



Appeal Decision Notice – EIA Development

Decision by David Buylla, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-140-2104
- Site address: land north of Carcant Lodge, Wull Muir Wind Farm, Heriot
- Appeal by Energiekontor UK Ltd against the decision by Scottish Borders Council
- Application for planning permission 22/01960/FUL dated 15 December 2022 refused by notice dated 8 July 2024
- The development proposed: erection of 8 no. wind turbines with a maximum tip height of 149.9 metres, formation of access tracks, borrow pit, temporary construction compound, erection of control building, onsite substation and associated infrastructure and energy storage compound
- Date of site visit by Reporter: 4 October 2024

Date of appeal decision: 14 January 2025

Decision

I allow the appeal and grant planning permission subject to the 27 conditions listed in Schedule 1 to this decision notice. Attention is drawn to the 4 advisory notes in Schedule 2 to the notice.

Environmental impact assessment

The proposed development is described as above, and at chapter 3 of the EIA report. It is EIA development. The determination of this appeal is therefore subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EIA regulations”).

I am required to examine the environmental information, reach a reasoned conclusion on the significant environmental effects of the proposed development and integrate that conclusion into this decision notice. In that respect I have taken the following into account:

- the EIA report submitted on 15 December 2022;
- further environmental information on ornithology issued on 1 September 2023
- consultation responses from bodies including the Ministry of Defence, Transport Scotland, Heriot Community Council, Midlothian Council, SEPA, NatureScot, Scotways, the Health and Safety Executive, the RSPB, Edinburgh Airport and Scottish Water; and
- representations from members of the public.

I am required by the 2017 EIA regulations to include information in this decision notice in regard to opportunities for the public to participate in the decision-making procedure. I set that information out in Schedule 4 below. My conclusions on the significant environmental effects of the proposal are set out at paragraphs 5 to 130 below.

Reasoning

1. The appeal site lies approximately 1.3 kilometres to the north west of the village of Heriot. It extends to approximately 337 hectares. It is proposed to erect eight wind turbines, each with a maximum blade tip height of 149.9m. Because the blade tip height would be less than 150m, civil aviation warning lights would not be required.
2. Ancillary development would include access tracks, a borrow pit and an energy storage compound.
3. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the fourth National Planning Framework (NPF4) and the Scottish Borders Local Development Plan 2 (the LDP).
4. Having regard to the provisions of the development plan, the main issues in this appeal are:
 - the proposal's landscape and visual effects;
 - its renewable energy and climate change benefits; and
 - its socio-economic effects

Landscape and visual effects

5. Landscape and visual effects were reported in chapter 6 of the EIA report. I am satisfied that the approach taken in gathering evidence to inform chapter 6 followed current best practice. NatureScot has confirmed that the proposal raises no landscape or visual issues of national interest. However, the council and a number of interested parties have expressed concern over the proposal's likely effects on landscape character and visual amenity.
6. An earlier proposal to develop the site with eight, 130 metre turbines was dismissed at appeal (DPEA reference PPA-140-2080) because the proposed machines were considered to have been too close to an escarpment edge, which would have caused unacceptable landscape and visual effects.
7. The site lies within the Moorfoot Hills, a series of 400 to 600m summits which run in a north east to south west direction along the boundary between the Midlothian and Scottish Borders council areas. These hills mark the boundary between the lower, flatter and more populous Lothian plain to the north and the elevated and more remote Borders landscape to the south. The north west face of these hills forms a prominent escarpment when seen from certain locations across the Lothians.
8. Significant landscape character effects are an inevitable consequence of building a large-scale man-made feature like a wind farm in a rural location. One of the factors to consider when deciding whether such effects should be accepted, is the likely distance from the site where such effects would be experienced.
9. The EIA report predicts that the proposal would have a significant effect on landscape character within a radius of three to four kilometres of the site. Such effects would be experienced within the "LCT 91: Plateau Grassland – Borders" landscape character type (LCT) where the site is situated, the adjacent "LCT 90: Dissected Plateau

Moorland”, the “LCT 114 Pastoral Upland Valley”, to the east of the site, which covers the Gala Water valley through which the A7 and Borders Railway run; and the “LCT 269: Upland Fringes – Lothians”, to the north, which covers the landscape transition between the lowlands to the north and the higher ground to the south.

10. LCTs 90 and 91 are extensive and sparsely inhabited areas of moorland- and grassland-covered rolling hills, with occasional blocks of commercial forestry. Existing wind energy development already influences the character of these landscapes. Within close proximity of the appeal site, the very obvious presence of the proposed development would significantly increase this effect. However, I agree with the appellant that, beyond a distance of around four kilometres, the proposed development would have no greater effect on the character of these landscapes than is already a consequence of existing windfarm development.

11. LCT 114 is a medium scale, relatively enclosed valley landscape. Its character is strongly affected by the presence of the A7 and Borders Railway so there is little sense of wildness. For most of the LCT, there would be no visibility of the proposed turbines and therefore no potential for the character of the valley landscape to be affected. However, from some locations close to the site (within approximately three kilometres) turbines would be seen rising above the western valley side. Their scale would dominate the low hills in the foreground causing a significant adverse effect on landscape character.

12. LCT 269, although an upland fringe landscape, has a far more settled and lowland character than the other landscapes where the EIA report predicts likely significant landscape character effects. From many locations, tree cover and / or topography would significantly restrict visibility of the proposed turbines. The sensitivity of this LCT (at least in places) is confirmed by the presence of several Special Landscape Area (SLA) designations.

13. Close to the escarpment, there would be no visibility of the development due to screening by the topography. From further away – around four kilometres from the site, the blades (and from some locations the hubs) of the machines would be seen rising incongruously above the horizon, appearing out of scale with the landscape. In these locations there would be a significant adverse effect on landscape character.

14. From further away, to a distance of eight to 10km, there would be locations where some of the development would be visible. However, at that distance, the scale of the development would appear small in comparison with the extensive foreground landscape and it would appear as an element of another, relatively distant upland landscape rather than an intrusion into the upland fringe. From these locations, I am satisfied that there would be no significant landscape character effect.

15. In addition to the above landscape character effects, the appellant predicts there would be moderate (significant) effects on landscape fabric during the construction and decommissioning processes, reducing to minor (not significant) during the proposed 35 year operational period. These are typical conclusions for a large-scale construction project and I find no reason to question them.

16. Turning to visual effects, the EIA report considered effects at 20 locations, between 1.6km and 21.2km from the site. I am satisfied that these are representative of all potentially significant visual effects.

17. The earlier proposal that was dismissed at appeal was found to be likely to cause unacceptable landscape and visual harm when seen from the north. The current proposal, although for taller machines, seeks to address those concerns by moving the turbines approximately 800 metres further from the escarpment.
18. My inspection of the site and surrounding area confirmed that for viewpoints 11 to 16 inclusive, due to the separation distances of between 8.9km and 21.2km from the site and the presence of intervening landscape features, there is no likelihood of a significant visual effect. Certain other viewpoints I inspected also proved to have little influence on an overall assessment of the proposal's visual effects. I have focussed my discussion below on viewpoint locations where I believe visual effects would be significant.
19. From viewpoint 1, at the summit of Broad Law, approximately 2.9km east of the site, all eight of the proposed turbines would be seen to well below hub height. The three existing Carcant turbines are already seen clearly from this location. These are smaller than the proposed machines (approximately 115m to tip height) but are approximately 1.3km closer. This would give the impression of the proposed machines and the Carcant turbines being part of the same development.
20. In clear weather, the Fallago Rigg and Dun Law groups of turbines would also be seen as a significant group spreading across the middle distance hills at distances of between 15km and 23km.
21. The modest height and unexceptional character of this summit mean it is unlikely to attract significant numbers of recreational walkers. For this reason, I accept the EIA report's assignment of medium receptor sensitivity. The adjacent B7007, which is on the National Cycle Route network, runs about 50m lower than this summit as it passes the site so would offer a more restricted view of the proposed machines than from VP1.
22. Overall, I agree with the EIA report that there would be a moderate (significant) adverse effect on visual amenity from this viewpoint.
23. Viewpoint 3, from the summit of Blackhope Scar, is also within the Moorfoot Hills. It is approximately 8.1km to the south west of the nearest proposed turbine. This summit is significantly taller than Broad Law (651m rather than 451m). It is representative of recreational walkers who would typically be highly sensitive receptors. However, the close proximity of the Bowbeat windfarm, which has a significant influence on views to the south west, persuades me that receptor sensitivity in this instance would be medium. The proposed development would be seen in the opposite (north east) direction from Bowbeat at a distance of approximately 8.1km. Again, it would appear as part of the Carcant windfarm, with the Dun Law group of turbines seen in the middle distance (around 19km away) and possible views of Fallago Rigg in clear weather, close to 30km distant.
24. I agree with the EIA report's conclusion of a moderate (significant) visual effect, as the proposal would create more of an impression of being encircled by turbine development than is currently the case.
25. Viewpoint 4 represents visitors to Coreshope Rings hillfort as well as other walkers in the locality and those working the land. It is approximately two kilometres south east of the nearest proposed turbine. This location is more accessible from the Coreshope Burn valley to the south, but can also be accessed from Heriot village via an established path through Young Lady's Wood and then across fields. Very pleasant views down into the Heriot Water valley are available from this location.

26. All eight proposed turbines would be seen to hub height or below at a distance of approximately two kilometres. They would rise prominently above the north western valley side, which is currently characterised by conifer plantations. The scale of the proposed machines and the moving blades would tend to draw the eye away from the valley floor towards the opposite horizon. This would represent a major (significant) detriment to visual amenity at this location, although there would be no sense of the machines encroaching into the valley below.

27. Viewpoint 5 is in a layby on the A7. Although this is a busy route connecting the central belt with Cumbria, it is marketed as a tourist route so is likely to attract users who have a greater interest in their surroundings than, for example, those using the M74. Receptor sensitivity would therefore be higher. Views of the proposed development from the A7 would generally be obscured by foreground vegetation. However, from this location all eight turbines would be visible (seven to hub height) at a distance of approximately three kilometres.

28. The hills on the western side of the valley are small and of quite complex form. As such, they are more susceptible to being dominated visually by wind turbine development than if such development were seen in a larger-scale landscape. I agree with the EIA report that there would be a moderate (significant) adverse effect on visual amenity at this point due to the machines' skyline position. However, for anyone not using the layby this effect would be of very limited duration.

29. Viewpoint 6 is also within the Gala Water valley. It is from a group of residential properties known as Nettlingflat. It is approximately 2.2km to the west of the nearest proposed turbine and approximately 40m above the level of the A7. All eight proposed turbines, including most of their towers, would be seen clearly on the hillside across the valley. The height of the machines would be emphasised by the modest scale of the hillside against which they would be viewed. Receptor sensitivity here would be high and the magnitude of change to the view would also be high. The blades of the three Carcant turbines (and the hubs of two of them) can be seen clearly from this location. However, these are much less prominent than the proposed machines would be.

30. There is quite extensive man-made visual clutter visible from this location in the form of micro turbines, overhead wires, plantation forestry and (from closer to the A7) road and railway infrastructure. There is no sense therefore of wildness or isolation. However, this does not alter my conclusion that the proposal would have a major (significant) adverse visual effect at this location.

31. As this is a location where residential receptors are present, it is necessary to consider whether the visual effect would be so severe that it would unacceptably affect the receptors' enjoyment of their homes. I consider that issue in my consideration of the appellant's Residential Visual Amenity Assessment (RVAA), later in this notice.

32. Viewpoint 7 is from the B7007, just south of its junction with the A7. The nearest turbine would be 3.7km to the south. At this point, the minor road is heading towards / away from the escarpment of the Moorfoot Hills. For receptors facing south, the hubs of four turbines and the blades of all eight would be visible above the escarpment. The ZTV suggests that visibility of the proposed turbines would be experienced until approximately 1.4km from the A7 junction, although the extent of visibility / number of turbines visible would reduce as the receptor got closer to the escarpment. As the road

reaches the foot of the escarpment it turns south west to run along its base. At that point, all of the proposed turbines would be screened from view.

33. Receptors here would be road users who would vary in sensitivity depending on the degree to which they were focussed on their surroundings. I agree with the EIA report's assessment of medium sensitivity overall.

34. The road is flanked closely on both sides by overhead wires and there are several small-scale turbines visible to the left of the road as one heads south. Plantation woodland is also visible. The proposed turbines would draw the eye as their rotating blades appeared and disappeared behind the escarpment, but the degree of screening provided by the escarpment would conceal the scale of the machines and ensure that they did not dominate it in views from this direction. Overall, I agree with the EIA report that there would be a moderate (significant) adverse effect on visual amenity.

35. Viewpoints 8.1 and 8.2, from Lady Brae in Gorebridge, are approximately 7.6km north of the nearest proposed turbine. Viewpoint 8.1 was used in the assessment of the earlier refused proposal but was found to have no visibility of the current proposal. Viewpoint 8.2 is from a short distance further north, where views of the appeal proposal become available. This is a high sensitivity viewpoint as it is representative of residential properties.

36. Three turbines would be visible down to hub height with the remainder showing only their blades. A windfarm is already visible on the horizon, but not prominently. Foreground features in the form of farm buildings, overhead wires and trees, along with the separation distance, would tend to reduce the visual significance of what is proposed. However, I agree with the EIA report that this would remain a moderate (significant) adverse visual effect.

37. Viewpoint 9 on the B6458 is approximately 6.7km north east of the nearest proposed turbine. Five of the proposed machines would be seen clearly to hub height. For the other three, only the blade tips would be visible. Two of the existing Carcant machines can be seen, but these are not prominent.

38. The size of the proposed machines means they would tend to foreshorten the view, giving the landscape an appearance of being smaller than it is. And their moving blades would be likely to draw the eye. This would be harmful to visual amenity.

39. I would assign a medium level of receptor sensitivity here rather than the low level stated in the EIA report, as road users are likely to include recreational cyclists. However, I agree with that report's conclusion that the visual effect would be moderate (significant) adverse.

40. Viewpoint 20 is on the B6367 to the south of Tynehead. It is in a similar direction to Viewpoint 9 but closer – approximately 3.5km from the nearest proposed machine. Views of the proposed turbines would be intermittent for road users travelling south due to roadside vegetation. However, at this point on the road, three would be seen clearly to hub height and the blades of the remainder would also be seen. It is possible that more than three hubs would be visible from slightly further south, once past some roadside trees, but this would not add materially to the significance of the impact, which would be primarily a consequence of the three most prominent machines.

41. Several mini turbines are seen from this road and the roadside wirescape is also prominent. This would slightly reduce the impact of the proposed development. However, the scale of the proposed machines and the moving blades would remain visually prominent.
42. Again, I would assign a medium level of receptor sensitivity here rather than the low level stated in the EIA report, as road users are likely to include recreational cyclists. However, I agree with that report's conclusion that the visual effect would be moderate (significant) adverse.
43. Viewpoint 21 is in a layby and bus stop on the A7 near Falahill Farm. It is two kilometres north east of the nearest proposed turbine. In theory, five turbine hubs, and the blades of all eight would be visible from this location. In reality, a shelterbelt that runs east – west to the south west of the layby is likely to conceal all but the blade tips of three of the proposed machines. These blade tips would tend to draw the eye due to their appearance and disappearance from behind the trees although this would be a fleeting effect for those travelling on the A7 and only of longer duration for those stopped in the layby.
44. The existing tree screening cannot be assumed to remain in place for the lifespan of the proposed development. However, as it appears to have been planted as a shelterbelt, it may have a longer lifespan than if it had been a commercial crop. And the degree of screening will increase as the trees grow.
45. Due to the A7's promotion as a tourist route, I would assign medium sensitivity to receptors at this location. Based upon the existing level of screening I would agree with the EIA prediction of a moderate (significant) adverse visual effect. If the trees were felled, this would increase to a moderate / major (significant) effect.
46. The appellant undertook a residential visual amenity assessment (RVAA) for properties within two kilometres of the site. This aimed to determine whether any property would experience visual amenity effects of such significance that they would reach the "RVAA threshold", which Landscape Institute guidance defines as the level where visual amenity effects for a private residential property are of such significance that, as an exception to the maxim that no individual has the right to a view, it is in the public interest to consider them.
47. The RVAA considered effects at seven residential properties or property groups. Wirelines were produced to show theoretical visibility of the proposed development. However, subsequent site inspection confirmed that screening from trees and occasionally buildings, would limit visibility, often quite extensively. This was confirmed by my own inspection of the area.
48. The RVAA concluded that none of the properties or groups would be affected by the proposed development to the extent that the RVAA threshold would be reached. My conclusion is that Shoestanes Farm and the group of properties at Shoestanes Cottages, which are 1.1km and 1.4km from the nearest proposed turbine respectively, would be the most significantly affected. The orientation of these properties means their main outlook would not be towards the proposed development. However, the turbines would be seen clearly and at close range from their gardens and from the access track. This would significantly detract from visual amenity and is a negative consequence of the proposal that must be weighed in the planning balance. However, I agree with the RVAA that the proposed development would not have an overbearing effect on these properties such that

it would unacceptably affect receptors' enjoyment of their homes. As such, no additional weight should be given to this effect.

49. The RVAA study did not include the Nettlingflat properties. Although this is consistent with the Landscape Institute guidance, which advises that the maximum distance where an RVAA is likely to be required is between 1.5 and two kilometres, the elevated position of the Nettlingflat properties increases the potential for the visual amenity component of residential amenity to be significantly affected. And the EIA accepts there would be a significant adverse effect on visual amenity / views at this location. Consequently, I have set out below, my own assessment of this issue.

50. The properties at Nettlingflat are generally arranged in groups. Residents in all of the properties (of which I am advised there are 17 in total) would experience views of the proposed development as they travelled down the hill from their home towards the A7. This would have some effect on their enjoyment of their properties but, given the separation distance and the visual context within which the development would be seen, which includes the relatively busy A7, this would not reach a level of harm which it would be in the public interest to prevent.

51. For two groups and one individual home, views would also be available from within the properties and / or from their curtilages. These have the greatest potential to have their amenity affected by the proposed development and are discussed below.

52. The first affected group is a row of four, single storey cottages, some with attic accommodation situated at the southernmost end of the hamlet, closest to the A7. The rear windows in these properties would face towards the proposed development, as would their rear gardens. These properties are approximately 2.2km from the nearest turbine. The Carcant turbines can be seen across the valley, but what is now proposed would be significantly more visible.

53. Due to their orientation and the rising topography to the south east, the horizontal extent of views from these homes is restricted to views directly across the valley and to the north and northwest. However, this is still a wide panorama across pastoral fields, numerous shelterbelts, some larger conifer plantations and scattered building groups. As stated above, the proposed development would introduce a significant adverse effect on views directly across the valley. However, the proposed turbines would be seen as elements (albeit prominent elements) of an extensive view and would not be so prominent that they would have an overbearing effect on these properties. Views up the valley to the north east would be unaffected. These properties would continue to enjoy attractive views across the landscape, of which the dominant characteristic would remain the agricultural land use that predominates. The obvious visual change that the proposed turbines would introduce would detract from this, but not to such a degree that the level of visual amenity at the properties would be so reduced as to be contrary to the public interest.

54. The second group is at Nettlingflat Farm House. This is situated approximately 140m north west of the previous group. It includes the farmhouse and a group of nearby houses / cottages. The main aspect to the farmhouse is to the south east, down the Gala Water valley rather than towards the proposed development to the south west. It would be possible to see the turbines from the house, but this would require a conscious decision to look in that direction. Trees and a tall wall would block views of the proposal from that property's garden. Some of the nearby properties would have views towards the proposal obstructed by other buildings. However, others, particularly a property known as Braehill

House, would have clear views from the main windows and garden area at a distance of approximately 2.2km from the nearest proposed turbine.

55. As with the previous building group, the proposed turbines would be clearly seen across the valley and would detract significantly from visual amenity. For those properties that face towards the appeal site, the greater separation from rising ground to the south east allows an even wider panorama, which includes long distance views to the south east along the Gala Water valley. As with the previous group, I find the proposed turbines would detract from such views but would not dominate them visually and the effect on the visual component of these properties' residential amenity would not be so significantly harmed that it would be in the public interest to resist it.

56. The final property that would have a view of the proposed development is the northernmost property at Nettlingflat. It is a modern bungalow situated approximately 2.35km from the nearest proposed turbine. The main façade of this property faces directly towards the proposed development and the proposal would also be visible from its garden. Views from this location, which is about 10m higher than the southernmost Nettlingflat property are very extensive. This would slightly reduce the significance of the effect on residential visual amenity when compared with other Nettlingflat properties.

57. Taking all effects on residential visual amenity into account, I conclude that none are so severe that they should add additional weight against the proposal in the planning balance, over and above that arising from the adverse visual effects I have already identified.

58. The proposed development would not affect any designated landscapes of national importance. However, there are several Special Landscape Area (SLA) designations (of local importance) where the appellant's ZTV predicts theoretical visibility. NPF4 policy 4 d) only supports development proposals that would affect a local landscape area in an LDP where it would have no significant adverse effects on the integrity of the area or the qualities for which it has been identified or (if such effects would be likely to arise) these would be clearly outweighed by social, environmental or economic benefits of at least local importance.

59. The nearest such designation (approximately 1.4km away) is the Gladhouse Reservoir and Moorfoots Scarp SLA within the Midlothian Council administrative area. This lies to the north west and west of the appeal site. The Statement of Importance for this SLA highlights (among other things) the importance of avoiding intrusion into views of the Moorfoot Hills from the Gladhouse reservoir.

60. Despite being set back from the edge of the escarpment, there are likely to be views of some of the proposed development from within this SLA. However, the development would not be prominent and the important visual relationship between the escarpment and the reservoir would remain intact. I predict no significant detriment to the qualities for which this SLA was designated.

61. The Tyne Water Valley SLA is 3.6km north of the nearest proposed turbine. As I confirmed above, the proposed development is likely to be visible at this distance as (unlike from locations further south) it would not be screened by the escarpment. However, the importance of this landscape lies in the varied character of the valley itself and its historic environment features. Views of the proposed turbines on the skyline from certain locations would not detract from these qualities.

62. The Fala Moor SLA is 3.1km from the nearest proposed turbine. It was designated for its secluded and natural upland character, which is rare within Midlothian. Windfarm development within that landscape would have the potential to harm those qualities, but the appeal proposal, appearing as a middle-distance background feature, would not intrude upon the seclusion and natural character of the moor to the extent that this designation would be undermined.

63. I conclude that none of the SLA designations would experience significant adverse effects on their integrity or on the qualities for which they have been identified. Consequently, the proposal would not offend NPF4 policy 4.

64. The intent of NPF4 policy 11 is to encourage, promote and facilitate all forms of renewable energy development. This is consistent with NPF4 policy 1's requirement for decision makers to give significant weight to the climate and nature crises.

65. Policy 11 offers in-principle support to wind farms in all locations except National Parks and National Scenic Areas. Part e) of the policy lists a series of potential impacts that, through project design and mitigation, a prospective developer is required to address. Of relevance to landscape and visual effects are points i. (impacts on communities and individual dwellings), ii. (significant landscape and visual impacts), iii. (impacts on public access routes), and xiii (cumulative impacts).

66. In considering these (and all other) impacts, policy 11 confirms that significant weight should be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. I discuss those issues, later in this notice.

67. As set out above, the proposal would have a significant adverse visual effect at the Nettlingflat settlement (Viewpoint 6), from Lady Brae in Gorebridge (Viewpoint 12) and from Shoestanes Farm and cottages. However, no individual property in these locations would be so significantly affected that the visual amenity component of the overall amenity of any resident would be diminished unacceptably. These effects remain negative consequences of the proposal that require to be weighed in the planning balance. However, in terms of the requirements of policy 11 e) i, I am satisfied that the requirement to address impacts on residential amenity has been satisfactorily addressed.

68. Part e) ii, of policy 11, while expecting significant landscape and visual impacts to be addressed, recognises that these are to be expected for some forms of renewable energy development. In my view, due to the height of wind turbines and their moving blades, onshore windfarms are a form of renewable energy development that will inevitably have some significant landscape and visual impact. This part of the policy goes on to confirm that, where impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable.

69. In this instance, the proposal would exert a significant influence over landscape character within a maximum radius of four kilometres. Significant visual effects would be experienced as far away as 8.1km, but would typically be more contained. There is no definition in NPF4 of a "localised impact", but having regard to the distances over which significant effects would be experienced and the intermittent visibility within that radius of the site, which is a consequence of screening by vegetation and by the Moorfoot Hills escarpment and other high ground, I find it reasonable to describe the proposal's likely landscape and visual effects as "localised".

70. I am also satisfied that the appellant has applied appropriate design mitigation to reduce landscape and visual effects. This is confirmed by comparing with the earlier (refused) iteration of the scheme: the hub height ZTV; the number of predicted significant effects; and the distance from the site where such effects are anticipated.

71. Therefore, the proposal can draw support from part e) ii, of policy 11.

72. Part e) iii requires the impact on public access routes to be assessed. Scotways has objected to the proposal due to concerns that three of the proposed turbines would be very close to, or might even encroach upon, the route of recorded right of way BE5 / Core Path 33. The submitted site layout plan shows that none of the proposed turbines would encroach upon this route. However, as it passes through the appeal site and as three of the proposed machines would be adjacent to it, the potential for there to be unacceptable indirect effects is an important consideration.

73. Particular concern is expressed in relation to horse riders, whom the community council states are known to use this route. The council's access ranger has not objected to the scheme but has raised similar concerns and requests that these three machines are moved further from the path.

74. The nearest turbine would be only 30m away from the path and two others would be only slightly further away. The EIA report predicts this would have a major (significant) adverse effect for path users. I agree with those conclusions and have particular concern over the potential for such effects to be so severe that some horse owners may choose not to use this path. These are negative consequences of the proposal to weigh in the planning balance. However, I do not support the condition proposed by the planning authority that would require these machines to be moved further away from the path, as the implications of such a change are unknown, and the re-siting would not remove the significant adverse effect.

75. The EIA report also considered the potential for there to be significant indirect effects on a core path between the B7007 and Heriot, National Cycle Route 1 on the B7007; and a core path across Fala Moor.

76. Users of the core path between the B7007 and Heriot would have views of the proposed turbines obscured at times by existing shelter belts. Due to this intermittent screening and the significantly greater separation distance, the impact on path users' amenity would be less than for Core Path 33. However, I agree with the EIA report that this would remain a moderate (significant) adverse effect.

77. National Cycle Route 1 runs along the B7007. On the approach to the site from the south, due to rising land to the east of this route, the proposed development would be screened from view. When approached from the north, the development would be screened by the Moorfoot Hills escarpment. However, for a distance of approximately one kilometre as the route passes the site, users of this route would have views of the proposed turbines behind the three existing Carcant machines. Such views would be filtered by roadside trees for much of this distance.

78. Given the high sensitivity of users of the cycle route, I conclude that they would experience a moderate (significant) adverse visual effect. However, the duration of this effect would be very limited.

79. The proposed turbines would be visible from sections of the core path across Fala Moor. Existing windfarms can already be seen in a wide panorama. The proposed development would increase the number of turbines visible to path users, which would induce a moderate (significant) adverse effect on their experience.

80. Overall, I find that the significant adverse visual amenity impact on users of right of way BE5 / Core Path 33 between Heriot Cleugh and Heriot Mill, and to a lesser extent the effect on the other three public access routes I have referred to, is contrary to the expectations of policy 11 part e) iii.

81. Part e) xiii requires cumulative impacts to be addressed. The EIA report considered two scenarios: the addition of the proposed development to proposals that are operational, under construction or have consent, which it describes as a likely future scenario, and its addition to a scenario where, in addition to the above mentioned schemes, those that are still at the planning stage are also included. This is described as a less certain future scenario.

82. Consented schemes include Huntershall (a single 75m to blade tip turbine) and Cloich Forest (an approval for 18 turbines of 115m to blade tip). These are older permissions. Planning-stage proposals include Cloich Forest 2 for 12, 149.9m machines, Greystone Knowe, for 14, 180m turbines, which is currently before Scottish Ministers, and Scawd Law, a proposal for 12, 180m machines.

83. The EIA report predicts no significant cumulative landscape effect with consented proposals due to their distance from the appeal site. However, for “LCT 91: Plateau Grassland – Borders” where the site is situated, the adjacent “LCT 90: Dissected Plateau Moorland” and “LCT 114: Pastoral Upland Valley”, a slightly increased effect within three to four kilometres of the site is predicted to arise from the addition of the planning stage proposals. However, this would remain within the same moderate (significant) category and would not result in the landscape becoming a “landscape with windfarms” rather than a “landscape with occasional wind farms”. I find no grounds to disagree with that assessment.

84. Cumulative visual effects were considered for viewpoints where significant effects from the proposed development were predicted. In all cases, for both the likely and less certain future scenarios, no increase in the level of visual effect significance was predicted. The appeal statement updated the EIA report by referring to three windfarm proposals that have entered the consenting process since that report was written. I agree that the location of these means they do not alter the conclusions set out in the EIA report.

85. From viewpoint 8, if the Greystone Knowe proposal were built, the effect of the current proposal is predicted to be reduced considerably, as the other larger development would be more visually prominent. Again, my analysis of the evidence and my inspection of the site and surrounding area provide no grounds to reject the EIA report’s analysis. Consequently, I find the proposal satisfies the expectations of Policy 11 e) xiii.

86. Taking all landscape and visual effects into account, I find the proposal would meet the requirements of policy 11 parts e) i, ii, and xiii, but would not accord with part e) iii due to the significant adverse effect on users of right of way BE5 / Core Path 33.

87. LDP policy ED9 confirms that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, subject to assessment against NPF4 policy 11. My conclusion on the proposals’ likely landscape and visual effects is therefore identical to those for NPF4 policy 11.

Renewable energy and climate change benefits

88. 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. Scottish Government policy is to achieve this in a number of ways including by maximising the delivery of electricity generation from renewable and low-carbon sources.

89. The proposal is predicted to have a generating capacity of up to 36MW. This could generate up to 150GWh of renewable electricity per annum – enough to power 38,000 homes. This would equate to a carbon saving of around 80,410 tonnes of carbon dioxide (tCO₂) per year.

90. The applicant confirms that it has a contracted grid energisation date of October 2028. As such, I agree that the proposal would make a worthwhile and relatively early contribution to Scottish Government targets for the supply of renewable electricity and the reduction in greenhouse gas emissions.

91. No details of the capacity of the proposed battery storage facility have been provided. The submitted drawing does not suggest this would have a significant capacity. Therefore, although part a) iii of NPF4 policy 11 offers support for battery and other energy storage projects, I am unable to give any significant additional weight to this aspect of the proposal.

92. Referring to 2024 Q1 Energy Statistics, which were published in July 2024, and Q2 statistics from September 2024, an objector contends that there is clear potential for excessive electricity generation in Scotland when current operational capacity plus the pipeline of onshore and offshore capacity is 40.1GW, but current Scottish peak winter demand is only 4.6GW and the OFGEM projected peak Scottish demand figure for 2050 is 9.4GW. As such, it is argued that there is no need for additional generation capacity and that the apparent renewable energy benefits of this proposal should be given less weight.

93. These predictions are inconsistent with the “Scottish Onshore Wind Pipeline analysis 2023-2030” which predicts that operating onshore wind capacity in 2030 will be 18.8GW (short of the Scottish Government’s 20GW minimum aspiration for that date).

94. I understand the logic behind the objector’s argument and I accept the related point that, if there were no need for the electricity that this proposal would provide and this resulted in constraints payments being made to the developer, this would have a negative effect of the proposal. However, the objector’s argument relies upon broad assumptions about the delivery of the future pipeline, and is unclear in how it has addressed a number of issues such as the load factor of existing and consented schemes, the fact that some operational sites are nearing end of life, and the potential for increased exportation of Scottish electricity to other markets (the latter being an aspiration of the Scottish Government’s draft Energy Strategy and Just Transition Plan and NPF4’s Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure). Most importantly, it represents a challenge to the very clear in-principle support for all forms of renewable energy that can be found in the development plan and in wider Scottish Government policy – for example in the Onshore Wind Policy Statement. My role is to assess this proposal in the light of that policy framework. It is not to consider challenges to that framework.

95. In addition, the 2022 report of the Climate Change Committee (CCC) on progress in reducing emissions in Scotland found that annual emissions reduction targets had been missed in 7 out of 11 years and that there was a significant risk of the remaining targets for

the 2020s being missed. This is confirmed by the Scottish Government's own published statistics. To address this, the CCC advised that a step change in action across all sectors of the economy will be required. Given the importance electricity generation will have in decarbonising sectors of the economy that have been slow to decarbonise, such as transportation, this further undermines the objector's position.

96. Consequently, I can give these arguments of over-capacity very little weight.

97. An objector also argues that the scale of the climate crisis is so significant that no individual development proposal could ever have a noticeable impact. Again, this amounts to a challenge to development plan and wider Scottish Government policy, which, if followed, would prevent any individual development proposal qualifying for the in-principle support that arises from NPF4 policy 1's requirement to give significant weight to the climate crisis. Such an approach cannot be supported.

98. Taking all matters into account, I find the renewable energy and climate change benefits of the proposal to be matters to which positive weight should be given in the planning balance.

Socio-economic effects

99. Chapter 14 of the EIA report predicts the construction phase of the proposal to generate 60 jobs and £3.5 million GVA into the Scottish Borders economy, with a further 64 jobs and £3.7 million GVA in the wider Scottish economy. The total expenditure on the project including operation and maintenance is estimated as being up to £44 million.

100. These estimates, which are based on Renewable UK methodology and research, seem plausible. They represent a very significant level of investment at both the local and national level.

101. The appellant has offered to accept a planning condition securing a scheme to prioritise local supply chains during the construction phase. Condition 27 in Schedule 1 to this notice would address this. It is also committed to offering the local community the ability to take a share in the ownership of the proposed windfarm.

102. The community council is concerned that there would be negative socio-economic consequences from the development due to a reduction in the area's attraction to tourists. However, there is no evidence at either the local or national level to support these fears.

103. Part c) of NPF4 policy 11 confirms that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. I am satisfied that the proposal would achieve these objectives.

Other matters

104. Chapter 7 of the EIA report considered effects on cultural heritage and archaeology. This involved both desk-based study and fieldwork and responded to comments raised during the consideration of the earlier windfarm proposal for the site. The study included wirelines from heritage assets that were identified in the ZTV as potentially having visibility of the proposed development.

105. Part e) vii of NPF4 policy 11 and LDP policy ED9 require prospective renewable energy developers to demonstrate how impacts on the historic environment would be addressed. LDP policy EP7 requires, among other things, that development proposals affecting the setting of a listed building preserve its character, and its special architectural or historic interest. Part (c) of LDP policy EP8 presumes against development proposals that would adversely affect an archaeological asset of regional or local significance or their setting unless it can be demonstrated that the benefits of the proposal would clearly outweigh the heritage interest. LDP policy EP10 offers support to development proposals that would safeguard or enhance, among other things, the setting of sites listed in the Inventory of Gardens and Designed Landscapes or sites included in historic gardens and designed landscapes records.

106. There are two Victorian sheepfolds and two enclosures of earlier date within the site, along with other traces of former agricultural and domestic activity. None of these are scheduled. The EIA report predicts that moderate (significant) direct effects on the historic environment would be likely in respect of: the remains of an enclosure that would be crossed by an access track; an area of historic stone quarrying that would be reopened for stone extraction; and the remains of another former enclosure that would be affected by the construction of the crane hardstanding for turbine 8. A major / moderate (significant) effect is predicted on a burnt mound that lies close to an existing farm track that would be upgraded to facilitate construction access. The proposed micro-siting allowance could potentially increase the number of affected on-site archaeological features.

107. I note that neither the council or Historic Environment Scotland (HES) have raised concerns in this regard. I find no reason to disagree. Proposed condition 13 would require archaeological recording during the construction process.

108. Indirect effects on the setting of a number of archaeological sites, listed buildings, conservation areas and other heritage assets were assessed in the EIA report. This covered a range of 10km from the outermost turbines, as was requested by HES. Individual and cumulative effects on these heritage assets were assessed in the EIA report. No significant effects were predicted from the proposed development in isolation.

109. A moderate / major (significant) cumulative effect was predicted for Coreshope Rings fort, Symington Hillhead fort and Halltree Rings settlement from the proposed development in combination with the proposed Greystone Knowe windfarm. This is due to the encircling effect of the two developments on these historic assets. I find no grounds to disagree with these findings. However, such effects would primarily be a consequence of the Greystones Knowe development, which has yet to be determined. This is an issue that will require to be considered when Ministers determine that application. It is not one, in my view, that should weigh against the current proposal to any significant degree.

110. Taking all historic environment effects into account, I am satisfied that the proposal would meet all requirements of the development plan.

111. Chapter 8 of the EIA report considered ornithological effects and chapter 9, ecology. The studies that informed the EIA report's conclusions employed both desk-based research and fieldwork.

112. NPF4 Policy 1 requires significant weight to be given to the nature crisis. Policy 3 requires the proposal to contribute to the conservation, restoration and enhancement of biodiversity including nature networks such that they are in a demonstrably better state than without intervention. This must include significant biodiversity enhancements in addition to

any proposed mitigation. Policy 4 presumes against proposals that would have an unacceptable impact on the natural environment.

113. LDP policies EP1, EP2 and EP3 relate respectively to sites and species of international, national and local importance. For proposals likely to have a significant effect on an international site (in which context the courts have held “likely” is to be interpreted broadly) an appropriate assessment must conclude that the integrity of the site would not be adversely affected or it must comply with statutory tests including demonstrating imperative reasons of overriding public interest. Proposals affecting species of international importance are to be assessed against the statutory tests. For sites or species of national importance, development will not be permitted unless the objectives of the designation and the overall integrity of the site will not be compromised or any significant adverse effects are outweighed by social, environmental or economic benefits of national importance. The protection of species of national importance must be in accordance with the legislation. For sites and species of local importance the requirement is to minimise harm and to ensure that public benefits clearly outweigh any harm that cannot be avoided.

114. There are no conservation designations applying to the site. However, it is hydrologically connected via the Heriot Water to the south with the Gala Water, which is part of the River Tweed Special Area of Conservation (SAC). NatureScot’s view is that the proposal would not adversely affect the integrity of the River Tweed SAC provided that it was developed in strict accordance with conditions requiring a Construction and Environment Management Plan (CEMP) or a Pollution Prevention Plan. Condition 12 is proposed to secure this and I have set out an appropriate assessment of the proposal at the end of this notice.

115. The proposal would require the removal of up to 11.6ha of forestry. Compensatory planting would be provided in accordance with the Scottish Government’s Control of Woodland Removal policy. This would be secured by proposed condition 26.

116. The EIA report found no likely significant individual or cumulative effects on any avian species, on any terrestrial fauna or flora, or on any sites of ecological importance. Following the submission of further environmental information which considered the risk of collision for hen harrier, NatureScot and the RSPB confirmed that, subject to conditions, they have no objections to the proposal.

117. I am satisfied that the work that informed the EIA and further environmental information followed best practice and is sufficiently up to date to be relied upon. In the absence of any evidence to undermine the conclusions of the consultees, I find no grounds to disagree with their finding that the proposals would have no significant effects on ornithology or ecology. As such, it would satisfy all relevant requirements of the development plan.

118. Since the proposals were originally drawn up, the adoption of NPF4 means the mitigation of any adverse biodiversity effect is no longer sufficient to satisfy development plan policy. NPF4 policy 3 b) now requires proposals such as this to be accompanied by significant biodiversity enhancement. The appellant proposes to address this through a Habitat Management Plan (HMP), which would operate for the 35 year life span of the proposed windfarm. All enhancement measures in this plan would be developer-funded.

119. The HMP, which is presently in draft, not only sets out habitat management measures to mitigate effects on protected species, it also includes specific enhancement

measures in relation to curlew, and black grouse. In addition, it has an objective to deliver additional biodiversity enhancement across the site.

120. Approval of the final HMP would be a matter for the planning authority, in consultation if it wished, with NatureScot and other interested parties such as the RSPB. In order to ensure that the HMP achieved the “demonstrably better state” for biodiversity within the site that NPF4 policy 3 b) expects, it would be overseen by a steering group, which is likely to include the RSPB and other interested parties.

121. In its current draft form, the HMP has a focus on grazing reduction in the spring to avoid trampling of curlew nests, rush cutting in the autumn to improve breeding conditions for curlew, predator control (fox and carrion crow) to improve survival rates for curlew and other ground-nesting wader eggs and chicks, riparian broadleaved tree planting (of around 3ha area) to benefit a variety of species including otter, fish and black grouse, and allowing natural regeneration of clear-felled forestry plantation in order to provide improved black grouse habitat.

122. I am satisfied that these enhancement measures would satisfy the expectations of NPF4 policy 3 b).

123. Chapter 10 of the EIA report considered potential noise effects arising from both the appeal proposal in isolation and cumulatively with other projects. Some objectors are concerned over the potential for the proposal to generate noise at a level that could be harmful to human health. However the council’s environmental health team is satisfied that the appellant’s analysis accords with ETSU-R-97 guidance and has no objections subject to conditions specifying noise limits and a construction management plan to address construction noise. I find no grounds to disagree with the views of those who have statutory responsibility for this issue. I have attached the requested conditions.

124. Chapter 11 of the EIA report considered traffic and transport effects. Transport Scotland and the roads authority have raised no objections to the proposal subject to conditions relating to abnormal loads on the trunk road network. Condition 15 would address this.

125. Chapter 12 of the EIA report considered effects on hydrology, geology and hydrogeology. SEPA, having considered additional information on private water supplies, has confirmed it has no objections to the proposal. This is subject to a condition preventing micro-siting within 50m of a watercourse or within identified private water supply buffers. Condition 8 addresses this issue.

126. Chapter 13 of the EIA report considered effects on infrastructure, aviation, safety and shadow flicker.

127. Shadow flicker is of concern to an objector. This was considered in a study that looked at all residential properties within 10 rotor diameters of the site and in a 130 degree arc either side of north. This accords with established best practice. A single property at Shoestanes farm was identified as potentially experiencing such effects for an estimated period of 9 hours per annum. I agree with the EIA report’s conclusion that this would not be a significant effect.

128. No other significant effects within the remit of this EIA report chapter were identified and I find those conclusions to be supported by the evidence.

129. An objector asserts that, as the appellant has not detailed the grid infrastructure that will be necessary to connect the proposal, it is impossible for the full environmental effects of this proposal to be assessed. I disagree. Whatever grid connection solution is ultimately proposed will (if it requires planning permission) be subject to its own evaluation. It is not part of the current proposal. The objectors reference to the term “salami slicing” is misdirected. That properly refers to an attempt to circumvent the objectives of the EIA Directive and regulations by dividing what is in reality a single project into separate parts. In this instance, there has been no attempt to avoid the need for an EIA. The development proposal has been subject to EIA in the normal way and if a subsequent proposal for a grid connection were EIA development, that too would require to be assessed in accordance with the EIA regulations.

130. I agree with another objector’s criticism that the loss of Heriot Cleugh to the housing stock for the duration of the proposed windfarm, at a time when housing supply is inadequate, is a negative consequence of the scheme. However, this does not count significantly against the proposal, given the scale of the positive renewable energy and socio-economic effects I have identified.

131. I have taken into account all other matters raised by consultees and in representations – both in support of, and in objection to, the proposal. Representations about the proposal that were made either to the planning authority or to DPEA may be summarised as follows:

Objections

- Contrary to Local Plan
- Density of site
- Detrimental to environment
- Inappropriate height
- Land affected
- Loss of light
- Detract from visual amenity.
- Poor design
- Trees/landscape affected.
- Adverse impacts on residential amenity on visual grounds, including 14 properties at Nettlingflat
- Noise nuisance
- Revised location increases impact of development on residential to the south, including the Community of Heriot and Nettlingflat
- Harms wildlife and habitats
- Adversely affects local biodiversity.
- Shadow flicker
- Over provision of wind farms within local area where surplus energy already generated
- Fails to make significant contribution top Net Zero targets.
- Over provision of windfarms within
- Block access track connecting Heriot Station and Heriot
- Aviation lights detract from nighttime environment
- Fails to comply with NPF4
- Fails to address landscape and visual grounds for refusal of original application with increase height of turbines increasing the developments harmful landscape and visual impacts.

- Poses significant cumulative effects
- Harms natural heritage assets
- Likely negative economic impacts
- Loss of a home when there is a housing crisis
- Benefits of the development are not outweighed by its significant harm.

Support

- appropriate location for wind farm
- need for renewable energy development
- positive contribution towards Net Zero targets
- revised scheme addresses previous grounds for refusal including landscape
- impact

Conclusions

132. The OWPS recognises that meeting Scottish Government targets for installed onshore wind energy capacity will require taller turbines and that this will change the landscape. The deployment of onshore wind is described as “mission critical for meeting our climate targets.”

133. The introduction of NPF4, which is highly supportive of onshore wind energy development (albeit not at any cost) and the adoption of the latest LDP, which takes a similarly supportive approach, alter the planning balance when compared with the time when the previous Wull Muir proposal was considered, by emphasising the importance of the climate crisis and by recognising that adverse landscape and visual impacts that are localised and / or appropriately mitigated will generally be accepted. Significant weight is now to be given to a proposal’s contribution to renewable energy generation targets and to greenhouse gas emissions reduction targets. I consider the current policy framework to be more supportive in principle than when the previous Wull Muir proposal was refused planning permission.

134. As I have set out above, the proposal would cause significant adverse landscape and visual effects. However, that is to be expected for a proposal of this kind. There would also be significant effects on the historic environment but not to any asset with a statutory designation.

135. Following my consideration of the environmental information, I have identified no additional significant effects. I conclude that, subject to mitigation controlled by means of the conditions attached to this notice, there would be no unacceptable residual impacts in regard to those matters.

136. The attached conditions also provide for monitoring measures where appropriate. In condition 9 I require the appointment of an Ecological Clerk of Works, who would have responsibility for monitoring ecological mitigation measures relating to the proposed development. Such monitoring is required by condition 11. The CEMP required by condition 13 incorporates a monitoring requirement and, in condition 14, I require the incorporation of monitoring measures in the Traffic Management Plan, which that condition requires. There is no evidence to suggest that any other monitoring measures are required.

137. I am satisfied that my reasoned conclusions on the significant effects of the proposed development are up to date.

138. The appeal site is hydrologically connected to the Heriot Water, which is within the catchment of the Gala Water, part of the River Tweed SAC. The Conservation (Natural Habitats, &c.) Regulations 1994 (“the Habitats Regulations”) require me to consider whether the proposed development would be likely to have a significant effect on a European site, (either alone or in combination with other plans or projects), as defined in the Habitats Regulations.

139. Ignoring any potential mitigation, I find that the proposal is likely to have a significant effect on the SAC. Therefore, it is necessary for me to carry out an appropriate assessment in view of the site’s conservation objectives for its qualifying interests.

140. The qualifying interests of this SAC are Atlantic salmon, otter, three species of lamprey and as a water course typically supporting water crowfoot species.

141. NatureScot advises that these qualifying interests are sensitive to direct and / or indirect effects including disturbance to the river habitat, silt and sediment entering the watercourse and smothering gravel beds, suspended solids in the water column, pollution events and changes in water quality and in water chemistry.

142. However, NatureScot is satisfied that, if the proposal is undertaken strictly in accordance with a Construction and Environment Management Plan (CEMP) or Pollution Prevention Plan, it will not affect the integrity of the site. This must be in accordance with SEPA guidance and must include site-specific measures to avoid the risk of impacts on the species and habitats for which the site is designated. Provided that the measures detailed in the approved plan are implemented in full, NatureScot is satisfied that these should ensure there would be minimal direct disturbance of the qualifying features, and should protect against adverse indirect impacts on important ecological requirements such as on water quality, water flow and/or river channel substrate.

143. I agree with NatureScot’s conclusions and adopt them for the purposes of this appropriate assessment. Proposed condition 13 in Schedule 1 below, would secure an appropriate CEMP.

144. I have adopted almost all of the planning conditions that have been proposed by the planning authority and to which the appellant has indicated no in-principle objections. I have made some changes to these to improve clarity and compliance with Circular requirements. The exception is the requirement for the developer to fund a planning monitoring officer. I regard such a condition as unreasonable, as the task of monitoring compliance on a development of this scale should not be beyond the planning authority’s ordinary capacity to undertake its statutory planning monitoring / enforcement function. I have added an additional condition to secure the required woodland replacement and another to secure the commitment offered by the appellant to local suppliers / contractors.

145. Taking all matters into account, I conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. Subject to the conditions that are set out in Schedule 1 below, the proposal would not affect the integrity of the River Tweed SAC.

David Buylla
Principal Reporter

Schedule 1: Conditions

1. Duration

The consent is for a period of 35 years from the date of commissioning of the final turbine erected on the site or the two year anniversary of the date of commissioning of the first turbine, whichever is the sooner. Written confirmation of the date of commissioning of the first turbine and of the final turbine shall be provided to the planning authority no later than one calendar month after that date.

Reason: to define the duration of the consent

2. Commencement

Commencement of development shall be no later than five years from the date of this consent. Written confirmation of the intended date of commencement of development shall be provided to the planning authority no later than one calendar month before that date.

Reason: to avoid uncertainty and ensure that consent is implemented within a reasonable period, and to allow the planning authority to monitor compliance with obligations attached to this planning permission as appropriate.

3. Serious incident reporting

In the event of any breach of health and safety or environmental obligations relating to the development during the period of this consent, the developer / operator will provide written notification of the nature and timing of the incident to the planning authority, including confirmation of remedial measures taken and / or to be taken to rectify the breach, within 24 hours of the incident occurring.

Reason: to keep the planning authority informed of any such incidents which may be in the public interest.

4. Implementation in accordance with approved plans and requirements

The development shall be in accordance with the approved plans, except as otherwise required by any conditions attached to this planning permission.

Reason: to ensure that the development is carried out in accordance with the approved details.

5. Design and operation of turbines

a. There shall be no commencement of development unless full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour (which should be nonreflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the planning authority.

b. The turbines shall be consistent with the candidate turbine or range assessed in the environmental statement, and the tip height thereof shall not exceed 149.9 metres above ground level.

c. The development shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

d. All wind turbine blades shall rotate in the same direction.

e. None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the planning authority.

Reason: to ensure that the environmental impacts of the turbines forming part of the development conform to the impacts of the candidate turbine assessed in the environmental statement and in the interests of the visual amenity of the area.

6. Redundant turbines

(1) If one or more turbines fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the planning authority, the operator shall submit a scheme to the planning authority for their approval, within one month of the expiry of the aforementioned 12 months, setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored, and thereafter;

(2) the operator shall implement the scheme as approved in writing by the planning authority within six months of the date of its approval, fully in accordance with the details of the approved scheme.

Reason: to ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection

7. Design of sub-station and ancillary development

There shall be no commencement of development unless final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, any construction compound boundary fencing, external lighting and energy storage compound facility and parking areas have been submitted to and approved in writing by the planning authority. The substation building, associated compounds, fencing, external lighting and BESS facility and parking areas shall be constructed in accordance with the approved details.

Reason: to ensure that the environmental impacts of the sub-station and ancillary development forming part of the development conform to the impacts assessed in the EIA report and in the interests of the visual amenity of the area

8. Micrositing

All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown in Figure 3.1 hereby approved. Wind turbines, buildings, areas of hardstanding and tracks may be adjusted by micrositing within the site subject to the following restrictions:

- No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on Figure 3.1 ;

- No wind turbine, building or hardstanding shall be moved more than 100m from the position shown on Figure 3.1;
- No micro-siting shall take place within a 50m buffer distance of a watercourse (as per Figure 12.1)
- No micro-siting shall take place within the buffers identified for Private Water Supplies
- No wind turbine shall be moved nearer Core Path 33 or Right of Way BE5
- No development shall take place within 50m of any water course, including the existing crossing by the track serving the Carcant Wind Farm
- All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).

No later than one month after the date of first commissioning, an updated site plan shall be submitted to the planning authority showing the final position of all wind turbines, areas of hardstanding, tracks and associated infrastructure forming part of the development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or planning authority's approval, as applicable.

Reason: to control environmental impacts while taking account of local ground conditions, including existing infrastructure.

9. Ecological Clerk of Works

There shall be no commencement of development unless the planning authority has approved in writing the terms of appointment by the developer of an independent Ecological Clerk of Works. The terms of appointment shall:

- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA report and other information lodged in support of the application, the Construction and Environmental Management Plan and Habitat Management Plan (conditions 12 and 10); and
- b. Require the Ecological Clerk of Works to report to the developer's nominated construction project manager any incidences of non-compliance with the works for which the Ecological Clerk of Works is responsible for monitoring at the earliest practical opportunity.

The Ecological Clerk of Works shall be appointed on the approved terms from commencement of development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 12.

No later than 18 months prior to decommissioning of the development or the expiration of this consent (whichever is the earlier), the company shall submit details of the terms of appointment by the operator of an independent Ecological Clerk of Works throughout the decommissioning, restoration and aftercare phases of the development to the planning authority for approval. The Ecological Clerk of Works shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the development.

Reason: to secure effective monitoring compliance with the environmental mitigation and management measures associated with the development.

10. Habitat Management Plan

No development shall commence until a Habitat Management and Enhancement Plan (HMP) has been submitted to and approved in writing by the planning authority.

The HMP shall set out proposals for the management of the habitat of the wind farm site and shall detail measures to compensate for habitat loss and enhance existing habitats, including for the benefit of black grouse and breeding waders during the periods of construction, operation and decommissioning of the development and during the restoration of the site after the Development has been removed. The approved HMP, which shall be based upon the outline HMP submitted with the application, shall be implemented in full.

Reason: in the interests of the protection of the habitats of those species identified in the EIA report.

11. Ecological Monitoring

No development shall commence until an ecological monitoring programme is submitted to, and approved in writing by, the planning authority. This shall include proposals for monitoring in years 1, 3, 5, 10 and 15 following construction, for black grouse, breeding waders and raptors. This should also include proportionate post construction monitoring of protected mammals (bats, otter, badger and water voles as appropriate) and habitats. Monitoring shall thereafter be carried out in accordance with the approved programme.

Reason: in the interests of the protection of those species identified in the EIA report.

12. Construction and Environmental Management Plan including Construction Method Statement

No development shall commence until a Construction and Environmental Management Plan (which shall include a Construction Method Statement) (CEMP) is submitted to and approved in writing by the planning Authority. The CEMP shall set out:

- a) a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat and ensuring no re-use of timber felling material), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks (which should be non-alkaline semi-permeable), car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c) details of borrow pit excavation, including excavation times and restoration;
- d) a dust management plan;

- e) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- f) a pollution prevention and control method statement, including arrangements for the storage of oil and fuel on the site;
- g) soil storage and management;
- h) a peat management plan;
- i) a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources, including GWDTEs.
- j) sewage disposal and treatment;
- k) temporary site illumination;
- l) the construction of the access into the site and the creation and maintenance of associated visibility splays;
- m) the method of construction of the crane pads;
- n) the method of construction of the turbine foundations;
- o) the method of working cable trenches;
- p) the method of construction and erection of the wind turbines
- q) details of watercourse crossings;
- r) post-construction restoration / reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound and other construction areas;
- s) a pre-construction and construction electronic fish monitoring programme.
- t) details of all construction works on the site and the timing of these works.
- u) preconstruction surveys for protected species including bats, badger, otter, water vole, breeding birds, reptiles and amphibia.
- v) species protection plans as necessary and arising out of the preconstruction surveys
- w) the location and potential impacts on private water supplies and any proposed mitigation

The development shall be implemented in accordance with the approved CEMP.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA report accompanying the application, or as otherwise agreed, are fully implemented.

13. Programme of Archaeological works

No development to be commenced until a programme of archaeological works to be carried out during construction of the development, to include measures to be taken to protect and preserve any features of archaeological interest in situ and the recording and recovery of archaeological features which cannot be so preserved, is submitted to, and approved in writing by, the planning authority. The scheme of archaeological works shall thereafter be implemented fully in accordance with the approved programme.

Reason: in the interests of the protection of archaeological sites and works located on the development site

14. Traffic Management Plan

No development shall commence until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the planning authority. This shall include details of construction traffic and proposals for monitoring and any necessary remedial works to the public road network, including a programme for such works. The approved TMP shall thereafter be implemented in full.

Reason: in the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

15. Abnormal Loads

Prior to commencement of deliveries to site, the proposed route for any abnormal loads on public road network must be approved by the planning authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

Reason: to minimise interference and maintain the safety and free flow of traffic on the public road network as a result of the traffic moving to and from the development.

16. Traffic Control

During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved in writing by the planning authority, before delivery commences.

Reason: to ensure that the transportation will not have any detrimental effect on the road and structures along the route.

17. Construction Hours

Construction work shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 08.00 to 13.00 on Saturdays, with no construction work taking place on a Sunday or on national public holidays or bank holidays. Outwith these specified hours, development on the site shall be limited to turbine erection, maintenance, emergency works, dust suppression, and the testing of plant and equipment. HGV movements to and from the site (excluding abnormal loads) during construction of the wind

farm shall be limited to 07.00 to 19.00 Monday to Friday, and 08.00 to 13.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on national public holidays.

Reason: in the interests of local amenity.

18. Private Water Supplies

No development to be commenced until a method statement is submitted to and approved in writing by the planning authority. The method statement should detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the development. The method statement shall include water quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

Reason: to ensure that all construction operations are carried out in a manner that minimises their impact, amenity and the environment, and that the mitigation measures proposed in the method statement accompanying the application, or as otherwise approved, are implemented.

19. Aviation Lighting

Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporary structure(s) 50 metres or more in height (above ground level) the developer must submit to, and have approved in writing by, the planning authority, an aviation lighting scheme defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements. This should set out:

a) details of any construction equipment and temporary structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and

b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason: in the interests of aviation safety.

20. Aviation Safety

Prior to the commencement of development the developer shall provide the planning authority with the following information:

a) the date of the expected commencement of each stage of construction and the anticipated construction completion dates;

- b) the height above ground level of the tallest structure forming part of the development
- c) the maximum extension height of any construction equipment;
- d) details of any construction equipment with a total height of 50m or greater (above ground level) and any aviation warning lighting they will be fitted with, and
- e) the position of the turbines and masts in latitude and longitude

Evidence shall be provided to the planning authority that this information has been submitted to and agreed by the Ministry of Defence, Defence Geographic Centre and NATS and thereafter the development shall be undertaken in accordance with the information supplied.

Reason: in the interests of aviation safety.

21. Public Path/Access Protection, Enhancement and Management

No development shall until a Public Path and Access Management Plan has been submitted to and approved in writing by the planning authority. The plan shall include (but not be limited to) the following:

- a. timings of any intended diversion, closure or obstruction of any public right of way (note that these are likely to need a separate consent);
- b. measures for ensuring that paths kept open during development are safe and can be traversed without undue harm to the amenity of users;
- c. measures to ensure that users of the path network and accessible areas more generally are able to navigate through and adjacent to the site, including mapping and signage;
- d. any temporary installations such as gates, stiles and bridges and the duration of their installation;
- e. proposals to restore original paths to an acceptable condition between construction and decommissioning and once full decommissioning has taken place;

and

- f. proposals to enhance public access within and adjacent to the site during the lifetime of the development.

Reason: the development would interact with a range of public paths and accessible areas, with development effects causing changes that require careful management to ensure that the experience of users is not harmed unacceptably or, where it will be harmed, that the level and nature of harm is limited and controlled to minimise development effects.

22. Decommissioning Method Statement

(a) No development shall commence until a Provisional Decommissioning Method Statement has been submitted for the written approval of the planning authority. The Provisional Decommissioning Method Statement shall set out proposals for the removal of all surface elements of the development except for the access tracks and the turbine

foundations more than 1 metre below ground level. The Provisional Decommissioning Method Statement shall provide for the restoration of the site following the removal of the development and for the timing of all operations.

(b) Not later than 24 months before the expiry of this permission a Decommissioning Method Statement in accordance with the principles of the Provisional Decommissioning Method Statement shall be submitted for the written approval of the planning authority. The Decommissioning Method Statement shall be implemented as approved.

Reason: to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

23. Bond

No development shall commence until the developer has delivered to the planning authority, a bond or other form of financial instrument in terms acceptable to the planning authority which secures the anticipated cost of performance of the obligations contained in the Provisional Decommissioning Method Statement submitted in accordance with Condition 22.

The bond or financial instrument shall thereafter be maintained in favour of the planning authority until the date of completion of all restoration and aftercare obligations.

The value of the bond or financial instrument shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning and restoration obligations contained in the Provisional Decommissioning Method Statement.

The value of the bond or financial instrument shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason: to secure the performance of the obligations of the developer as to decommissioning and removal of the development as well as for any aftercare and restoration of the development by ensuring that suitable financial provision has been made for the performance of those obligations in the event of the developer's / operator's default.

24. Residential Amenity

No development to be commenced until the developer has submitted evidence to the planning authority that the property known as "Heriot Cleuch" has been purchased by the developer and taken out of residential use. The development then to proceed once the planning authority have confirmed in writing that they are satisfied with the evidence. No residential use shall, thereafter, occur within the property for the operational life of the wind farm.

Reason: the retention of the property in private residential use would result in undue and unacceptable impacts on residential amenity.

25. Noise

The rating level of noise immissions from the combined effects of the wind turbines forming part of the development (including the application of any tonal penalty) shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this consent. The turbines shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria and:

- a. The operator shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months. The operator shall provide this information to the planning authority within 14 days of receipt in writing of a request to do so.
- b. There shall be no first commissioning of the development until the operator has received written approval from the planning authority of a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the planning authority.
- c. Upon the planning authority's receipt of a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the planning authority shall review the operator's operational data. If the complaint is deemed to be justified by the planning authority, the company shall, at its expense, employ a consultant approved by the planning authority to assess the level of noise immissions from the wind farm at the complainant's property. The written request from the planning authority shall set out at least the date, time and location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the planning authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
- d. The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the planning authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the planning authority under paragraph c, and such others as the independent consultant considers likely to result in a breach of the noise limits.
- e. Where the property to which a complaint is related is not listed in the tables attached to this condition, the operator shall submit to the planning authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's property for compliance checking purposes. The proposed noise limits are to be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's property. The rating level of noise immissions resulting from the combined effects of the wind turbines shall not exceed the noise limits approved in writing by the planning authority for the complainant's property.

Table 2 – Between 23:00 and 07:00 – Site-specific noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10-minute periods.

Location	Standardised 10 m Height Wind Speed (m/s)								
	4	5	6	7	8	9	10	11	12
Nithlee	43.0	43.0	43.0	43.0	43.0	46.5	51.7	58.2	58.2
Tathieknowe	43.0	43.0	43.0	43.0	44.0	48.5	54.1	60.8	60.8
Carcant	43.0	43.0	43.0	43.0	43.0	46.5	51.7	58.2	58.2
Carcant Farm House	43.0	43.0	43.0	43.0	43.0	46.5	51.7	58.2	58.2
The Hirsell	43.0	43.0	43.0	43.0	43.0	46.5	51.7	58.2	58.2
Borthwick Hall	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Hallheriot	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Heriot Mill	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Heriot School	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Shoestanes	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Corner House	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Shoestanes Cottages	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Choicelea	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
The Old Sawmill	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0

Reason: to protect nearby residents from undue noise and disturbance; to ensure that noise limits are not exceeded; and to enable prompt investigation of complaints.

26. Compensatory planting

The development shall not be brought into use until a woodland planting scheme and associated works to compensate for the removal of existing woodland (“the Replanting Scheme”) has been submitted to and approved in writing by the planning authority and all relevant necessary consents for implementation of the Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained. The Replanting Scheme submitted for approval must include:

- a. details of the location of the area to be planted;
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme;
- f. proposals for the maintenance and establishment of the Replanting Scheme including; annual checks; replacement planting; fencing; ground preparation; and drainage; and

proposals for reporting to the planning authority on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the Replanting Scheme.

The developer / operator shall submit details of any amended Replanting Scheme to the planning authority for approval.

The approved Replanting Scheme (or, as the case may be, an amended Replanting Scheme) shall thereafter be implemented in full and in accordance with the phasing, timescales and consents obtained as set out therein, unless otherwise agreed in writing by the planning authority.

Reason: to ensure appropriate compensatory replanting is secured in accordance with the Scottish Government's Control of Woodland Removal policy.

27. Commitment to local suppliers /contractors

Prior to development commencing, a scheme to incentivise and favour businesses that are based within the Scottish Borders administrative area to bid for contracts involved in the construction of the approved development shall be submitted to and approved in writing by the planning authority. All tendering / bidding processes involved in the construction of the approved proposal shall be in accordance with this approved scheme.

Reason: to maximise the potential for local socio-economic benefits.

Schedule 2: Advisory notes

1. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).
4. **Right to challenge this decision:** This decision is final, subject to the right of any person aggrieved by this decision to question its validity by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.
5. **Notification of this decision by the planning authority:** The planning authority is required (a) to inform the public and bodies consulted in respect of the EIA report of this decision by publishing a notice on the application website or newspaper circulating the in locality of the proposed development or by other reasonable means and (b) to make a copy of the decision available for public inspection in an office of the planning authority where its planning register may be inspected and on the application website.

Schedule 3: Application drawings

FIGURE 1.1 LOCATION PLAN

FIGURE 3.1 PROPOSED LAYOUT

FIGURE 3.2 TYPICAL TURBINE ELEVATION

FIGURE 3.3 TYPICAL TURBINE FOUNDATIONS

FIGURE 3.4 TYPICAL TRACK CROSS SECTIONS

FIGURE 3.5 TYPICAL WATERCOURSE CROSSING

FIGURE 3.6 TYPICAL CONSTRUCTION COMPOUND

FIGURE 3.7 TYPICAL CRANE HARDSTANDING

FIGURE 3.8 TYPICAL CABLE TRENCH DESIGN

FIGURE 3.9 TYPICAL SUBSTATION ELEVATIONS

FIGURE 3.10 TYPICAL SUBSTATION FLOOR AND ROOF PLAN

FIGURE 3.11 TYPICAL BATTERY STORAGE COMPOUND PLAN

FIGURE 3.12 TREE FELLING PLAN

Schedule 4: Opportunities for public participation in decision-making

There is the following evidence before me of opportunities the public had to take part in decision-making procedures on the application before I was appointed to this appeal:

- the appellant has provided a report on pre-application consultation. This indicates that a public exhibition was held, at Macfie Hall, Heriot on 20 October 2022, and the public had an opportunity to comment to the appellant on the proposed development;
- the report also confirms that the applicant met with members of Heriot Community Council in August 2022 and with Moorfoot Community Council in November 2022;
- an advertisement of the application in the Southern Reporter has been provided. It advertised the opportunity for the public to make representations upon the proposal for the development and the accompanying EIA report;
- the planning authority received 16 public representations in respect of the application. The main points raised in those representations are summarised in this decision notice at paragraph 130; and
- additional information was submitted to the planning authority and the public had an opportunity to comment on that information.

Those who made representations upon the application have been treated as interested parties in the appeal. They have had the opportunity to make representations on matters that they raised, by written response to the appeal.