 4c) considers National Scenic Area and 4f) protected species. Criteria 4d) also offers protection to sites that are designed as a local landscape area in an LDP. In the case of 4c) and d) the development should avoid adversely affecting the integrity of the designation or any adverse effects should be clearly outweighed by social, environmental or economic benefits of suitable importance with protected species impacts only supportable where it meets the relevant statutory test.

Onshore Wind Policy Statement (OWPS) 2022

- 16.11 Published on 21st December 2022, the OWPS reaffirms that the deployment of onshore wind is critical for meeting Scotland's energy targets. The statement renews the commitment to onshore wind technology and sets ambition for a minimum installed capacity of 20GW of onshore wind in Scotland by 2030. It recognises at paragraph 3.6.1 that; "Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape." (*Original emphasis*).
- 16.12 The OWPS also recognises that incorporating BESS as part of wind farm developments will assist with reducing grid pressures, enables more focussed energy provision, and may reduce cost to consumers.
- 16.13 The OWPS does conclude that the "deployment of onshore wind is mission-critical for meeting our climate targets." This sends a strong steer that further

onshore wind development is essential to meet energy needs and to deliver net zero. Despite the acceptance that more wind energy deployment is necessary, this is still not development at any cost with the Vision Statement for OWPS (see Annex 5) confirming that a balanced approach is still necessary to ensure developments still respect our biodiversity, natural heritage and landscapes, (see page 67 of OWPS).

- 16.14 The OWPS is also supportive of BESS proposals as part of wind farm developments. The inclusion of on-site BESS can store renewable energy generated from a wind farm and help to reduce grid pressures and costs for consumers.
- 16.15 It is advised that the OWPS and its targets do not form part of the Development Plan; however, it is a material consideration for all proposed onshore wind farm developments.

The Draft Energy Strategy and Just Transition Plan 2023 'Draft Strategy'

- 16.16 The final Energy Strategy and Just Transition Plan is awaited from the Scottish Government; therefore, the Draft Strategy can only be afforded limited weight, and it does acknowledge that to meet the 20GW ambition by 2023 an addition 12GW of onshore wind is required which would more than double existing capacity. To achieve this, the Draft Strategy notes that taller and more efficient turbines would be required to be deployed.

The Onshore Wind Sector Deal 2023 (Sector Deal)

- 16.17 The Onshore Wind Sector sets out a series of key commitments from a range of stakeholders to promote a collaborative approach to meet the Scottish Governments ambition of harnessing 20GW of electricity using onshore wind by 2023. The Sector Deal notes that "Jointly, we will work together on ensuring a balance is struck between onshore wind and the impacts on land use and the environment."

Scottish Borders Local Development Plan (LDP 2024)

- 16.18 The Council's LDP 2024 was adopted on 22nd August 2024 and in doing so it replaced LDP 2016. Policy ED9 is the principal LDP Policy concerned with renewable energy developments. Policy ED9 sets out that proposals for all forms for renewable energy development, including wind farms and battery storage developments will be supported. The policy requires that development proposals will be assessed in accordance with NPF4 Policy 11, paragraphs b) to f) which includes the principle introduced by criteria e) which requires that significant weight be placed on a development's contribution to renewable energy generation and greenhouse gas emission targets.
- 16.19 The adoption of a new LDP and, in particular, the position adopted by Policy ED9 in the current LDP is a material consideration for the Council's assessment of this renewable energy proposal.
- 16.20 Following recent legislative changes, the Council's Renewable Energy 2018 Supplementary Guidance has become an SPG therefore it no longer has development plan status but should still be used as part of the assessment of renewable energy proposals.

- 16.21 As with NPF4, cognisance is required of all relevant LDP Policies. In this case Policy EP2 National Nature Conservation Sites and Protected Species is of particular relevance owing to the potential impact that the development may have on protected ornithological species and EP4 in terms of the implication that the development may have on the Upper Tweeddale NSA. These, along with a range of other matters will be addressed in the relevant sections of this report.

Planning and Energy Policy Conclusion

- 16.22 It is clear from national energy policies that there is an increasing urgency to tackle climate change and meet net zero ambitions by harnessing more energy from renewable energy sources. In principle, NPF4 and the Council's LDP are supportive of renewable energy development in this location, but the benefits of energy production are still required to be weighed against any harm arising from the proposed development as part of the planning balance.
- 16.23 When this careful balancing exercise is being carried out, Policy 11 of NPF4 explicitly requires decision makers to give significant weight to the contribution a development will make towards renewable energy targets as part of their consideration. This requirement shifts the balance more in favour of renewable energy development, but it should not be regarded as a wholesale acceptance of the development of a wind farm on any land outside of a National Park or NSA. It is the act of the planning balance which will still determine the suitability of a wind farm against prevailing development plan policies. This assessment is considered below.

Climate Change and Renewable Energy Targets

- 16.24 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 introduced a target of net zero greenhouse gas emissions by 2045 at the latest. The Scottish Government may have abandoned interim emission targets but the requirement to meet net zero by 2045 is still a legislative requirement. The deployment of further renewable energy developments is still necessary to meet national energy targets and assist with the delivery of a green economic recovery.
- 16.25 It is suggested that the development will generate enough energy to power up to 68,000 homes per year. Applying the Scottish Government's carbon calculator, carbon emitted from construction operations will be paid back within approximately 1.9 years. Across its 40-year operational period the development is calculated to save approximately 1,7263,858 tonnes of carbon dioxide with the BESS facility enabling some of the generated electricity to be stored on site to assist with balancing the grid and energy security.
- 16.26 Clearly, the predicted 85.8MW of renewable energy generated by the proposed development along with the capacity to store 10MW of energy and the developments associated carbon saving will make an important contribution to meeting renewable energy targets. These benefits draw clear support from NPF4 Policy 1 and 2 and against Policy 11 of NPF4 now requires significant weight in the wider planning balance exercise.

Economic, Socio-Economic and Tourism Impacts

- 16.27 Renewable energy developments can make an important contribution to the UK economy. Net economic impact is a material planning consideration, local and community socio-economic benefits include employment, associated business, and supply chain opportunities. NPF4 Policy 11 Part c) now specifically requires that a development maximises its net economic impact and local and community socio-economic benefits.
- 16.28 An Economic Impact Assessment report has supported the proposal, with the following benefits standing out:
- During construction and development, it is anticipated that the development will generate;
 - o £11.9 million GVA and 164 years of employment in the Scottish Borders
 - o £22.8million GVA and 330 years of employment nationally
 - During the 40-year operational period it is anticipated that the development will generate;
 - o £0.6 million GVA and 5 jobs in Scottish Borders;
 - o £2.5 million GVA and 33 jobs across Scotland;
- 16.29 In common with the majority of renewable energy projects, economic benefits are greatest during the construction period and by the nature of the operation of a wind farm, these fall significantly during the operational period. Should the development be decommissioned this will likely increase GVA during this period.
- 16.30 Tourism plays an important role within the Scottish Borders economics. The development sits directly adjacent to the Tweed Valley which is known to contribute to the areas wider tourism offering, being particularly popular with walkers and cyclist. The areas unique landscape and popular neighbouring towns are known to attract visitors to the area. BiGGAR Economics published research in 2021 that the tourism sector is not adversely affected by wind farm development. These findings align with assessments previously undertaken by SBC in 2012; however, the Council's assessment was undertaken prior to the significant increase in tip heights of turbines proposed by contemporary wind farms. Apart from potential disruption during construction, there is no evidence to suggest that the development would directly harm the tourist industry including any local recreational activities or any businesses involved in these industries.
- 16.31 NPF4 placed a requirement on renewable energy development to 'maximise' community socio-economic benefits. Members should note that the Scottish Government's Chief Planner and Minister for Public Finance provided a further steer on the application of community benefits alongside maximising economic impact as stated in criteria NPF4 Policy 11c) within their work programme update letter of September 2024. The Chief Planner's letter acknowledges that community benefits are an established and integral part of onshore renewable development within Scotland. This proposal includes a community benefit package which includes;
- a commitment to provide a contribution of £5,000 per MW of installed capacity each year towards initiatives within the local area.
 - A shared ownership proposition offering local communities 1% ownership

- 16.32 Members should note that the Chief Planner states that community benefits are voluntary arrangements that sit independent from the planning and consenting process. Although the development offers benefits for the community, these matters are not a material planning consideration which can be accounted for as part of the determination of this proposal.
- 16.33 NPF4 Policy 11, criteria c) requires wind farm development to maximise net economic and socio-economic impacts. At this stage, no guidance is available to corroborate if these effects are actually being maximised. Nevertheless, it is accepted that the proposed development has the potential to generate net economic and socio-economic activity that can enhance local community within the Scottish Borders and more widely across the national economy.

Landscape and Visual Impacts

- 16.34 Policy 11 of NPF4 and LDP Policy ED9 requires consideration of the landscape and visual impacts arising from renewable energy development, including cumulative impacts. Account must be taken of the position adopted by NPF4 Policy 11 which acknowledges that significant landscape and visual impacts are to be expected from some forms of renewable energy development. Where these impacts are localised and/or appropriate design mitigation has been applied, NPF4 deems that these landscape and visual effects should generally be judged to be acceptable.
- 16.35 Account should also be taken of the Renewable Energy SPG which include the Wind Energy Landscape Capacity Study (WELCS). It is acknowledged that 'Landscape Sensitivity Studies' are to replace Capacity Studies. While work is progressing on a Landscape Sensitivity Study for the Borders, relevant guidance remains within the WELCS to help provide a strategic assessment of landscape and visual impacts of wind farm development within different landscapes across the Scottish Borders.

Theoretical Visibility

- 16.36 The Zone of Theoretical Visibility (ZTV) (see Figure 5.2a and 5.2c of the submission) shows that visibility is generally channelled from the north-west round to the south-east, with extensive visibility across high ground within 15km. The upland river valleys close to the site removes visibility from parts of Peebles, Innerleithen and the A72 along the River Tweed valley floor and parts of the A703 to the west along the Eddleston Water. Directly to the northeast, visibility is high within 5km (however, this is not a populated location) before the Moorfoot Hills provide screening until the development becomes theoretically visible at distance to the northeast, again from elevated ground.
- 16.37 Figure 5.5b demonstrates that there is extensive visibility across rising land within the Tweed Valley SLA and into the Tweedsmuir Uplands. Large swathes of visibility are shown within the Upper Tweeddale NSA. This confirms that the development has the potential to affect outward views from these designated landscapes and potentially affect their wider setting. Beyond 15km to the SW, S and SE, visibility does diminish where there are only small pockets of visibility where the proposal would be a more distant, diminishing feature.

Landscape Character Effects

- 16.38 The site is located towards the edge of the Moorfoot Hills where the proposal directly impacts on LCT 90 – Dissected Plateau Moorland, where all the turbines are located. Part of the site extends into LCT 116 – Upland Valley with Woodland, where access is proposed.
- 16.39 The development would be located within an upland type landscape that is generally perceived to have greater ability to accommodate wind farm development. In this case, the proposal is sited close to the southern side of LCT 90 where the upland mass encloses and contributes to the setting of LCT 16 (Upland Valley with Woodland). LCT 90 is a largescale and expansive landscape which has generally retained its natural qualities.
- 16.40 Our Landscape Architect concurs with the LVIA assessment that there will be significant direct and indirect landscape effects out to approximately 10km. From within LCT 90, VP3 demonstrates that although Bowbeat Wind Farm is already present, as this proposal introduces significantly taller turbines it diminishes the scale of the host landscape and coupled with the access tracks, the development detracts from the natural, wild character of the landscape. Similar impacts are experienced from VP11 at Windlestaw Law and also VP5 from Lee Pen which is at the summit of a popular walking route within LCT 116. For comparison, the turbines at Bowbeat have a maximum tip height of 80 metres.
- 16.41 LCT 90 is recognised to have a strong topographical identity owing to the height of the hills with this large, rising landform also enclosing the valley setting below at LCT 116. Despite scale of the receiving landscape, the vast height of the turbines in this part of the uplands still diminishes the grandeur of its hills. This is particularly evident outwith the LCT from the south, including from VPs 8, 9 and 13 where the striking rolling edge of the upland encloses outward views.
- 16.42 The height of the proposed turbines also appears prominent from the other adjacent valley landscape LCT 14 (Pastoral Upland Valley) from the western slopes of the Eddleston Water, as illustrated by VP7 from the Cross Borders Drove Road. T1 appears to intrude within the valley landscape, however, the lower height of the remaining turbines from this VP is accepted to mitigate this impact to a moderate level.
- 16.43 Although the host and adjacent landscapes are of an upland type, the siting of thirteen of a height spanning 180 – 200m and their associated infrastructure is considered to have a moderate to major significant effect on the character of LCT 90, LCT 116 and to some degree LTC 114. In particular, the direct effects of the development on LCT 90 which harms its scenic quality and grandeur which is evident within and outwith the LCT is of greatest concern.

Landscape and Visual effects on Protected and Designated Landscapes

- 16.44 The application site itself falls outwith any locally or designated landscapes. Figure 5.5a: Designated Landscape & Wild Land Areas, shows that the development lies directly to the north of the Tweed Valley SLA which also extends to the south into the Tweedsmuir Uplands SLA and to the east into the Tweed, Ettrick and Yarrow Confluences SLA. The Upper Tweeddale NSA also bounds the Tweed Valley SLA to the south-east, approx. 5.4km from the site.
- 16.45 The extent of local and national landscape designations directly to the south of the site confirms that the proposal lies adjacent to highly sensitive and publicly

valued landscapes. The effects that the development will have on the setting of these designated landscapes is a key consideration for this proposed development.

National Scenic Areas

16.46 NPF4 Policy 4c) and LDP Policy EP4 requires that development should not compromise the integrity of an NSA and should significant impacts be identified, development may only be permitted where these adverse effects are outweighed by clear social, environmental or economic benefits of national importance. It is accepted that the development is outwith the NSA, however NSA impacts are not confined to developments within designated areas as Policy EP4 recognises that the setting and context of the NSA within its wider landscape contributes to the significance of the designation. Therefore, setting impact must also be considered.

16.47 NatureScot have listed the special qualities of the Upper Tweeddale NSA as follows:

- i. Diverse scenery of great charm and soft beauty*
- ii. The historical continuity of settlement*
- iii. Green, intimate pastoral valleys*
- iv. Expansive, open hills with panoramic views*
- v. The variety of woodlands and trees*
- vi. The large, geometric fields*
- vii. The distinctive vernacular buildings*
- viii. Tranquil riverine landscapes*

(Extract from: Scottish Natural Heritage (2010). The special qualities of the National Scenic Areas.)

16.48 The NSA benefits from outward views to the northeast across the Tweed Valley. This is an important outlook as it distinguishes the more sharply defined landform of the NSA from the gentler, more open valley setting within this part of Tweeddale. These views directly contribute to the appreciation of the NSA's setting and its scenic qualities and are experienced from elevated locations within the NSA, including VPs 13 (Cademuir Hill Fort), VP15 (Stob Law) and VP19 (Trahenna Hill). Each of these VPS represent views that will be enjoyed by recreational receptors, mostly walkers where part of the attraction to the route is the enjoyment of its outward views.

16.49 From these locations, the proposal will be clearly visible where the scale and spread of this large commercial wind farm has been assessed by the Landscape Architect to interrupt and dominate these sensitive panoramic views across the Tweed Valley. This is judged to adversely affect the perception of the NSA as being tranquil and intimate but also is expansive outward views that detract from its diverse scenery and charm.

16.50 Some of these VPs are already impacted by existing windfarm development and/or potentially other schemes that remain to be determined; nevertheless, from these VPs the impact of the Leithenwater proposal appears particularly dominating.

16.51 The scale, prominence and detrimental appearance of the proposal is considered to adversely affect special quality iii. and iv. of the NSA (from the list noted above) and also detract from special quality viii. and i. The proposal

is considered to harmfully dominate the wider landscape setting of the NSA and in doing detracts from a number of its special qualities which undermines its integrity and setting. These adverse effects are not considered to be localised as they will be experienced at distances out to 16.4km especially from elevated locations within the NSA.

- 16.52 The proposal is not judged to comply with the intent of NPF4 Policy 4 and LDP Policy EP4 which as a minimum seek to protect our national landscapes from harmful forms of development and the Landscape Architect did not consider that these significantly adverse effects on the NSA's special qualities were outweighed by social, environmental or economic benefits.
- 16.53 In terms of other NSA impacts, the proposal does not adversely affect the Eildon and Leaderfoot NSA.

Special Landscape Areas

- 16.54 NPF4 Policy 4 d) and LDP Policy EP5 acknowledges that these are valued landscapes which should be protected from inappropriate forms of development unless significant adverse landscape impacts are clearly outweighed by social, environmental or economic benefits. Further advice on each SLA is provided within the Local Landscape Designations 2012 SPG.

Tweed Valley SLA

- 16.55 This SLA extends from the west side of Peebles (but excluding the town), to Thornielee to the east and covers the valley slopes and ridges that enclose the river valley. The valley sides and enclosing hills provide contrast to the valley floor and contribute to its sense of place. The Tweed Valley SLA designation statement identifies that the Tweed Valley has 'opportunities for enjoying this landscape' including cycling and walking routes which includes parts of the SUW which skirts along the edge of the SLA with the area being a popular tourist destination.
- 16.56 Settled parts of the SLA along the valley floor are generally exposed to intermittent visibility of the proposed development. Despite being intermittent, varying degrees of impact is shown by VPs 4, 6 and 8.
- 16.57 VP4 depicts views from the valley floor, including parts of the A72 where four hubs and blades of a further four turbines would be visible. Although Turbines 10 – 13 encroach on the valley, the rising land to the southeast helps to contain the development. A similar encroachment is also evident from VP6 at Kailzie Gardens which is also representative of potential views along the B7062 where the tops of turbines may appear above the skyline. While the turbines become noticeable from this location, they currently presence of forestry cover in the foreground avoids the proposal becoming prominent. The proposal encroaches both VPs to different levels but in both cases the turbines are not considered to significantly detract from the special qualities of the SLA.
- 16.58 The impacts experienced from VP8 Bonnington Road are more concerning. While the viewpoint is outwith the settlement, Figure 5.15 on the ZTV mapping shows that there is potential for visibility to extend into the Peebles and affect properties along Bonnington Road and also the Craigerne and potentially

Kingsmeadows areas. There will also be impacts from the Cross Borders Drove Road which rises outwith the settlement in this part of Peebles. Although Peebles is not itself within the SLA, parts of the settlement (as shown by the ZTV mapping) have clear views across the SLA.

- 16.59 The VP is from a treelined road and while this tree cover, along with vegetation and urban development within other affected parts of Peebles will provide some screening, there are areas that enjoy views across the SLA where the northern side of the Tweed Valley encloses these vistas. From these unscreened locations, the wind farm will be highly prominent where at a distance of 6-7km, the height of the turbines would dominate a settled and human-scaled landscape. These effects could be potentially character changing and will detract from views from properties the occupy locations on rising land on the southern side of Peebles with views across the SLA as well as travelling towards Peebles on Bonington Road from within the SLA.
- 16.60 From rising land and hill tops to the south of Peebles, the scale and spread of the development appears increasingly visible and prominent. At VP9, Manor Sware on the edge of the NSA, the scale of the turbines dominates the town's landscape setting. Similarly, from VP10 at White Meldon, the height of the proposed turbines appears too large against the receiving landform, with the scale and spread of the development jarring with the adjacent lower, but still significant, Bowbeat Wind Farm. Finally, from VP14 on the Southern Upland Way (SUW) viewing along the valley from the southwest while the spread doesn't seem so wide, the height of the turbines appears conspicuous perched above the valley. Each of these VPs are from different recreational routes, demonstrating that outward views from various popular paths across the SLA will be adversely affected by the proposal.
- 16.61 Adverse effects are not just restricted to the southern side of the SLA with VP5 at Lee Pen showing that the turbines and access tracks significantly alters the perception of the landscape and will dominate views to the northwest to a far greater degree than the existing visual effect of the Bowbeat Wind Farm.
- 16.62 The Local Landscape Designations 2012 notes that Forces for Change for the Tweed Valley SLA includes potential visual impact of development on hills outside the SLA. The scale and spread of the proposed turbines are judged to significantly detract from the setting and outward view from across within the SLA, in particular from prominent recreational routes and also existing views across the SLA which are enjoyed from within parts of Peebles. These potential changes are considered to harm the special character of the Tweed Valley SLA.

Tweedsmuir Uplands and Tweed, Ettrick and Yarrow Confluences SLAs

- 16.63 Although there are some adverse impacts from both SLAs, again from elevated locations within these SLAs (see VP12 and VP20), these impacts do not pose significantly adverse impacts that erode the special qualities of these other two SLAs.

Visual Impact – Residential Amenity

- 16.64 A Residential Visual Amenity Assessment (RVAA) considers the visual impacts of the development on residential amenity from settlements, individual properties or groups of properties. Visual impacts on residential amenity, whether from settlements or individual properties, tend to use a type of methodology that has become known as the “Lavender Test”. The test seeks to establish whether the impact of the wind farm on the amenity of residential property would be so overbearing and dominant that it would make it an unattractive place to live. Much would contribute to that assessment including proximity, elevation, main outlook from windows, interruption by screening or buildings, location of garden ground, approach roads and tracks etc. These matters are considered and advised in the Renewable Energy SPG. Policy 11 of NPF4 notes that residential amenity is a matter to be addressed by project design and mitigation.
- 16.65 Whilst all matters must be considered in the overall assessment, the greatest weight must be given to direct and unavoidable impacts from inside dwellinghouses and main habitable room windows. There is also evidence that decisions are taken on the number and proportion of properties within an area that may experience such impacts. The fewer the number of properties impacted, the less weight that would hold in the overall planning balance.
- 16.66 A 2.5km RVAA area from the proposed turbines (not the red line application site boundary) was agreed.
- 16.67 The RVAA identified that ten properties are located within the 2.5km study area. Of the ten, two benefit from screening and are therefore unaffected by the development. Of the remaining eight, three properties; Huntersknowe (P1), Williamslee Hope (P2) and Williamslee (P3) are all identified to experience a high magnitude of change. These properties are all located on the eastern boundary of the application site between 1.1 - 1.3km from the development. From each of these properties, a number of turbines are visible and notably T9 and 13 appear particularly pronounced above the rolling landform. The properties also potentially impacted during hours of darkness by aviation lighting. Some mitigation is provided by virtue of the development does not affect the outlook from two of the properties principal elevations P1 and P2 with important views maintained to the SE and S from P3.
- 16.68 A further five properties were identified to have medium impacts, these properties are located further from the development where either fewer turbines are visible and/or the intervening rolling landform reduces the prominence of the proposed turbines with some views also filtered by vegetation. Although part of the development will be visible from these properties, it will not significantly harm their residential amenity.
- 16.69 Although settlements such as Innerleithen and Peebles are close to the proposed development, as they are located in excess of 2.5km from any of the proposed turbines themselves, the development will not pose any significant adverse effects on amenity of any residential properties within these settlements or indeed other dwellinghouses in excess of the study area.
- 16.70 The RVAA has correctly assessed the magnitude of impact that the proposed development on each property within the study area. The residential amenity test is based on whether the impacts are so overbearing and dominant that they render the property to be an unattractive place to live. Despite the

significant height of the proposed turbines, this proposed development will only pose adverse levels of impact to three properties, each of these are understood are located on the same estate as the proposed development. Although these properties are not fully controlled by the developers, they are understood to benefit from an element of involvement with the proposal. Although some detrimental impacts exist, these impacts are not judged to be so severe that it would render any of these dwellings as uninhabitable. From a visual perspective, the proposal does not breach relevant development plan provisions on residential amenity.

Cumulative Landscape and Visual Impacts

- 16.71 A range of cumulative ZTVs have been provided to consider various cumulative scenarios to predict areas of visibility of the development alongside operational, consented and other wind energy developments currently in the planning process, which includes breaking down cumulative impacts to geographical groups surrounding the proposal. These ZTVs show that there will be varying degrees of visibility of the proposal alongside existing and potentially other future wind farm development.
- 16.72 In terms of impacts against existing windfarms, the main cumulative effect is that associated with Bowbeat. Bowbeat may consist of more turbines but owing to their smaller scale (maximum tip height of 80m), it sits within the landscape in a relatively inconspicuous manner which does not disproportionately impact character of the landscape and its visual amenity. Conversely, the scale of the proposed Leithenwater turbines and the siting of the scheme towards the edge of the Tweed Valley results in this proposal becoming far more prominent than Bowbeat, particularly from sensitive receptors to the south. While they may be seen alongside one another from hill summits, their varying scale results in the two windfarms jarring. Bowbeat may be coming towards the end of its operational life but as yet no proposals have been received in respect of any potential repowering.
- 16.73 The Cloich Windfarm proposal is located on the west side of the Eddleston Water valley, 7km from the proposal. SBC did not object to this proposal; however, if both were consented, they would have the potential to encircle the Eddleston Water valley LCT114: Pastoral Upland Valley with wind turbines. This will affect the character of this landscape as well as increasing effects on views both within this LCT and from neighbouring areas where both windfarms are visible.
- 16.74 The proposed Scawd Law scheme is located to the east on the opposite side of the B709 and Members will recall that SBC resolved to object to this proposal on landscape and visual grounds and the proposal remains under the consideration of the ECU. Cumulatively, the siting of the proposed Leithenwater and Scawd Law Wind Farms along the top of the Tweed Valley would have significantly adverse impacts on the scenic quality of the valley landscape from popular viewpoints on the south the valley including Manor Sware (VP9) and the White Meldons (VP10).

Aviation Lighting

- 16.75 All the proposed turbines are over 150m tall. Under Civil Aviation Authority (CAA) regulations it is a legal requirement for all structures over 150m to be

fitted with a visible 2000 candela (cd) steady red aviation warning light. The international technical specifications for lights on wind turbines permits light to be emitted in a narrow beam in the vertical plane. In doing so, this limits the amount of light emitted in a downwards elevation at angles below the horizontal.

- 16.76 The applicants have agreed a reduced lighting scheme with the CAA in order to reduce the visual impacts of aviation lighting, this includes the following mitigation;
- Reducing the number of lit turbines to seven cardinal turbines with lights fitted to T1, T4, T5, T9, T10, T12 and T13
 - Include 'dimming' mitigation to allow the intensity of the lights to be reduced to 10% of their capable illumination when installed sensors measure the visibility of the wind farm to exceed 5km – this means that where there is good visibility (i.e. in the absence of low cloud cover, rain, mist, haze, or fog etc) the intensity of the light would be reduced from a maximum of 2000cd to 200cd.
 - No requirement for intermediate 32 candela steady red lights mounted around the tower
- 16.77 Following the approval of the introduction of aviation lighting at the Crystal Rig IV by the Scottish Ministers, aviation lighting at other proposed wind farm developments has not been opposed in principle by SBC. There are currently no operational wind farms with lit turbines within the Moorfoot Hills or landscapes adjacent to the Tweed Valley; however, decisions are awaited from the Scottish Government on Greystone Knowe and Scawd Law which, if approved, would introduce aviation lighting at these wind farms.
- 16.78 Aviation lights are designed to be seen horizontally, therefore, for angles below the horizontal plane, the luminous intensity of aviation lighting decreases. Figure A5.2.3 shows the theoretical visibility of aviation lighting. Importantly, the applied mitigation removes visibility from the Tweed Valley floor which contains larger settlements including Peebles, Innerleithen and long sections of the A72. Lighting is suggested to be visible from rising ground to the southern side of Peebles (as illustrated in VP9 at Manor Sware) where the elevated positioning of red lights could appear out of context, although some mitigation is afforded by the lit environment of Peebles below. Should lighting be visible from within Peebles and Cardrona, it should not appear stark as it would be viewed from an already lit environment and the intensity of light emitted from the proposal is low from these locations.
- 16.79 Lighting may appear more obvious when travelling through darker environments on rural roads on both sides of the Tweed Valley, but it is accepted that during hours of darkness these routes are not used intensively. Part of the A72 is also suggested to be affected however these would be fleeting views
- 16.80 The concerns raised from the Council's Landscape Architect are understandable. While aviation lighting may appear out of character with the nighttime environment, especially its red colour, unlike some other wind farm developments within the Scottish Borders, the proposal is located close to a large settlement which emits light and this is acknowledged to reduces the magnitude of change.

- 16.81 Provided the dimming mechanism is successful in limiting how far the lights will be visible and reducing their brightness, the aviation turbine lights should not detrimentally affect receptors. Subject to the operation of the installed aviation lighting in accordance with the mitigation measures proposed, its impacts are not considered to fail to comply with the thresholds prescribed by NPF4 Policy 11e) and LDP Policy ED9.
- 16.82 Technology to mitigate impact of aviation lighting is evolving, though the lifetime of the development it may be possible to reduce the effects of aviation lighting further if such technology becomes available including using an Aircraft Detection Lighting System. It is recommended that the lighting mitigation is reviewed periodically to appraise if alternative lighting mitigation is possible to further minimise visual effects of the development, this matter can be addressed by planning condition.

Landscape and visual impact of associated infrastructure include BESS

- 16.83 The proposal has sought to utilise existing tracks within the site where possible. The siting of the BESS facility, substation and control compound remain within core of the proposed turbine layout. Against the height of the proposed turbines these supporting structures will not give rise to any significant impacts.
- 16.84 The addition of new tracks to each turbine further detracts from the natural qualities of the landscape. Limited information has been provided to assess the potential visual impact of the site proposed access options. Option 2 avoids the need for a new bridge and limits the extent of new access road therefore from a visual perspective may help limit the impact of the works.
- 16.85 In the event that the proposed development is approved, the precise details of all associated infrastructure, including access details can be agreed by condition.

Landscape and Visual Impact Conclusions

- 16.86 From the assessment set out above, the key findings of the proposal's landscape and visual effects are as follows;
- The siting and scale of the proposed turbines along with their associated infrastructure has adverse effects on the grandeur of the primary host landscape LCT 90, along with affecting the scenic quality of this LCT along with LCT116.
 - The proposal adversely affects the setting of the Upper Tweeddale NSA, in particular its northern outlook across the Tweed Valley where the scale and spread of turbines along the skyline appear detrimentally dominant, harming the NSA's special qualities by dominating its panoramic views, detracting from its scenic charm, the setting of its intimate valleys and tranquil riverine landscapes.
 - Similarly, the siting and scale of turbines significantly detracts from the setting of Tweed Valley SLA, where the development is particularly prominent from recreational routes on rising and elevated land along its southern valley side as well as views across the SLA from parts of Peebles.
 - Detrimental landscape and visual effects extend out to 16.5km, across different landscapes and designations which are not deemed to be localised and tolerable by NPF4 Policy 11e.

- Cumulative concerns exist between the differing scale of the proposed turbines beside the substantially shorter turbines at Bowbeat with further potential cumulative impacts alongside Scawd Law where both schemes erode the natural skyline setting of the Tweed Valley.

16.87 A rebuttal to respond to the comments raised by the Landscape Architect was submitted by the applicant, which included an appraisal of the potential implications of removing up to three turbines (T11 – 13) and it is agreed that their removal would not fully address the concerns noted above. Tip height reduction has also been dismissed, as this was considered to significantly reduce development's wider benefits which are also required to be considered within the planning balance. The applicants have referred to the overall evolution of the proposal which has been reduced from a 25-turbine scheme to address a range of matters including its landscape and visual impacts. While it is recognised that national planning and energy policies recognise that the development of taller, more efficient wind farms is required, as stated previously this is still does account for development at any cost.

16.88 The proposal is located within a highly sensitive location towards the edge of the upland mass where it encloses northern views from designated landscapes focused around the Tweed Valley. The proposal will affect location on the edge of Pebbles, in accessible locations to the south of the settlement and across the Tweed Valley which are enjoyed by local residents and also visitors who are attracted to the area as part of the various walking and cycling routes that travel through the scenic landscape. It is contended that the harmful landscape and visual effects will be experienced by a number of sensitive receptors.

16.89 Even in comparison to the original 25-turbine proposal, the impacts of a 13-turbine proposal in these locations still adversely detracts from the character of the host landscape and the special qualities and setting of the NSA and SLA. These effects cannot be ignored and while the proposal presents renewable energy and economic benefits, in this case these benefits are not judged to clearly (my emphasis) outweigh the detrimental NSA and SLA impacts as required by development plan policy provision covering designated landscapes and nor has project design or mitigation been applied to address these harmful impacts in accordance with NPD4 Policy 11e) ii. or LDP Policy ED9.

Residential Amenity

16.90 Policy 11 of NPF4 requires the impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker) to be considered. LDP Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Visual impacts on residential amenity have been considered earlier in the report.

Noise

16.91 The noise impacts of the development have been considered within Chapter 10 of the EIA-R. Noise impacts have been modelled based on candidate turbines with uncertainty values added to address prospect for candidate turbines changing, this aligns with best practice. Eleven residential properties were identified as potentially being affected by operational noise, with two of

these properties financially involved properties. The predicted operational noise is below ETSU-R-97 which is key UK Government Guidance that provides recommended limits to ensure that noise from wind turbines does not disturb residential properties.

- 16.92 It was suggested that the properties of Hunters Knowe, Williamslee Farm and Williamslee Hope are all properties that are financially involved and therefore higher noise limits could apply, however under the definitions of ETSU-R-97, the Council's noise consultants advised that they would not strictly meet the terms of an "involved" property. Following further assessment by the applicants, it has been accepted that lower noise limits can be met at these properties which would avoid the need for any legal obligations to restrict their use. Subject to the development being operated in accordance with the updated noise limits, it is recommended that noise generated from the development should not adversely affect the amenity of residential properties.
- 16.93 If the Council were minded to not object to the proposed development, it is recommended that planning conditions would be required to:
- set appropriate operational noise levels for each specified residential receptor to ensure noise emanating from the wind farm does not exceed these levels
 - set procedures that are to be followed to investigate and resolve any noise complaints
 - agree candidate turbines
 - ensure construction noise is appropriately managed as part of a Construction Management Plan

Shadow Flicker

- 16.94 Three properties directly to the east of the site have been identified as being potentially impacted by shadow flicker (Hunters Knowe, Williamslee Hope and Williamslee). Two of the three have been identified to have potentially adverse impacts of where shadow flicker could breach the threshold of 30 hours per year in perfect conditions. However, on applying more realistic annual light conditions to the calculation it is advised that the predicted shadow flicker impacts would not be unacceptable.
- 16.95 In the absence of any guidance available regarding the acceptable levels of shadow flicker in the UK, it is recommended that in the event of any approval a condition is attached to require the investigation, assessment and mitigation of any complaints from properties affected by shadow flicker impacts. This will ensure that shadow flicker complaints are suitably handled, and this is not limited to properties included within the original assessment.

Traffic Management, Road Safety, Access, and Paths

Traffic Management, Road Safety and Access

- 16.96 Policy 11 of NPF4 requires impacts of the construction of wind farms on public and trunk roads are to be considered. Policy PMD2 of the LDP require all development to ensure there is no adverse impact on road safety. The Renewable Energy SPG also requires full consideration of the impacts including the structural and physical ability of the road network to accommodate traffic movements and impacts on local communities.

- 16.97 Two access options to the site are presented from the B709, this first would require a new bridge to cross the Glentress Water at Burnside with a new access wrapping around Leithen Lodge or, secondly, by widening of the existing access on the B709. The second option would limit extent of new works and in basic land use planning principle would be more suitable, however, in road safety terms the principle of either option is supportable, subject to the agreement of the final engineering details of the associated works.
- 16.98 The EIA suggest that the primary access route for all Abnormal Indivisible Load (AIL) traffic would be from the north which would enter the Scottish Borders using the B707 on Middleton Moor and travel down the B709 towards the site. Although this is a minor road, the route minimises the use of significant lengths stretches of the road network within the Scottish Borders. Roads Planning officers have sought of range of additional information to ensure that the route can cater for AIL traffic, agreement of necessary improvements and ensure that any damage to the road networks is repaired by the developers. Each of the details sought by the Council's Roads Planning Service could be addressed within a Traffic Management Plan as a condition of any consent, should the development be approved.

Paths

- 16.99 No core paths run through the site however two rights of way pass through the site connecting into popular trails at the adjacent Glentress Forest.
- 16.100 An Access Management Plan can ensure that any routes within or in the vicinity of the development are diverted appropriately and/or realigned if required as a consequence of any construction operations. This can be secured as a condition if the development in the event of any approval.

Cultural Heritage

- 16.101 Against Policy 11 of NPF4 impacts arising from an energy development on the historic environmental are required to be addressed by the project design and mitigation. Policy 7 is directly concerned with historic assets and takes a strong line whereby a development should protect and enhance historic environment assets, including Scheduled Monuments (SM), Listed Buildings and non-designated historic environment assets. This approach is also reflected within LDP policy provision for these interests. In respect of impacts on regional or local archaeology assets, any adverse impacts may only be permitted where it is demonstrated that the benefit of the proposal clearly outweighs the assets heritage value.

Direct Impacts

- 16.102 No designated heritage assets including SMs or Listed Buildings are located within the application site. As a result, the development will not result in any direct, physical impacts to any designated heritage assets.

Indirect Impacts

- 16.103 The proposed development has been identified to potentially impact the setting of thirteen heritage assets that are located outwith the application site which includes; one Category A Listed Building (Leithen Lodge), eight SMS, Peebles Conservation Area and three Gardens and Designed Landscapes (GDLs).

Listed Buildings

- 16.104 In considering the impact of the proposal on the setting of the Category A Listed Leithen Lodge, HES have identified that the impacts on the setting of the Listed Building have been underestimated where T7 and 9 would be visible from the Library and some of the western garden grounds with T9 would also be visible from eastern grounds and on approach. From the photomontages provided (Figure 6.3 and 6.4) enclosing mature trees do provide screening of the development, however there are some glimpses through the trees in particular of T9 which at a distance of only 2.1km from Leithen Lodge does impact the setting. Owing to the intervening screening the impacts on the setting of Leithen Lodge do not result in significantly adverse impacts on the setting of this Cat A Listed Building; however, it is agreed that these impacts could be reduced if T9 was removed.

- 16.105 The proposal does not affect the setting of any other Listed Buildings.

Scheduled Monuments

- 16.106 No major adverse impacts have been identified to affect the setting of any of the eight SMS.

Gardens and Designed Landscapes

- 16.107 VP6 shows that the proposal may be visible on the skyline from Kailzie Gardens GDL, however these impacts are judged to be moderate and do not adversely affect the setting of the GDL.
- 16.108 No major adverse impacts have been identified to affect the setting of any other GDL.

Conservation Areas

- 16.109 There will be some visibility of the proposal from the Peebles Conservation Area. Importantly, the development will not be visible from the core of the Conservation Area, including the High Street and Tweed Bridge. There will however be some visibility from parts of the Old Town, as illustrated from Figure 6.5f (Photomontage from St Andrews Church). One hub would be visible along with the blades of four other turbines above the enclosing valley and should some of the commercial planting along the top of the be removed, the impact of the development would likely be increased.
- 16.110 The skyline of the Peebles Conservation Area which is presently dominated by spires of the town's churches that are frequently visible when moving around and viewing towards the conservation contribute to its setting. Presently the Tweed Valley encloses outward views from the designated area with little development visible across the hill tops. While the development may not be

widely visible across extensive parts of the conservation area, visibility of one large turbine (T4) and parts of others (as shown by Figure 6.5f) at a distance of 5.4km is concerning as turbine(s) would appear to intrude into the setting of the part of the conservation area at the Old Town and introduce a new skyline features that detracts from its wider character as a historic town set within an enclosing rural valley.

Cultural Heritage Conclusion

- 16.111 The siting of wind turbines with a 180m - 200m tip height in this location is considered to impact the setting of the Category A listed Leithen Lodge and outward views from parts of the Peebles Conservation Area. It may have been possible to fully address these impacts through further applied project design revisions to remove and/or reduce the offending turbines.
- 16.112 The effects of the proposal upon these local and national heritage assets remains concerning but it is acknowledged that the impacts on the setting of Leithen Lodge are partially screened and that impacts Peebles Conservation Area are limited to the Old Town which enables other important part of the designated area to be unaffected by the development. When accounting for this context and the benefits associated with the proposed wind farm against relevant development plan policy thresholds, these impacts are not necessarily judged to significantly undermine the setting of the Listed Building or the Conservation Area as a whole. On balance, the proposal is not judged to pose built heritage impacts which are of a significantly adverse degree to warrant objection against relevant criteria within NPF4 Policy 7 and 11 and Policies EP7 and EP9 of the LDP.

Natural Heritage

Ecology, Habitats, Protected Species and Ornithology

- 16.113 The proposal must be assessed against policies EP1, EP2 and EP3, which seek to protect international and national nature conservation sites, protected species and habitats from adverse impacts of development, this is augmented by the Renewable Energy SPG. Policy 3 of NPF4 seeks for national developments to conserve, restore and enhance biodiversity and where negative effects are identified they should be fully mitigated. Policy 4 of NPF4 requires that where developments have adverse effects on protection species, these should only be supported where the proposal meets the statutory tests. Finally, Policy 11 requires that any impacts on biodiversity as a result of renewable energy developments should be addressed through project design and/or mitigation, this includes any ornithology impacts.
- 16.114 The proposal is located within the Moorfoot Hills which is recognised for its ornithology interests, in particular golden eagles. Golden eagles are a protected species and since the application was first submitted, the South of Scotland Golden Eagle Project (SSGEP) now known as Restoring Upland Nature (RUN), supported by the Scottish Government aimed to strengthen the golden eagle population in the Southern Uplands. This led to two eagles being released within the Moorfoot Hills area with new territories being formed around the proposed development which includes a reduction in the size of the original territory that was assessed as part of the original submission.

16.115 Wind farm development at this location which although towards the eastern edge of the golden eagle territory would still pose a collision risk and in particular the siting of T11 – 13 would reduce the golden eagle habitat with the Ecology Officer suggesting reducing the number of turbines or relocating T11 – 13 to the north. The applicants gathered further data in respect of Golden Eagle (see SEI). Informed by observations RUN, golden eagle activity is understood to be higher than shown in the data provided and in particular does not take account of the risk that the development poses to fledglings/juveniles. The Ecology Officer advises that juvenile golden eagles are at a greater risk of turbine collision than adults and while it is acknowledged that there may not be any juvenile tag data available, collision risk is understood to be informed by flight activity surveys and not data from tagging.

16.116 NPF4 Policy 4f) and LDP Policy EP1 require that a development may only be permitted where it has a adverse impact on protected species it meets the statutory tests. Golden eagles are protected under the Wildlife & Countryside Act 1981, as amended and are included in Schedules 1, 1A and A1 of the Act. This means that all of the following applies to them; It is an offence to-

- disturb them while they are building a nest, while they are in, on or near a nest or to disturb their dependent young
- to intentionally or recklessly harass any bird
- To intentionally or recklessly take, damage, destroy or interfere at any time with a nest habitually used by any bird.

16.117 Golden Eagles are included on the Scottish Biodiversity List, as amended in November 2025. The List identifies the plants, animals and habitats that are of the most importance to biodiversity in Scotland and so are a priority for conservation action. Failure to account for the potential collision risk for juvenile golden eagles is a shortcoming of the proposal. While it has not be assessed that the proposal will pose significantly adverse effects on golden eagle populations as a whole, the potential adverse effects on juvenile populations would clearly have a detrimental effect on the future expansion of golden eagles and even their presence within this area in years to come.

16.118 The statutory tests are clear that any development that may pose harm to any bird should not be supported. On this basis, the proposed development has not demonstrated that it can suitably protect Golden Eagles against the potential impacts of the development in a manner consistent with the requirements of NPF4 Policy 4f) and LDP Policy EP1.

16.119 The proposed development has not been found to cause any other adverse effects to other ornithological, protected species or other biodiversity matters, subject to;

- the agreement of SPPs for Raptors, owls, otter, badger, pine marten, bats, black grouse, waders and invertebrates in the event of any approval.
- agreement of a suitable habitat restoration and enhancement plan, particularly to address any impacts caused by the siting of Ts 10 – 1
- agreement of suitable compensatory planting scheme a appropriate location(s) which will also contribute to biodiversity and habitat interests.

Other Matters

Hydrology

16.120 NPF4 Policy 22, LDP Policy IS8 and the Renewable Energy SPG seek to discourage development taking place in areas that are or may be subject to flood risk. Policy 22 and LDP Policy IS9 requires surface water to be handled via SUDS complaint drainage systems and avoid watercourse pollution. Policy 11 requiring that project design and/or mitigation to address any flood risk, hydrology and water environment impacts arising from renewable energy developments.

16.121 Flooding, including surface water implications have been assessed in the EIA. To ensure the development does not result in causing any flood risk it is recommended that; all hard surfaces attenuate runoff to existing greenfield rates, any infrastructure at existing watercourses does not reduce their flow and sediment management measures are agreed.

16.122 These matters can be agreed via the Construction Environmental Management Plan (CEMP) as a condition of any consent

Private Water Supplies (PWS)

16.123 Only one PWS has been identified to be potentially affected by the proposed development at Gameskeeper Cottage. Following initial concerns raised by SEPA of potential impacts of the development on this PWS, the applicants have entered into an agreement with the users of the supply to the satisfaction of SEPA. The Councils Environmental Health Officers have not raised any concerns in respect of PWS impacts and any potential issues arising during the construction phases could be addressed via a CEMP.

Carbon Rich Soils, Deep Peat, and Priority Peatland Habitat

16.124 The proposed development has not been identified to impact on or disturb any area of soil which require protection.

Wull Muir Court Decision/Grid Connection

16.125 Members will be aware of the recent Court of Session decision in Raeshaw Farms Limited v Scottish Ministers [2026] CSIH 10 which resulted in the Court quashing consent that had been granted on appeal for the Wull Muir Wind Farm. The Court held that the Scottish Ministers did not properly assess whether the proposed wind farm and grid connection constituted a single project under EIA regulations, and that it was irrational to take the benefits of a connected, operational wind farm to account without addressing the potential adverse environmental impacts of the grid connections. The Court remitted the decision back to the Scottish Ministers for a different Reporter to review the decision.

16.126 Following this judgement, decision makers are now required to address the issue of whether, for EIA purposes, a wind farm and its associated connection to the national grid constitutes a single project for EIA purposes. As this proposed development has been submitted under Section 36 of The Electricity Act 1989 (as amended), this is a judgement for the ECU; however, it is also incumbent on the Planning Authority to consider these matters as part of our assessment.

16.127 The applicants have provided a Grid Connection Appraisal as part of AEI where it is noted that;

- The proposal has been allocated a Gate 2 status by National Energy System Operator (NESO) but at this stage, the precise point of connection, route, means of connection and associated physical works remain undecided.
- Despite not knowing the point of connection, the applicants have attempted to provide an appraisal of where a connection could possibly be provided.
- It is suggested that a connection could be made from the development to its nearest distribution connection point at the existing Galashiels Substation.
- Apparatus used to connect to the network substation could consist of overhead lines (OHL) supported by single or double wooden poles, typically 10-15m in height and/or underground cable (UGC) with wires set in trenches approximately 1.25m deep.
- The connection would be required for the 40-year lifetime of the development.

16.128 While separate consenting processes remain for grid connections from wind farms, the Raeshaw Judgement has made clear that offsite works in respect of the grid connection may form part of a wind farm project for EIA purposes. Where weight is placed on the benefits of a wind farm connected to the grid, it would now be irrational not to address the potentially significant adverse effects arising from the associated grid connection.

16.129 In terms of whether a wind farm and grid connection form a single or separate project for EIA purposes, the four factors set out in R (Wingfield) v Canterbury City Council [2020] JLP 154 are relevant:

- Common ownership
- Simultaneous determination
- Functional interdependence
- Stand-alone projects

16.130 As the benefits of the development cannot be realised without the grid connection, it is the view of the Planning Authority that there is clear functional interdependence between the two. In addition, a new grid connection from Leithenwater to its chosen substation would not exist without the development of a wind farm so they are not standalone projects. Therefore, for the purposes of EIA, it is considered that the wind farm and the grid connection are considered to constitute a single project.

16.131 It is acknowledged that through the current grid connection process managed by NESO and operated by Scottish Power, that the applicants do not have the final choice in determining where and how a connection will be provided. Nevertheless, an assessment of the connections potential environmental impacts is required to be undertaken at this point in the planning process.

16.132 From the information that the applicants have been able to provide, it is clear that there remains a high degree of uncertainty around the connection. Currently, the Galashiels substation is the closest distribution point to the development. No evidence has been supplied to confirm whether the existing Galashiels substation would have the capacity to accommodate and distribute up to 85.8MW of electricity that the proposed wind farm could generate, if this was the connection point. The Galashiels substation is located 22km from the

development. Again, while the physical means of forming the connection are not known, for the purposes of EIA the worst-case scenario should be considered.

16.133 There would be potential for the route to directly or indirectly affect the following designations;

- Tweed Valley and/or Tweed, Ettrick and Yarrow Confluences SLAs
- Eildon and Leaderfoot NSA
- Various LCTs
- River Tweed SAC/SSSI

16.134 Depending on the final route, there is also potential for a range of habitats and built heritage assets to be affected. If the Galashiels substation cannot serve the development, no other options have been appraised.

16.135 Acknowledging that it is often a challenge for developers to have absolute certainty over grid connection, for the purpose of considering potential environmental effects, there remains a high degree of ambiguity surrounding how the proposed Leithenwater wind farm would be connected to the national grid. Fundamentally, the significant effects of the project, including those arising from worst-case scenario of the grid connection have not been adequately addressed within the EIA Report or the applicant's Grid Connection Appraisal.

16.136 NPF4 Policy 11 requires significant weight to be placed on the benefits associated with renewable energy development, however the Raeshaw Judgement is clear that this is not possible unless all significant environmental effects of the proposed development, including those arising from the grid connection have been duly considered. The limited information available in respect of the intended grid connection and the uncertainty around it means that it is not possible even at a high level to consider the potential environmental effects of the development's grid connection. On this basis, insufficient information has been provided to consider the full environmental impacts of the proposed development primarily against NPF4 Policy 11 and Schedule 9 of the Electricity Act 1989.

16.137 It is noted that NPF4 Policy 11 states that grid capacity should not constrain development, this is still the case; however, the focus of the Raeshaw Judgement is on its environmental effects and not any capacity issues associated with the grid.

17.0 CONCLUSION

17.1 NPF4 makes it clear that the renewable energy deployment remains a key priority for the Scottish Government. NPF4 and the OWPS 2022 confirm that more renewable energy developments including onshore wind farms will be required to be developed to meet legally binding net zero emissions targets. It is clear that planning decisions have a key role to play to tackle the climate emergency. However, development proposals must be balanced against prevailing development plan policies where the benefits of energy production, and environmental impact are weighed carefully against one another as part of the wider planning balance. It is clear that applicants have had regard to the criteria listed in Schedule 9 of the Electricity Act 1989.

- 17.2 The development occupies a sensitive location adjoined to the highly valued Tweed Valley landscape which is one of the significant areas of landscape quality within the Scottish Borders.
- 17.3 Although the proposal is not located within any NSA or SLA, the siting of thirteen turbines between 180 – 200m in this location will appear harmfully prominent and visually imposing for outward views from the Upper Tweeddale NSA and Tweed Valley SLAs. These impacts detract from the special character and scenic qualities of both nationally and locally designated areas in a manner that significantly compromises their setting and integrity. Furthermore, the scale and siting of proposed wind turbines are also considered to adversely affect the character of LCT 90 and LCT 116. The extent of the proposals landscape and visual effects extending beyond localised impacts where the development would be prominent at a distance of 16.5km and visible across different landscape settings.
- 17.4 Separate from landscape and visual matters, insufficient information has been provided to demonstrate that the proposed development will not adversely affect golden eagles which benefit from protected species status
- 17.5 It is acknowledged that significant landscape and visual impacts are now to be expected for renewable energy development. Despite accounting for this and also placing significant weight on the development's contribution to renewable energy generation targets, greenhouse gas emissions reduction targets and associated economic benefits within the wider planning balance, these benefits are not considered to clearly outweigh the significant adverse effects on the integrity of the NSA or the SLA and nor has project design and mitigation addressed the identified adverse effects on landscape character or on golden eagles. The proposed development is therefore considered to be contrary to NPF4 Policies 4c), 4d), 4f), 11e) and LDP Policies EP1, EP4, EP5 and ED9.
- 17.6 In the absence of a meaningful assessment of the likely environmental effects arising from the proposed grid connection, following the Court of Session decision in *Raeshaw Farms Limited v Scottish Ministers* [2026] CSIH 10, the potential environmental effects of the project as a whole have not been fully considered, therefore the proposal has not adequately demonstrated if project design and mitigation can address all its relevant environmental effects as required by Policy 11e).
- 17.7 The application will be assessed by the ECU against the requirements of Schedule 9 of the Electricity Act 1989. This states that any developer must:
1. have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings, and objects of architectural, historic, or archaeological interest; and
 2. do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings, or objects.
- 17.8 The ECU, and any subsequent Reporter, must consider the desirability of those matters in 1, and the extent to which the applicant has complied with mitigation in 2. For the reasons noted above, in this case, it is not considered that Schedule 9 has been complied with as there are significant and unacceptable

environmental effects that have not been adequately addressed by suitable forms of mitigation.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

It is recommended that the Planning Authority object to the proposed development for the following reasons:

1. The proposed development would be contrary to National Planning Framework 4 Policies 4c), 11d) and 11e) ii, and the Scottish Borders Local Development Plan Policies EP4 and ED9 in that the siting and scale of the proposed development would appear detrimentally prominent along the northern skyline of the Tweed Valley which would significantly compromise the wider setting and special qualities of the Upper Tweeddale National Scenic Area (NSA) by detracting from its; panoramic views, diverse scenery, intimate valleys and tranquil riverine landscapes. These adverse impacts are not outweighed by any significant weight placed on the contribution that the proposed development would make towards renewable energy generate and greenhouse gas emissions reduction targets along with associated economic benefits.
2. The proposed development would be contrary to National Planning Framework 4 Policies 4d) and Policy 11e) ii. and Scottish Borders Local Development Plan Policies EP5 and ED9 and Scottish Borders Council Local Landscape Designations SPG, in that the siting and scale of the proposal would appear visually prominent and an incongruous form of development along the northern skyline of the Tweed Valley which would adversely affect the landscape setting, integrity and outward views of the Tweed Valley Special Landscape Area. These impacts will be experienced across the Tweed Valley including from popular hill summits and walking and cycling routes through the SLA. These adverse impacts are not outweighed by any significant weight placed on the contribution that the proposed development would make towards renewable energy generate and greenhouse gas emissions reduction targets along with associated economic benefits.
3. The proposed development would be contrary to National Planning Framework 4 Policy 11e) ii. and Scottish Borders Local Development Plan Policy and ED9 and Scottish Borders Council Renewable Energy Supplementary Planning Guidance and Landscape Capacity and Cumulative Impact Study, in that the scale, siting and layout of the proposed development would detract from the scenic quality and grandeur of Landscape Character Type 90 - Dissected Moorland Plateau Moorfoot Hills and the scenic quality and the setting of Landscape Character Type 116 Upland Valley with Woodland. These adverse impacts are not outweighed by any significant weight placed on the contribution that the proposed development would make towards renewable energy generate and greenhouse gas emissions reduction targets along with associated economic benefits.
4. The proposed development would be National Planning Framework 4 Policy, 4f) and 11 e) ix. and Scottish Borders Local Development Plan Policy EP1 in that insufficient information has been provided to demonstrate that the siting and design of the proposed development will not adversely affect golden eagles or their territories.

5. The proposed development would be contrary to National Planning Framework 4 Policy 11e) and Scottish Borders Local Development Plan Policy ED9 in that insufficient information has been provided to demonstrate whether project design and mitigation can address the environmental effects that will arise from the projects grid connection. In the absence of this information significant weight cannot be placed on any contribution the proposed windfarm would make towards renewable energy, environmental and economic benefits.

DRAWING NUMBERS

Ref Number	Description
Figure 3.3	Final Layout 6

Approved by

Name	Designation	Signature
John Hayward	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Scott Shearer	Principal Planning Officer (Local Review and Major Development)



Leithenwater Wind Energy Hub North Of The Glentress Forest Innerleithen

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