

## Appeal Decision Notice

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Decision by Michael J P Cunliffe, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-140-2029
- Site address: Land at Broadmeadows Farm, Selkirk, Scottish Borders TD7 5LZ
- Appeal by GreenPower (Broadmeadows) Ltd against the decision by Scottish Borders Council
- Application for planning permission 04/02501/FUL dated 23 December 2004 refused by notice dated 13 June 2011
- The development proposed: Wind farm comprising 8 wind turbines, with associated infrastructure including access track and substation/control room
- Dates of site visits by Reporter: 2 November 2011, 24 November 2011 (accompanied), 12 December 2011 (part accompanied)

Date of appeal decision: 24 January 2012

### Decision

I dismiss the appeal and refuse planning permission.

### Reasoning: introduction

1. The determining issues in this appeal are the impacts of the proposed development on the landscape and on sensitive visual receptors, having regard to the development plan and to national and local policies. The appeal proposal is for eight turbines of 70 metres height to the hub with a blade diameter of 84 metres, reaching 112 metres from base to blade tip. The installed capacity would be 20 megawatts. The appeal proposal has evolved from an original application made in 2004 for 13 turbines spread over a larger area and generating 36 megawatts. The site lies west of Selkirk and immediately north of the settlements of Broadmeadows and Yarrowford, comprising rough grazing land which is part of Broadmeadows Farm. The turbines would be sited on the western flank of Broomy Law, which rises to 463 metres above sea level, and on the side of Thorny Cleuch.

## The Development Plan

2. In the Scottish Borders Structure Plan 2001-2018 the relevant policies are I19, I20, N9, N14 and N17. Policy I19 (Renewable Energy) states that the council supports the development of renewable energy sources that can be developed in an environmentally acceptable manner. The supporting text shows the environmental designations that have been used to define the various areas of search for wind energy developments, which are shown in diagram 18. The appeal site lies within a preferred area of search. However, the text also states that two issues of a strategic nature are not covered by this methodology - cumulative impact and landscape character - and these have to be considered on a site by site basis.

3. Policy I20 (Wind Energy Developments) states that proposals for wind energy developments will be assessed against the following criteria:

- (i) impact on the landscape character of the area, and neighbouring Structure Plan areas, as guided by Landscape Character Assessments;
- (ii) the Structure Plan's environmental policies;
- (iii) the impact of noise on residential and other noise-sensitive developments;
- (iv) interference with aircraft activity;
- (v) a significantly increased risk of shadow flicker or driver distraction; and
- (vi) any unacceptable cumulative impact.

4. Policy N9 (Maintaining Landscape Character) states that proposals for development and land use change will be guided by the Scottish Borders Landscape Assessment with the aim of maintaining the integrity of the landscape character and enhancing its quality. The Assessment will be used to inform policy reviews and guidelines on topics which have implications for the landscape resource. Policy N14 (National Archaeological Sites) states that development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments or other nationally important sites will not be permitted unless:

- (i) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site,
- (ii) there are no reasonable alternative means of meeting that development need, and
- (iii) the proposal includes a mitigation strategy acceptable to the council.

Policy N17 (Listed Buildings) states that proposed alterations to listed buildings, their setting and related fixtures, will only be permitted where such alterations maintain and preferably enhance the special architectural or historic quality of the building.

5. The relevant policies in the Scottish Borders Local Plan: Adopted 2011 are D4 and BE3. Policy D4 (Renewable Energy Development) lists the criteria against which proposals will be judged. These include:

- there are no unacceptable adverse impacts on the natural heritage including the water environment, landscape, biodiversity, built environment and archaeological heritage, or any adverse impacts can be satisfactorily mitigated;
- there are no unacceptable adverse impacts on recreation and tourism, including access routes, or any adverse impacts can be satisfactorily mitigated;
- commercial wind farm development will normally be more acceptable in locations within 'preferred areas' outwith environmental designations as set out in Structure Plan Policy I19;
- locations within large scale landscape settings defined as upland type in the landscape classification hierarchy (contained within the Borders Landscape Assessment) will normally be more acceptable than other landscape character types, subject to detailed assessment of the fragility of the area to change;
- locations where there is surrounding landform that minimises the external visibility of the development, where there is no interference with prominent skylines or where there is no conflict with sensitive habitats will be looked on more favourably than other locations;
- in assessing the landscape impacts of wind farm developments, particular attention will be given to the effects on high sensitivity receptors including major tourist routes and important landscape viewpoints.

In addition to the general provisions for assessment, proposals for commercial wind farms will be assessed against the following criteria and will be approved where the overall impact is judged acceptable:

(i) impact on landscape character and areas exhibiting remote qualities as guided by expert advice and relevant research including the Scottish Borders Landscape Assessment 1995;

(ii) views of the turbines and associated transmission lines, tracks, plant and buildings from 'sensitive receptors' that include residential properties, important landscape features, prominent landmarks, major tourist routes and popular public viewpoints, including those outwith the Scottish Borders boundary;

(iii) visual impact assessment will include cumulative impact, shadow flicker and the potential for driver distraction, and take account of the distance of the facility from receptors and screening. Decision-making will be guided by expert advice and relevant research;

(iv) generation of noise;

(v) traffic generation, including access during construction;

(vi) ecology and ornithology, particularly statutorily protected species and habitats, species and habitats of conservation concern or species vulnerable to wind farms by virtue of their behaviour. Assessment of cumulative impacts on regional populations of birds will be required as appropriate;

(vii) interference with radio telecommunications and aviation;

(viii) provisions for decommissioning, land restoration, after care and after use;

(ix) cumulative impact of wind farm development, including developments in adjoining local authority areas. Unacceptable cumulative impact may restrict development potential in otherwise appropriate areas. In assessing potential cumulative impact, account will be taken of the effect of perceived visual impact.

6. Local plan Policy BE3 states that development will be refused where it has an unacceptable adverse impact on the landscape features, character or setting of:

1. sites listed in the Inventory of Gardens and Designed Landscapes,
2. any additional sites that may be included in any revised Inventory in course of preparation by Historic Scotland or other designator bodies, or
3. historic gardens and designed landscapes recorded in the Council's Sites and Monuments Record.

## Landscape Impact

7. The area where the wind farm is proposed is described in the Borders Landscape Assessment (1998) as part of "Landscape Type 4 BG: Southern Uplands Type with Scattered Forest – Broadlaw Group". This is an upland classification with high summits, extensive coniferous plantations and a wild land atmosphere, but with high visual sensitivity due to the number of 'A' class roads passing through the area. The site is also within one kilometre of "Type 25: Upland Valley with Woodland – Middle Tweed/Lower Ettrick & Yarrow" (River Valley), and is close to and has effects on "Type 22: Upland Valley with Pastoral Floor – Upper Yarrow" (River Valley) and "Type 12WG: Undulating Grassland: West Gala" (Upland Fringe).

8. The appellant argues that the landscape has the capacity to absorb the wind farm, and draws attention to the horizontal scale as well as the vertical scale. However, the landscape surrounding the site is not one of sweeping uninterrupted hillsides. It is incised by the valleys of the Old Broadmeadows and Gruntly Burns, and framed by blocks of commercial forestry. These also contribute to the sense of scale, and define the sections of the landscape within which the turbines would be viewed. This division of the upland landscape into distinct compartments can be seen, for example, in the visualisations from viewpoints 17 (Yarrowford) and 19 (Old Tinnis). When viewed in the context of the landscape compartment that includes the appeal site, the turbines would appear large in scale. The Environmental Statement (ES) assesses the effect on landscape character as Major or Major/Moderate at 9 out of the 22 viewpoints considered (table 10-16).

9. Scottish Natural Heritage (SNH), while not objecting to the proposals, has expressed the view that the presence of the wind farm would redefine the character of the landscape by introducing large-scale, vertical, man-made moving elements into a largely undeveloped landscape. SNH has also stated, in relation to the landscape of the Yarrow Valley, that the character of this landscape type is dominated by the surrounding uplands in terms of the contrast they provide with the smaller-scale and more intimate valley landscape. The introduction of turbines would alter the influence on the valley landscape, by detracting from the simplicity of the background setting it currently provides. I agree with that assessment, and consider the landscape impacts as being substantially adverse.

### **Impact on the Eildon Hills Area of Great Landscape Value (AGLV)**

10. The AGLV comes within 500 metres of the site. The ES acknowledges that there would be a significant effect on the western section of the AGLV which includes the Bowhill Estate policies and the section of the Southern Upland Way (SUW) around the Three Brethern. SNH, while acknowledging that existing wind farm development already influences the character of the AGLV through visibility of middle and distant range sites, considers that Broadmeadows would increase that influence and would adversely impact on the landscape character and qualities, as well as the recreational value, of the AGLV. I share that view, and consider that the close presence of the proposed wind farm would have a significantly harmful effect on the quality of the landscape experience represented by the most westerly part of the AGLV, which would be diminished to a degree I regard as unacceptable.

### **Impact on Bowhill Historic Designed Landscape**

11. The closest turbine would lie approximately 2.2 kilometres from the boundary of the designated area. There would be some impact on the character and appearance of parts of the Bowhill policies where they would be viewed in conjunction with the turbines. This would be the case in the area surrounding Newark Castle (see below) and the Summer House. However, the turbines would not be visible from Bowhill House itself or from the immediately surrounding gardens, and the impact on the designed landscape as a whole, when viewed from within, would therefore be limited. A more significant impact arises when the house and its surrounding landscape are viewed at a distance from the southeast. Visualisations from viewpoint 16 (Woll Rig) show an elevated view of Bowhill and its setting,

with the turbines clearly visible on the hillside above and behind the house at a distance of 7.6 kilometres from the viewpoint. The wind farm would compete with the house as the main focus of the view, and would detract significantly from the landscape setting of Bowhill as seen from this location. Taking account of this more distant view, which is an important one for those seeking to appreciate the house and its surrounding policies in their wider landscape context, I find the impact of the proposals on the designed landscape unacceptable.

### Visual impact on settlements

12. The most affected settlements would be Broadmeadows/Yarrowford, located about 1.5 kilometres south of the nearest turbines, and Clovenfords which lies about 6 kilometres to the northeast. Broadmeadows/Yarrowford consists of two distinct clusters of development, a relatively compact group (Yarrowford) to the west with a village hall, and a looser grouping (Broadmeadows) to the east. The visualisations from viewpoint 17 show the view from the southern edge of the settlement on the A708. Seven turbines would be visible to hub height, together with the upper blade tip of the eighth. Sixty-four dwellings in the settlement would have theoretical visibility of the turbines, in most cases with subtended angles of between 20 and 30 degrees. The wind farm would dominate the view northwards, and would have a major adverse impact on the visual amenity of Broadmeadows/Yarrowford. The access track would also have a serious visual impact.

13. Existing trees would provide complete or partial screening of the site from many locations within the settlement. However, most of these are commercial forestry and their retention cannot be guaranteed for the life of the wind farm. The owners of one of the forest blocks concerned, Hangingshaw Wood, have indicated their willingness to retain the trees in place, and to enter into a planning obligation for this purpose. Even then, the trees would be at risk of windblow, fire and disease. Windblow is the most likely of these, and could necessitate the felling of the remaining trees which would be left exposed and unstable. I acknowledge that the characteristics of the wood, including its age composition and the disposition of the trees in relation to the prevailing wind, reduce that risk. However, there is no guarantee that the trees would remain in place. Their screening contribution is in any case limited, and even allowing for growth in tree height, they would not eliminate views of the wind farm from many properties. In my opinion, their retention would not provide sufficient mitigation to overcome the harmful visual effects of the wind farm on the settlement, which I regard as unacceptable.

14. Clovenfords is a larger village lying between 5.5 and 6.5 kilometres from the turbines. Most of the village would have theoretical visibility of the turbines at subtended angles of around 10 degrees, though for many dwellings the view would be obstructed by other buildings. Visualisations from viewpoints 4 and 5 show the effects of the wind farm on two locations within the village. I also viewed the site from the western end of Meigle Terrace, which provides a slightly more elevated view than the roundabout, from about the same distance. Residents of Clovenfords are no strangers to wind farms, since they already experience the considerable impact of the Long Park turbines when driving northwards from the village on the B710. However, Long Park is not visible from the village itself, whereas Broadmeadows would be. It would be a significant and intrusive presence in

views to the southwest. I assess the visual impact of Broadmeadows on Clovenfords as major/moderate adverse.

15. Other settlements, groups of dwellings and individual houses would be affected. About 37 houses just south of the Tweed near the A72/A707 roundabout, including Craigmyle Park, would have theoretical visibility at a range of about 4 kilometres and with subtended angles between 10 and 20 degrees. However, the site is at present substantially screened by trees from this location. As with Broadmeadows/Yarrowford, retention of these trees throughout the life of the wind farm cannot be taken for granted, so I consider there would be a moderate adverse visual impact here. Parts of the south side of Selkirk would be within sight at a range of about 7 kilometres and a subtended angle around 5 degrees. I assess this as a moderate adverse impact.

### **The Southern Upland Way (SUW)**

16. The nearest turbines would be within 300 metres of the SUW at the closest point. The view is shown in the visualisations from viewpoint 2 (cairn on the SUW). The turbines would completely dominate the southward view at this point, and the impact on the view and on the enjoyment of recreational users is described by the council as “massive and damaging”. While I did not visit viewpoint 2, I have viewed this section of the SUW from both ends, from Three Brethern (viewpoint 3) and Brown Knowe (viewpoint 1).

17. Three Brethern (464 metres) is a noted viewpoint on the western edge of the AGLV with commanding views to the west, south and northwest. The turbines would be viewed at a distance of 2 kilometres, with a belt of coniferous trees running parallel to the ridge in the foreground. The trees would lead the eye to the wind farm, which would become the focus of attention in the middle distance. Three turbine hubs, and the blades of a further three, would be on or above the horizon. Brown Knowe (523 metres) is also a significant viewpoint on the SUW, and would lie 1.7 kilometres west of the wind farm. Again, the turbines would become the dominant feature in the middle distance. At present, the Eildon Hills at a distance of about 16 kilometres form the most distinctive feature of the view, but the turbines would lie at a narrow horizontal angle to the south and would compete for attention with the hills. They would also appear as tall as, or taller than, the television mast which is currently the most prominent man-made feature on the horizon.

18. The proposed wind farm would significantly transform the visual experience of users of the SUW over the 5 kilometre length between Three Brethern and Brown Knowe, and would be visible at a greater distance from other sections of the path, for example in the vicinity of Minch Moor. SNH in its assessment notes that there would be a significant adverse impact on the visual amenity of the SUW represented by viewpoints 1, 2 and 3. The wind farm would introduce man-made elements into a predominantly open and undeveloped landscape. The close proximity of the turbines to the viewpoints would make them appear notably large in scale, and their presence would form an intrusion into the existing expansive views. I concur with SNH’s assessment, and consider there would be a severely adverse visual effect on this section of the path, to a degree I regard as unacceptable.

19. The appellant makes the points, first that the affected section of the SUW forms only a small proportion of the overall length of the route (340 kilometres); second, that there are other sections of the SUW already significantly affected by wind turbines, most notably at Black Hill where the path passes close by the wind farm; and third, that not all recreational users of the path will react negatively to turbines. On the first point, while proportionately small, the affected section would be dramatically changed as a recreational experience. Many of the walkers on it will not be walking the full length of the SUW, but making shorter excursions from points in the Tweed and Yarrow valleys. A popular round-trip walk from Yarrowford involves climbing the Minchmoor Road to the point where it joins the SUW, walking via Brown Knowe to a point above Broadmeadows, and descending to the valley again (or vice versa). The turbines would be a dominant feature for most of the length of this walk.

20. On the second point, the other wind farms close to the SUW are mainly concentrated in the Eastern Lammermuirs. Thus the SUW offers a variety of walking and visual experiences, some heavily influenced by modern industry, others featuring a wilder landscape with more traditional human intervention in forms such as stone walls and forestry. If the latter sections were to be eroded by the introduction of wind farms into areas where they are currently absent, the nature of the route as a whole would be significantly changed, and the enjoyment of those walkers seeking a 'natural' experience would be much diminished. I acknowledge that there will be a proportion of walkers who are either indifferent to the appearance of wind farms, or who positively enjoy them. There will be some for whom the opportunity to walk close to tall turbines would be a thrilling, perhaps awe-inspiring, experience. However, they are already catered for at Black Hill. I consider that, on balance, the gain they would derive from a wind farm at Broadmeadows would be substantially outweighed by the loss accruing to those recreational users of the SUW who would prefer not to see one in close proximity as they walk the path.

### Other recreational paths

21. The Bowhill Estate offers a network of paths to recreational users, and the wind farm would be visible from a number of points on these. Viewpoint 15 shows a view from within the estate at a distance of 3.9 kilometres from the turbines. Visibility of the site is filtered by trees, but as one moves around the road and path network, clearer views of the turbines emerge and disappear depending on the extent of intervening tree cover. Visitors to the estate would be aware of the presence of the wind farm, but at most locations it would not be obtrusive provided the trees remained in place. That cannot, however, be guaranteed for the whole life of the wind farm. More significant impacts would occur on the paths and tracks that rise above the level of the trees, most notably Duchess Drive. The visualisations from viewpoint 18 show an unobstructed view of the turbines at a distance of 4 kilometres. All of them would project above the horizon, including five whose hubs would be at or above that level. The view is a particularly grand and sweeping one, in which the wind farm would appear as a significant intrusion. I do not consider that it would be absorbed by the landscape but, rather, that it would stand out from it. This is also one of the few locations where I regard cumulative impact as an issue, since the Long Park wind farm can be seen on the distant horizon at a range of 16 kilometres behind and just to the right of

Broadmeadows. The whole effect would be to diminish significantly the quality of the view from Duchess Drive.

### Impact on road users

22. There are two class 'A' roads of which substantial lengths would have visibility of the wind farm at a distance of less than 6 kilometres. These are the A72 southwest of Clovenfords, and the A708 between Yarrow and Bowhill. The visualisations from the Clovenfords roundabout (viewpoint 4) show how the turbines would appear from a range of 5.9 kilometres on leaving the village. Over the section of the A72 southwestwards to the Nest roundabout (a distance of about 1.6 kilometres) the turbines would be clearly visible just to the left of the direction of travel. For the A708, the main impact would be for road users travelling eastwards from Yarrow. The view of the wind farm would appear and disappear several times before reaching Yarrowford. The visualisation from Old Tinnis (viewpoint 19, at a distance of 2.9 kilometres) illustrates the sort of view that would be experienced. The appellant does not consider road users to be sensitive receptors, but much would depend on their journey purpose and familiarity with the area. The A72 and A708 are both important tourist routes, and the views from them will help to form the visitor's impression of the scenic quality of this part of the Borders. As I know from my own experience in other areas, the unexpected emergence of wind turbines at close range as one drives along a road can significantly influence ones perception of the surrounding countryside.

23. Other roads from which the wind farm would be visible include short sections of the A7 south of Selkirk, the A699 (visualisation from viewpoint 10 at a distance of 7.9 kilometres), the A6088 (viewpoint 12 at 23.9 kilometres), and the B710 north of Clovenfords (though here, the southward view of Broadmeadows would be less significant than the existing northward view of Long Park). Particularly striking views would be experienced from minor hill roads, such as the Woll Rig road (Ashkirk to Ettrickbridge: viewpoint 16 at 7.6 kilometres) and the Yarrow to Ettrickbridge road via Witchie Knowe which runs about 7 kilometres from the site. While the effects of the scheme on road users would not be as significant as those on residents or on recreational path users, they would nevertheless contribute in a negative way to visitors' perceptions and need to be taken into account in assessing the proposals.

### Cumulative visual impacts

24. Cumulative visual impacts can arise in combination (two or more wind farms in the same view), in succession (turning away from one, you see another) or sequentially (as you walk or drive along a route). The most significant combination views (in my opinion) would be from viewpoint 18 (Duchess Drive), where Broadmeadows would be seen in the middle ground with Long Park in the distance, and from viewpoint 1 (Brown Knowe) where it would be seen at close range in combination with Langhope at distance of 11.9 kilometres (when built). Succession views would also be experienced from Brown Knowe, where turning northwards would bring Long Park and Bowbeat into view at distances of 12 and 16 kilometres respectively. From Three Brethern, Langhope at 11 kilometres, Long Park at 10.3 kilometres and Bowbeat at 20 kilometres would be successively visible in addition to

Broadmeadows. From a number of viewpoints to the east (6, 7a, 8, 9 and 10) more distant views of Broadmeadows would be seen in succession with Langhope, Long Park, Toddleburn and Dun Law.

25. With the exception of Brown Knowe, Three Brethern and Duchess Drive, I do not consider that in any of these cases the addition to cumulative impact caused by Broadmeadows would be significant. In the three cases mentioned, the direct impact of Broadmeadows would be much more significant than the cumulative effect with more distant wind farms. Sequential viewing is not likely to be a major factor for road users, other than on the B710 north of Clovenfords where Broadmeadows would loom into view as Long Park disappeared from the rear view mirror, and vice versa. Walkers on the SUW would experience some sequential viewing of wind farms as they progressed along the route, with Broadmeadows and Black Hill representing the closest encounters, though relatively distant from each other.

### **The Glenkerie comparison**

26. The appellant draws attention to the Glenkerie wind farm, which lies west of the A701 south of Broughton, and argues that this development, which was approved by the council, is in many ways similar to the Broadmeadows proposals. Glenkerie, with eleven turbines of similar height to those proposed for Broadmeadows, is located in the same upland landscape type as the appeal proposals, and within one kilometre of a river valley type landscape. It lies within an Area of Great Landscape Value. There is some visibility at a distance of around one kilometre from the A701, which is an important tourist route. Glenkerie lies about 260 metres above the valley floor, compared with about 300 metres for the Broadmeadows proposal.

27. I have viewed Glenkerie from the A701. It is visible only from a short section of the road near Stanhope, and only when travelling in a northward direction. Although it is quite close to the road, the angle at which it appears is well to the west of the direction of travel and it could be missed by a driver who was not looking out for it. Broadmeadows, though further away from road users, would lie at a much smaller horizontal angle from the direction of travel on the A72 southwards from Clovenfords, and on the A708 eastwards from Yarrow. It would be visible from a much greater length of both those roads. Glenkerie does not lie alongside a national walking route. It is not visible from any settlement, and can be seen from only a small number of individual houses. In terms of Glenkerie's relationship to the landscape, I agree with the council's view that Glenkerie is more contained by the landscape, and that its landscape setting is less intimate, than would be the case at Broadmeadows.

28. I therefore do not accept that there are sufficient similarities between Glenkerie and Broadmeadows to suggest that Glenkerie is a helpful precedent in assessing the appeal proposals. While it is located in a similar landscape type, its impact on sensitive visual receptors (residents, walkers and road users) is very much less than would be the case for Broadmeadows.

## The Minchmoor comparison

29. A proposed wind farm at Minchmoor, about 4 kilometres west of the Broadmeadows site, was refused on appeal on 21 April 2011 (PPA-140-2021). This would have comprised 12 turbines generating up to 24 megawatts, situated within the same landscape type though in an area mainly covered by coniferous forest. Landscape and visual impacts were the main determining issues, and several of the key viewpoints (such as Three Brethern and Duchess Drive) were the same as in the present appeal. The reporter found the landscape and visual effects to be unacceptable and in conflict with the development plan.

30. The appellant draws attention to the differences between Broadmeadows and Minchmoor. For example, the scale of the landscape at Minchmoor is reduced to a greater degree by incised valleys on all sides. The Minchmoor site is mainly covered by trees. The recreational uses are different, and there are fewer mountain bikers at Broadmeadows. Minchmoor would have had a greater effect on the Tweedsmuir Hills AGLV. The effect of Broadmeadows on the view from the summit of Minch Moor would be very much less than would have been the case for the much closer Minchmoor wind farm.

31. While I acknowledge the differences between the two proposals, I find the similarities more striking. Both wind farms were proposed for the slopes of the same ridge dividing the Tweed and Yarrow Valleys, visible from both and in close proximity to the SUW. Being located further from settlements, the Minchmoor scheme would have had a lesser residential impact. The refusal of Minchmoor does not necessarily entail a similar decision on Broadmeadows. However, it leaves Broadmeadows on its own as the only potential wind farm (built, consented or applied for) within an 11 kilometre radius in this part of the Scottish Borders.

## Design of the wind farm

32. The wind farm has been designed in accordance with SNH guidance. The appellant maintains that the disposition of the turbines has been arranged to give the best possible fit with the landscape, though that is disputed by others. If the proposed location were suitable for a wind farm in landscape and visual terms, I accept that the design would be appropriate to the characteristics of the site. However, I do not consider that there are any improvements to the design that would render its presence on the site acceptable.

## The council's Supplementary Planning Guidance

33. The council's Supplementary Planning Guidance (SPG) on Wind Energy was published in May 2011 following public consultations. It was therefore in force at the time the council considered the planning application, though it was only in consultative draft form when the application was lodged. The guidance sets a spatial framework for wind farms in the Scottish Borders. Among the constraints applied are 2 kilometre buffer areas from main roads and from strategic paths (including the SUW) and from key viewpoints (including Three Brethern). The appeal site is therefore placed within an Area of Significant Protection. Brown Knowe and Minch Moor are also listed as viewpoints that are significant, and the policy requires (paragraph 5.19) that planning applications for wind energy

proposals should confirm that they will have no unacceptable adverse impact on these viewpoints. The landscape type “Southern Uplands with Scattered Forest” is identified as having high external visibility and high sensitivity (figure 5). The SPG therefore indicates a strong presumption against locating a wind farm at Broadmeadows.

34. The appellant considers that the SPG does not correctly follow national guidance as set out in the Scottish Planning Policy and the Scottish Government’s web-based advice on wind farms. I do not express any view on that. My conclusion that the appeal proposals are unacceptable in landscape and visual terms and inconsistent with the development plan has been reached independently of the SPG. It does not hinge on the SPG, though the latter adds weight as a material consideration to the case for dismissing the appeal. There is some justification for the appellant’s feeling that the policy ground has shifted as time has moved on. In terms of the structure plan, the site lay originally within a preferred area of search, and the appellant was therefore justified in considering it. However, the structure plan does not say that all sites within such areas are suitable, and each has to be considered on its merits, taking account of environmental impacts.

### Conclusions on landscape and visual impact

35. For the reasons set out above, I find that the proposed development would have significant adverse effects on the landscape and on sensitive visual receptors. While located in an upland landscape, it would be viewed at close range from the Yarrow river valley and would sit within 500 metres of the western edge of the Eildon Hills AGLV. From several important viewpoints, it would not appear to be absorbed by the landscape, but would stand out as an alien man-made element. It would have a major adverse visual impact on the community of Broadmeadows/Yarrowford, and a major/moderate adverse effect on Clovenfords. There would also be a major adverse impact on the Southern Upland Way, and major/moderate adverse impacts on paths within the Bowhill Estate and on road users on the A72 and A708.

36. The wind farm would be located less than 1.7 kilometres from Broadmeadows/Yarrowford, a recognised settlement, and despite some partial screening by trees and a prospect of some of those being retained for the life of the development, I consider the visual impact there to be unacceptable. I also regard the impacts on the Southern Upland Way and on the important viewpoints of Three Brethern and Brown Knowe as unacceptable. In forming those judgements, I have taken account both of the degree of harmful impact and on the numbers of people likely to be affected.

37. Policy D4 of the local plan requires that there are no unacceptable adverse impacts on the natural heritage including landscape, or any adverse impacts can be satisfactorily mitigated; that there are no unacceptable adverse impacts on recreation and tourism; that in assessing the landscape impacts of wind farm developments, particular attention should be given to the effects on high sensitivity receptors including major tourist routes and important landscape viewpoints; and that overall impact is judged acceptable having regard to impact on landscape character and views of the turbines and associated transmission lines, tracks, plant and buildings from ‘sensitive receptors’ that include residential properties, important landscape features, prominent landmarks, major tourist routes and

popular public viewpoints. In my assessment, the proposed development would not satisfy these criteria. Policy D4 also states that if there are judged to be significant adverse impacts that cannot be mitigated, the development will only be approved if the contribution to wider economic and environmental benefits outweigh the potential damage to the environment or to tourism and recreation. For the reasons set out below, I do not consider that the benefits in this case outweigh the potential damage.

38. I therefore consider that the development does not accord with Policy D4 of the local plan, or with Policy I20 of the structure plan, which requires proposals for wind energy developments to be assessed against the impact on the landscape character of the area, with the implication that serious detriment to landscape character would be contrary to the policy. Given my finding that the impact on the Bowhill Historic Designed Landscape would be unacceptable when viewed from the south, the development would not accord with local plan Policy BE3. In addition to the effects I have assessed as unacceptable in their own right, the other landscape and visual impacts, while not individually sufficient to warrant the refusal of planning permission, collectively add considerably to the weight against the appeal proposals. The council's SPG on wind energy also reinforces the case for refusal.

### **Impact on the setting of Newark Castle**

39. Newark Castle is a Scheduled Ancient Monument and Category A listed building located within the Bowhill Estate about 2.3 kilometres from the nearest turbine. Amended Historic Visualisation 3b in the 2010 ES shows clearly how the wind farm would appear prominent in the background to the castle as seen from the main approach, while visualisation 4b shows that in a closer view of the castle, the turbines would again be prominent but for a group of trees which, while they remained, would largely screen the wind farm from view. Guidance from Historic Scotland, 'Managing Change in the Historic Environment: Setting' (2010) states that "setting should be thought of as the way in which the surroundings of a historic asset or place contribute to how it is experienced, understood and appreciated".

40. The guidance goes on to list factors which might form part of the setting of a historic structure, which include the landscape context, views including backdrops, the relationship between built and natural features and a 'sense of place'. Assessment of the effects of development on the setting of an historic asset should address not only any key views, but also the extent to which changes may detract from an ability to understand and appreciate the asset. Factors to be considered include:

the visual impact of the proposed change relative to the scale of the historic asset or place and its setting, and relative to the current place of the historic asset or place in the landscape;

the magnitude and cumulative effect of the proposed change: sometimes relatively small changes, or a series of small changes, can have a major impact on our ability to appreciate and understand a historic asset or place;

the ability of the landscape, which comprises the setting of a historic asset or place, to absorb new development without eroding its key characteristics; and

the effect of the proposed change on qualities of the existing setting such as sense of remoteness, evocation of the historical past, sense of place, cultural identity, spiritual responses.

41. Having regard to these factors, I find that the proposed wind farm would have a major adverse impact on the setting of the castle. The hills which form the backdrop to views of the castle are an integral part of its setting, and influence the way it is experienced, understood and appreciated. I reject the appellant's argument that the setting is confined to an area of the valley floor within which the castle is prominent, as the hills also contribute to the setting for historical and defence reasons. Seen from the main approach from the southeast, the scale of the turbines would compete with that of the castle itself. The backdrop would be changed from one of wild uplands with a timeless quality, to one of modern industry. Evocation of the historical past would be significantly compromised. Much of the sense of place would be lost. The partial screening of the wind farm by trees from other viewpoints cannot be relied upon to endure for the life of the development. The appellant has argued that the wind farm would be reversible, and so any impact on the setting of the castle would only be temporary. The wind farm would, however, be in place for at least 25 years, with a possible renewal beyond that date, and would compromise the castle's setting for at least a human generation. I therefore attach little weight to the reversibility argument.

42. Historic Scotland has not objected to the proposals, and notes that the revised scheme does not raise any significant adverse impacts on historic environment features within its remit. That response cannot, however, be taken as endorsement of the proposals. I am required by Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting. I find that the proposed wind farm would not preserve the setting of Newark Castle, that it would be contrary to structure plan Policy N17 in that it would fail to maintain the special historic quality of the building, and that it would also be contrary to Policy N14 unless it can be shown that it would offer substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site. For the reasons explained below, I consider that it would not.

### Other matters

43. Other matters considered by the council include natural heritage, and particularly the effects on black grouse; access and transportation; hydrology; noise; shadow flicker; tourism and recreation; air traffic and aviation lighting; and vibration effects on the Eskdalemuir Seismological Recording Station. None of these presents a major obstacle to the proposed development and, if it were acceptable in terms of landscape and visual impact and the effects on the setting Newark Castle, conditions could be applied that would control these other impacts to an acceptable level. The Ministry of Defence has said that

infra-red lighting of the turbines would satisfy its requirements, so that visible red lights need not be used. The impact of the development on tourism is difficult to judge, but the available evidence suggests that at the level of the Scottish Borders as a whole, it is unlikely to be significant. There would, however, be a reduction in the recreational value of the affected section of the SUW and this could have an effect on walker numbers, and potentially on accommodation providers in the vicinity.

## Representations

44. The scheme has attracted large numbers of representations, both in support and in opposition. The council recorded 280 households writing in support of the scheme, and 231 against it, though in both cases some of these representations were in relation to the earlier (pre-2010) version. Following the appeal the DPEA has received 54 representations, of which 37 are opposed to the development, 15 in support and two neutral. Objectors include the four community councils for the surrounding area: Ettrick and Yarrowford, Clovenfords and District, Walkerburn and District, and Royal Burgh of Selkirk.

45. The appellant draws attention to the lack of objections from national statutory consultees. Lack of objection does not, however, equate to support. In my experience, bodies such as Historic Scotland and Scottish Natural Heritage apply a high threshold in deciding whether to lodge objections, and will do so only where important national interests are at stake. While SNH has not objected, it has expressed serious concerns about aspects of the scheme's landscape and visual impacts, and these are reflected in my reasoning above.

## Benefits of the proposed development

46. The contribution the wind farm would make to renewable electricity generation in Scotland is an important material consideration. With an installed capacity of 20 megawatts, and an estimated capacity factor of between 30% and 35%, it would generate between 51 and 62 gigawatt hours of electricity a year. This would equate to between 0.55% and 0.64% of the 2012 Renewables Obligation target for Scotland, and would be equivalent to supplying the annual needs of between 12,000 and 14,000 average households. The annual saving in carbon dioxide emissions from using wind rather than fossil fuels is estimated at between 22,600 and 26,367 tonnes of carbon dioxide a year. The Scottish and UK Governments are committed to reducing greenhouse gas emissions, and the Scottish Government in its Routemap for Renewable Energy (July 2011) sets out a target of generating the equivalent of 100% of Scotland's demand for electricity from renewable sources by 2020. This equates to about 16 gigawatts of installed capacity, of which Broadmeadows, with 20 megawatts, would contribute 0.125%.

47. Other potential benefits include approximately £20 million of investment, of which up to £7 million could be spent within the local economy; a community fund which could generate more than £500,000 over the life of the wind farm; and improved recreational access, paths and interpretation facilities in the vicinity of the site.

48. While the project's contribution to renewable electricity and carbon reduction targets would be a significant one, it has to be seen in perspective. Scotland's ability to meet these targets will not stand or fall as a result of the construction or non-construction of Broadmeadows, but will depend on a large number of projects using a range of technologies, of which onshore wind is only one. The Scottish Government's planning policies as set out in National Planning Framework 2 (NPF2) and the Scottish Planning Policy (SPP), while emphasising the importance of renewable energy developments, do not dictate a presumption in favour of their approval on sites which are unsuitable.

49. SPP paragraph 187 states that planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. The design and location of any wind farm development should reflect the scale and character of the landscape. The location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised. Paragraph 190 recommends a separation distance of up to 2 kilometres between areas of search and the edge of cities, towns and villages to guide developments to the most appropriate sites and to reduce visual impact, but states that decisions on individual developments should take into account specific local circumstances and geography. In the case of the appeal proposal, the turbines would be sited less than 2 kilometres from the village of Broadmeadows/Yarrowford, from where it would not be hidden by intervening topography and would be only partially screened by trees, whose retention cannot be guaranteed for the life of the development. The site is not one where the environmental impacts, in landscape and visual terms, can be satisfactorily addressed.

## Conclusions

50. I find that the proposed development would not accord with the development plan, by reason of its unacceptable landscape and visual impacts including in particular its effects on Broadmeadows/Yarrowford, the Southern Upland Way and the setting of Newark Castle. Against that, I have to balance the significant contribution the wind farm could make to renewable electricity targets. I am of the view, however, that the benefits of the appeal proposal do not outweigh its adverse effects and do not justify a departure from the development plan.

*Michael J P Cunliffe*

Reporter