



Scottish Borders Council  
Application for Planning Permission (Ref: 24/01432/Ful)  
Proposed Mid Hill Wind Farm Anemometer Mast, near Hawick.

Planning Objection  
by Borthwickwater Landscape Conservation Group

Prepared by Dr Chris Ford, MRTPI

Application for Planning Permission under the  
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997.

**OBJECTION** in respect to the proposed Anemometry Mast, on behalf of **Borthwickwater Landscape Conservation Group (BLCG)**, a Third-Party Objector Group of affected local residents, in relation to Scottish Borders Council application number 24/01432/Ful: Application for planning permission for the proposed ‘erection of a temporary lattice anemometry mast up to 90 metres high’, on ‘land south of Deanburnhaugh, Hawick, in the Scottish Borders’.

Prepared by Christopher D Ford BA, MBA, MSc, PhD, MRTPI.

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## 1 INTRODUCTION

- 1.01 This submission provides an **Objection** to the Application for planning permission to Scottish Borders Council (SBC)(application reference 24/01432/Ful) by Invenenergy UK Ltd for the “*erection of a temporary lattice anemometry mast up to 90 metres high*” (Proposal), on “*land south of Deanburnhaugh, Hawick, in the Scottish Border*” (Site). The application seeks consent for 60 months consent of mast operations. The Applicant states the Site located on moorland approximately 12.5km south west of Hawick.
- 1.02 The Objection is submitted by **Borthwickwater Landscape Conservation Group (BLCG)**, a Third-Party Objector Group of affected local residents. The submission has been prepared by Dr Christopher Ford, a Chartered Town Planner specialising in the spatial aspects of energy systems and energy policy.
- 1.03 The developers main supporting document for the Application is titled “*Mid Hill Wind Farm Anemometer Mast Supporting Statement*”. Separately, in August 2024 the Applicant issued an ‘Environmental Impact Assessment Scoping Report’ (Scoping Report), related to a proposed Wind Farm at Mid Hill, at the same location. The Scoping Report indicates that the Applicant will seek to obtain S36 consent <sup>1</sup> for a wind farm at this location (centred at Grid Reference NT 41153 09552), for “*up to 42 wind turbines of up to 200m to blade tip height*” and associated works. The purpose of the ‘anemometry mast’ is to collect data on “*wind speed, wind direction pressure and temperature*” for the proposed Mid Hill Wind Farm. The circumstances relating to the proposed wind farm are therefore pertinent to this Application. The location of the anemometer mast (mast), Application boundary, proposed wind farm boundary, and proposed turbine locations are shown in Appendix 1.
- 1.04 This submission sets out and discusses the relevant planning policies from the Local Development Plan and Scottish Planning Policies. Since the Site affects the Eskdalemuir Array specific consideration is given to Policy in regard to the Array. The position of the Application and related Wind Farm proposal in relation to the Array is considered in detail. The environmental effects of the Proposal are identified. The merits of the Application are then considered against the relevant planning policies, before drawing final conclusions.

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<sup>1</sup> Under Section 36 of the Electricity Act 1989 (as amended).

## 2 LOCAL DEVELOPMENT PLAN POLICIES.

- 2.01 This section of the Objection sets out the local development plan policies relevant to the Proposal.
- 2.02 SBC has recently adopted a revised local development plan, known as Local Development Plan 2024 or LDP2. The primary policy pertinent to the Proposal in LDP2 is Policy ED9 on ‘Renewable Energy Development’.
- 2.03 LDP2 Policy ED9 states *“Development proposal for all forms of renewable, low-carbon and zero emission technologies will be supported. These include: (i) wind farms including repowering, extending, expanding and extending the life of existing wind farms ...; (ii) enabling works ... . Development proposals will be assessed in accordance with NPF4 Policy 11 paragraphs (b) to (f) and other relevant policies of NPF4”*.
- 2.04 This Proposal, for an anemometer mast, constitutes ‘enabling works’ within the terms of LDP2 Policy ED9.
- 2.05 The terms of assessment of this Application in respect to Policy are considered in relation to NPF4. This is explored below under Scottish Government Policies ( the next section).

## 3 SCOTTISH GOVERNMENT PLANNING POLICIES.

- 3.01 The Scottish Government’s Planning and Energy Policy is encapsulated in the National Planning Framework Four (NPF4) and the Onshore Wind Policy together with other associated documents.

### NATIONAL PLANNING FRAMEWORK FOUR

- 3.02 Scottish planning policy for the Proposal is covered by the National Planning Framework Four (NPF4), adopted in 2023. The most pertinent policy to the Proposal within this is Policy 11, on Energy. This refers to *“wind farms”* (p53). Being related to *“renewable electricity generation”* NPF4 classifies the Proposal as National Development (p103). Also relevant to consideration of the Application are: NPF4 Policies 1, Climate and Nature Crises; Policy 3, Biodiversity; Policy 4, Natural Places; Policy 5, Soils; and Policy 7, Historic Assets. This Objection considers the relevance and terms of each of these Policies, in turn.
- 3.03 NPF4 Policy 11, on energy, seeks to *“encourage, promote and facilitate all forms of renewable energy development ... include[ing] energy generation ...”*, with the ‘outcome’ aim of *“expansion of renewable, low carbon and zero emission*



*technologies” (p53). Policy 11(a) specifies that “development proposal for all forms of renewable low-carbon and zero emissions technology will be supported”, including (i) “wind farms including repowering, extending, expanding and extending the life of existing wind farms”.*

- 3.04 Policy 11 goes on to identify that *“(c) development proposals will only be supported where they maximise net economic impact, including local and community social-economic benefits such as employment, associated business and supply chain opportunities”*. However, there is little guidance on what ‘maximising’ means in this context and how that would be applied to this Proposal.
- 3.05 Policy 11 (e) requires that *“project design and mitigation will demonstrate how the following impacts are addressed”*. The specific criteria, relevant to the Proposal, is: *“(iv) Impacts on aviation and defence interests including seismological recording”*.
- 3.06 NPF4 Policy 11(e) concludes by saying that *“when considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emission reduction targets”*.
- 3.07 NPF4 states that *“National developments are significant developments of national importance that will help to deliver our spatial strategy” (p99)*. However, as NPF4 also observes, *“national development status does not grant planning permission for the development”* and *“decision makers for applications for consent for national development should take account of relevant policies” (p97)*.
- 3.08 Beyond Policy 11 Energy, NPF4 requires that various other Policies are to be considered and weighed within decision making. NPF4 states that *all* Policies within NPF4 need to be taken into account as the document is to be *“read as a whole” (p95)*.
- 3.09 NPF4 identifies and stresses the paramount gravity not just of climate change but also of **the nature crisis**. As the Minister emphasises in his Foreword, Scotland now faces the twin challenges of climate change *and* the nature crisis. NPF4 says that the key to delivering National Planning Policy for ‘Sustainable Places’ is *“tackling the climate **and** nature crises”*. It also states that the Policy Outcome is a ‘zero-carbon, nature positive place’. NPF4’s first Policy is that *“significant weight will be given to the global climate and nature crises”* when considering all development proposals (Policy 1- Tackling the climate and nature crisis). The Minister describes these as twin challenges as being *“at the heart of our vision for future Scotland”*.
- 3.10 NPF4’s Policy 3 ‘biodiversity’ requires that *“development proposals will contribute to the enhancement of biodiversity ...”*. Relevant to this Proposal, Policy 3(b) states, *“development proposal for national or major development, or for development that require an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity,*

*including nature networks so that they are in a demonstrable better state than without interventions ... . Proposal within these categories will demonstrate how they have met all of the following criteria: ... significant biodiversity enhancements are provided, in addition to any proposals for mitigation. ... ; local community benefits of the biodiversity and /or nature networks have been considered.”<sup>2</sup>*

- 3.11 Reflecting the dual priority of the nature and climate crisis, Policy 3 introduces major new requirement in respect to not only protecting but positively enhancing biodiversity. This applies to this Proposal. Decision making on this Proposal therefore has to ensure that the new policy tests, set out in Policy 3, have been met.
- 3.12 NPF4 Policy 4 on ‘natural places’ states *“development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported”* (4(a)).
- 3.13 Policy 5 Soils states *“development proposals will only be supported if they are designed and constructed: i) in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and ii) in a manner that protects soils from damage including from compaction and erosion and that minimises soil sealing”*.

#### ONSHORE WIND POLICY STATEMENT AND OTHER POLICY DEVELOPMENTS

- 3.14 As well as NPF4, Scottish Government policy pertinent to the Proposal is the Onshore Wind Policy Statement (OWPS), published December 2022. The key features of the Onshore Wind Policy Statement (OWPS) are: Setting an ‘overall ambition of 20GW of installed onshore wind capacity in Scotland by 2030’; The establishment of a ‘Strategic Leadership Group’ and ‘Sector Deal’ for onshore wind.
- 3.15 The OWPS gives coverage of specific challenges such as environmental and other considerations. The challenges relevant to this Proposal are of peats (3.3), biodiversity (3.5), landscape & visual amenity (3.6), aviation lighting (6.2), and the **Eskdalemuir Array** (7.2).
- 3.16 In respect to the 20GW ambition, at the time of publishing (December 2022) the OWPS records that there was 8.7GW of then currently operational onshore wind energy in Scotland (1.1.5). The latest Renewable Energy Planning Database (submitted) shows that Scotland currently has 9.3GW of operating onshore wind capacity, 1.5GW under construction, 6.8GW consented and awaiting construction of onshore wind capacity. This provides 17.6GW of onshore wind capacity, which represents 88% of the Scottish Government’s 20GW ambition by 2030.

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<sup>2</sup> NPF4 p36 is referred to the full terms.

- 3.17 The OWPS also emphasises the importance of repowering (5.3) and extending existing wind farms. The OWPS cites examples of repowering providing increased wind farm capacity from 18.7MW to 80MW (5.3.7). This is more than a fourfold increase <sup>3</sup> in capacity. The 2021 draft OWPS Refresh identified 2.5GW of existing wind farm capacity which is at the end of life and due for repowering <sup>4</sup>. At this evidenced repowering capacity and rate, repowering of existing wind farms in Scotland can provide an additional 7.5GW of onshore wind capacity ( $4 \times 2.5 = 10 - 2.5 = 7.5$ ). The OWPS also records (5.3.7) that repowering across the UK has resulted in a 160% increase in capacity. Applying these lower repowering increase rates <sup>5</sup>, repowering would provide 4GW of increased wind farm capacity.
- 3.18 Taken with the existing operating capacity, the under-construction capacity and the consented awaiting construction capacity pipeline, which totals 17.6GW, the increased capacity through repowering means that Scotland is already delivering in excess of 20GW of onshore wind energy capacity. Either 21.6GW (17.6 + 4 repowering) or 25.1 GW (17.6 + 7.5 repowering). Scotland is therefore already comfortably set to achieve the Scottish Government's 20GW ambition.

#### **4 POLICY RELATING TO THE ESKDALEMUIR ARRAY.**

- 4.01 As the Proposal is located within the Eskdalemuir Seismological Array Consultation Area, the 'Ministry of Defence (Eskdalemuir Seismological Recording Station) Technical Site Direction 2005' <sup>6</sup> (MoD Direction) is applicable. NPF4 Policy 11(e)(iv) is therefore engaged.
- 4.02 The Eskdalemuir Seismological Array (Array) is a seismic monitoring station intended to monitor and detect nuclear-test explosions anywhere in the world. The UK is a signatory to the 'Comprehensive Nuclear-Test-Ban Treaty' (CTBT or Treaty), ratified in 1998. Under the Treaty the UK is required to keep in place nuclear seismic monitoring equipment as part of an international monitoring system. The Eskdalemuir Array was established in 1962 and became part of the Treaty's monitoring system 2009. It is the UK's only such monitoring system. Under the Treaty the UK is obliged not to interfere with or permit interference with the Array.

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<sup>3</sup> In fact 4.27% ( $80/18.7=4.27$ ).

<sup>4</sup> Scottish Government, Onshore Wind Policy Statement Refresh, consultative draft, 2021, section 2.2.1.

<sup>5</sup> Due to the limitation applied in England due to greater sensitivity to turbine heights.

<sup>6</sup> The MoD Direction is made under Articles 15(2) and 32(1) of the Town and Country Planning (General Development Procedure)(Scotland) Order 1992.

- 4.03 It is known that industrial scale wind turbines, such as those proposed for the Mid Hill Wind Farm, create seismic ground vibrations (SGV), which extends out many kilometres from their location. This seismic vibration interferes with the Arrays monitoring activity and therefore has the potential to compromise its function. This would undermine the UK's international obligations, affect the worldwide monitoring of nuclear tests and potentially undermine international efforts to limit nuclear proliferation and avoid nuclear war.
- 4.04 To safeguard the Array the UK Ministry of Defence (MoD) monitors all wind farm developments under the MoD Direction. The Direction specifies that all proposed wind farms (and other) developments with a Consultation Area, which extends out to 50km from the centre point of the Array, must be notified to the MoD. The Array is centred at Ordnance Survey Grid Reference NT 26501 04960.
- 4.05 To safeguard the monitoring arrangements and to avoid adverse effects on the Array, in 2004 academic research was commissioned to establish the nature of SGV from wind turbines and their potential to degrade the function of the Array. Following this research the MoD established: (a) an 'Exclusion Zone' with a 10km radius around the Array where no wind turbines would be permitted; (b) established the Consultation Area of 50km radius around the Array; (c) set a threshold level for maximum permissible SGV from wind farms within the Consultation Area; and (d) established an algorithm for calculating the SGV from wind farms and the aggregate effect to determine whether the threshold had been met.
- 4.06 Whilst no wind farms have been built in the Exclusion Area, the MoD oversight has allowed a limited number of wind farms to be consented and built in the 50km Consultation Area. In 2018 the threshold for the maximum SGV from wind turbines was reached <sup>7</sup>. Since then, the MoD has objected to every wind farm proposal within the Consultation Area. The Scottish Government and the local planning authority are obliged to respect the MoD objection and no wind farms have been awarded consent within the Consultation Area, since 2018. NPF4 Policy 11(e)(iv) requires the safeguarding of the Array to be taken into account in consideration of every wind farm application in the 50km Consultation Area.
- 4.07 The current Policy position and practice therefore is that **no further wind farms can be consented or built within the 50km Array Consultation Area.**
- 4.08 Some agencies involved with the Array believe that the algorithm for calculating the SGV could be revised to allow more wind farms to be consented and built within the Array Consultation Area. However, these are complex matters and the prospects are

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<sup>7</sup> By the S36 Application for Faw Side Wind Farm, located approximately 8km north of Langholm. On 23/12/23 the Scottish Government refused the application for reasons including (but not only) safeguarding the Eskdalemuir Array.

not certain. New research is ongoing to consider this. However, as the research and the technical issues it is dealing with are complex the MoD state<sup>8</sup> it is not currently known: whether the threshold will be changed, whether the algorithm for SGV will change and when the work will be completed. According to the MoD, the results from this research work are not thought to be imminent and may be several years away. Until such time as this research is completed and it shows that the current monitoring arrangements can be safely revised, the MoD's position is that it will continue to object to every wind farm application within the Consultation Area.

- 4.09 Whilst the MoD is responsible for safeguarding the Array, the Scottish Government is responsible for planning policy in relation to the Array. Currently it is Scottish Government policy that the threshold should remain at its current level<sup>9</sup>. The Scottish Government has commissioned research regarding the algorithm.
- 4.10 Amongst other things, this research shows that the impact of SGV from wind turbines closest to the Array is substantially greater than from turbines at the 50km perimeter. Given the exponential effect of SGV over distance, the ratio of potential turbine SGV is one turbine at the 10km Exclusion Area boundary has an equivalent SGV on the Array as 7,000 turbines at the 50km Consultation Area boundary. The Scottish Government is therefore considering revising planning policy in relation to wind farms within the Consultation Area. This potential policy revision includes: (a) that the threshold remains at the current level (as set out in the OWPS); (b) extending the Exclusion Zone radius from 10 to 15km around the Array, (c) maximising the overall renewable electricity generation from the Consultation Area (within the threshold), (d) and giving priority to wind farms proposals which are furthest away from the Array, towards the 50km perimeter.

## 5 POSITION OF THE PROPOSED MID HILL WIND FARM IN RELATION TO THE ESKDALEMUIR ARRAY

- 5.01 The Applicant's Scoping Report gives the boundary for the proposed Mid Hill Wind Farm and the indicative turbine locations. As stated, the proposed Mid Hill Wind Farms is located within the Eskdalemuir Array Consultation Area.
- 5.02 Given this site location NPF4 Policy 11 (e)(iv) directly affects the proposed Mid Hill Wind Farm. At the present time, therefore, the **proposed wind farm cannot be**

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<sup>8</sup> MoD Hearing Statement on Policy at the Greystone Knowe S36 application Inquiry, December 2024 and considered in oral evidence at the Inquiry Hearing sessions on 29<sup>th</sup> and 30<sup>th</sup> January 2025.

<sup>9</sup> OWPS, section 7.2.11 states the current threshold "will remain in place".

**awarded consent**, due to the MoD objection to all wind farm proposal within the Consultation Area.

- 5.03 The turbines for the proposed Mid Hill Wind Farms, detailed in the Scoping Report, are located at between 11.4km and 17.8km from the Array centre point, with a mean distance from the Array of 14.52km.
- 5.04 In January 2025 the Applicant issued an informal revision to the number and location of the turbines for the proposed Mid Hill Wind Farm. The number of proposed turbines is now reduced to 33. The revised turbines are located at between 11.4km and 17.9km from the Array centre point, with a mean distance from the Array of 14.48km
- 5.05 Following the current research into the SGV for turbines, in the event the MoD finds that changes to the algorithm or related details might allow more wind farm development in the Consultation Area, it is expected that the Scottish Government would issue new policy in relation to the Array. As indicated above (Section 4) that policy is expected to include an increase in the Exclusion Area to 15km and a new policy mechanism for maximising renewable generation in the Consultation Area.
- 5.06 Given the proximity of the proposed wind farm from the Array, an expanded Array Exclusion Area would cut through the proposed wind farm site. Appendix 1 shows the proposed Mid Hill Wind Farm site and indicative Scoping Report turbine locations in relation to the Array's current Exclusion Area and expected revised 15km Exclusion Area. Appendix 2 shows the proposed Mid Hill Wind Farm site and indicative revised January 2025 turbine locations in relation to the Array's current Exclusion Area and expected revised 15km Exclusion Area.
- 5.07 The expanded Exclusion zone dissects the proposed Mid Hill Wind Farm site. This mean that 56% of the site <sup>10</sup> would be affected by the expanded Exclusion Area. In this affected area wind turbine developments would not be permitted. Of the 42 turbine locations identified by the Applicant in the Scoping Report, 26 fall within the potential expanded Exclusion Area. Of the 33 turbine locations identified by the Applicant in the January 2025 revision, 20 fall within the potential expanded Exclusion Area.
- 5.08 If an application was put forward by the Applicant on basis of turbine locations set out in the Scoping Report or the January 2025 revision and the exclusion area was expanded, the MoD would object to the S36 application.
- 5.09 As set out above, new policy arrangements for the Array will also consider how to maximise the potential for renewable generation in the Consultation Area, by giving priority to turbine locations which minimise the impact on the Array. Any Policy that

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<sup>10</sup> Identified in the Scoping Report.



seeks to maximise the renewable generation in Consultation Area will mean that preference is given to turbines that are located further away from the Array. This is because turbines close to the Array produce substantially more SGV adverse impact on the Array than turbines located at the Consultation Area perimeter. As consequence therefore, in the event that the Applicant revises the boundary of the proposed Mid Hill Wind Farm by excluding area which fall within 15km of the Array, any Policy, which seek to maximise the renewable generation in the Consultation Area, will mean that any such revised Mid Hill application will be refused. The proximity of, say, 16 turbines (42-26) or 13 turbines (33-20) just outside a revised exclusion would substantially reduce the prospect of delivering more renewable energy further away in the Consultation Area.

5.10 In summary, the position in relation to any proposed Mid Hill Wind Farm application in regard to Policy on the Array means that:

a) Currently, since the proposed Mid Hill Wind Farm site lies within the Array Consultation Area and, the threshold for wind farms in this Area has been met, the MoD will object to the proposed wind farm. Accordingly, under current Policy the prospective S36 application for Mid Hill Wind Farm (as detailed in the Scoping Report or the January 2025 revision) **must be refused** on the basis of NPF4 Policy 11 (e)(iv) Policy.

b) In the event that at some point in the future the current research finds that the SGV calculations can be revised, and therefore that the MoD accepts that there is scope to allow more wind farm development in the Consultation Area, that the current Policy would be revised by the Scottish Government. That revised Policy is to be set to expand the Exclusion Area to 15km. Since the majority of the turbines for the proposed Mid Hill Wind Farm site falls within this expanded Exclusion Area the proposed wind farm would contravene the revised policy. Accordingly, any S36 application, made on the basis of the Mid Hill Wind Farm Scoping Report or the January 2025 revision, must result in the MoD objecting and the **application being refused**.

c) In the event that: (i) the MoD accepts that there is scope to allow more wind farm development in the consultation area (following the current research), **and** (ii) the Scottish Government revises policy in relation to the Array, as expected, **and** (iii) the Applicant revises the boundary of the proposed Mid Hill Wind Farm site to exclude the expanded Exclusion Zone (and thus apply for a S36 consent for a wind farm of circa 17 turbines), **then**: consideration of any such application would need to take account of the SGV effect of the proposed turbine, relative to the SGV value of other wind farms which are located further away from the Array. Given the Scottish Government stated objective to maximise the renewable energy generation within Consultation Area, that

Policy will give preference to wind farms furthest away from the Array. Accordingly, in the interest of delivering the Scottish Government renewable generation ambition such a S36 application would be **refused**.

- 5.11 Overall, due to the policy in relation to the safeguarding the Eskdalemuir Array it mean that there is no prospect of the proposed Mid Hill Wind Farm (in any form) being awarded consent. The proposed Mid Hill Wind Farm breaches current policy and must be refused consent. In the event the safeguarding arrangements for the Array are adjusted at some point in the future, the associated revision to policy will means that the prospect of a proposed Mid Hill Wind Farm (in a substantially revised form) gaining consent are exceptionally tenuous. They as so tenuous that the prospect of the proposed wind farm gaining consent should be rated as effectively zero.

## 6 ENVIRONMENTAL EFFECTS OF THE MAST.

- 6.01 The Application seeks planning permission for the erection of 90m mast in open, currently unspoiled, moorland. Whilst the environmental effects of such a development may be considered light there will, nevertheless, be some adverse effects of the Proposal. These are as follows:
- 6.02 The 90m mast and its supports will introduce a new industrial structure to an otherwise natural landscape, thereby changing the existing landscape character type. This structure will have visual effects for pedestrians using the Roman & Reivers Trail and other cross moorland paths, users of the local roads and local residents with outlooks across the moorland.
- 6.03 Construction of the mast has the potential to adversely affect heritage features on the Site such as the Catrail.
- 6.04 The erection of the mast has the potential to disturb birds and the ecology, particularly during the construction and removal phase.
- 6.05 As moorland the Site is acknowledged to be extensively covered by peat and carbon-rich soils. Unavoidably the construction of the mast will disturb the peat. Disturbance to peat results in the release of the centuries old accumulated embodied carbon within the peat. Consequently, the construction and in time the removal of the mast will result in emissions of carbon. Such a release is contrary to Policy on decarbonising society. Particularly where any subsequent renewable energy development, which might otherwise provide positive carbon off-setting, will not occur.

## 7 ASSESSING THE PROPOSAL AGAINST POLICY

- 7.01 The Applicant states that planning policy “*provides support for all forms of renewable*” energy development and the “*proposed anemometer mast is therefore supported under this policy*”<sup>11</sup>. This statement is generally correct. However, it does not apply to or take account of the specific locational circumstances of this Site. It does take account of the current policy position for the Eskdalemuir Array.
- 7.02 As set out above (section 6) there will be some adverse environmental effects, albeit with relatively low significance, of the erection and in time removal of the mast. Where there is no offsetting benefits of the Proposal these effects become the key determinants of the Application.
- 7.03 In accordance with LDP2 Policy ED9 this Application for an anemometry mast is “*enabling works*” related to a “*renewable ... technology*”, specifically to the proposed Mid Hill Wind Farm. The details of the Mid Hill Wind Farm have been set out in the Scoping Report. As LDP2 Policy ED9 assess such “*development proposals*” are to be “*assessed in accordance with NPF4 Policy 11 paragraphs (b) to (f) and other relevant policies of NPF4*”.
- 7.04 The Development Plan, in both the form of the Local Development Plan and the National Planning Framework Four, requires that NPF4 Policy 11 (e)(iv) is engaged, since the proposal would have an impact on ‘seismological recording’. Under current application of NPF4 Policy 11 (e)(iv) the proposed Mid Hill Wind Farm will not be awarded consent, due to the MoD objection. There is therefore no requirement to provide for or basis for consenting this ‘enabling works’ Application. The Proposal does not comply with the Development Plan.
- 7.05 Sometimes, in contemplation of development proposals, consideration is given to draft or forthcoming policy changes. In this case there is the possibility of policy changes in regard to safeguarding the Eskdalemuir Array and the application NPF4 Policy 11 (e)(iv). However, these likely changes do not increase the prospect of policy support for the Proposal and the proposed Mid Hill Wind Farm.
- 7.06 The suggested Policy changes to the Array’s Exclusion Area will prevent any wind turbines being consented on the majority of the proposed Mid Hill Wind Farm site. The suggested policy change in relation the Scottish Government’s wish to maximise renewable energy generation across the Array Consultation Area will mean that the prospects of wind turbine being approved on the remainder of the proposed Mid Hill Wind Farm site are negligible.

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<sup>11</sup> Application supporting statement, Section 5.0.

- 7.07 In any event when weighing the planning balance, very little to no weight should be afforded to draft or anticipated policy changes, as these may not materialise. Accordingly, judgement of the current Application should be based on the application of current policy. That Policy provides no support to the current Application. Since there is no prospect of the proposed wind farm gaining consent under policy, there is no basis for policy support for related ‘enabling works’. In any event the prospective policy changes do not provide support for the Application and the proposed Mid Hill Wind Farm. If anything, as a large part of the wind farm site lies with the potential extended Exclusion zone, Policy support for the Proposal and proposed wind farm look even less likely.
- 7.08 In these circumstance the Proposal will not contribute or facilitate a contribution “*to renewable energy generation targets and greenhouse gas emission reduction targets*” (as per NPF4 Policy 11 (e)). Accordingly, with a nil contribution there is no Policy support for the Proposal.

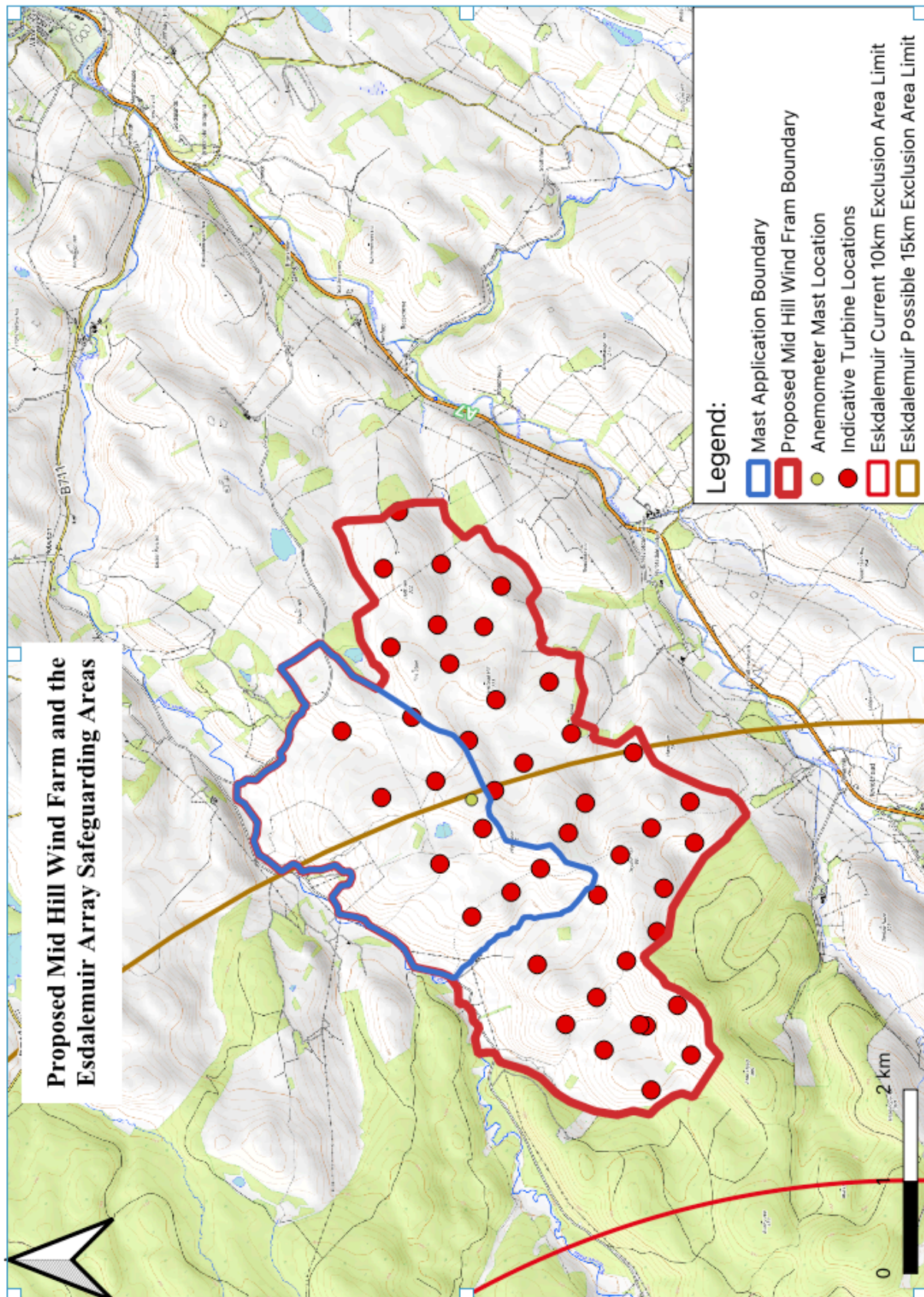
## 8 CONCLUSIONS

- 8.01 As there is no support for the Application and the proposed Mid Hill Wind Farm, both from current and prospective future policy, the Application should be refused planning permission.
- 8.02 Accordingly, it is recommended that the Council **refuse planning permission** for the current Application (24/01432/FUL), for the following reasons:

As, the Application constitutes ‘enabling works’ related to the proposed Mid Hill Wind Farm, and the proposed wind farm does not comply with NPF4 Policy 11 (e)(iv) (seismological recording) and LDP2 Policy ED9, there is no requirement or support for the proposed development. In respect to any prospective policy changes in regard to the safeguarding arrangements of the Eskdalemuir Array the Application is premature.

CDF  
for BLCG  
February 2025

**APPENDIX 1: Proposed Mid Hill Wind Farm Site and Scoping Report Turbine Locations Compared to a Possible 15km Eskdalemuir Array Exclusion Area.**





APPENDIX 2: Proposed Mid Hill Wind Farm Site and January 2025 Revised Turbine Locations Compared to a Possible 15km Eskdalemuir Array Exclusion Area.

