

**Proposed Lees Hill Renewable Energy Park  
WIN-140-10  
Public Inquiry**

**Hearing: Cultural Heritage**

**Agenda**

**Monday 12 January 2026 at 9.30am  
possibly also running Tuesday 13 January 2026**

The inquiry will formally open at 0930. After the Reporter's introduction and opening remarks the cultural heritage hearing session will commence.

The Reporter will take soundings from parties during the afternoon session on Monday 12 January 2026 to determine whether it is necessary to continue into the Tuesday. If all matters are covered on the Monday, then there will be no need for the inquiry to sit on the Tuesday. Either way, proceedings would continue on the Wednesday as scheduled.

**Matter 1: Clarifications from Hearing Statements**

The council does not appear to have conducted its own alternative assessment but instead appears to substitute its own observations and findings in place of the applicant's.

- a. Is this synopsis correct? If not, how should the Reporter treat the council's objection and hearing statement?

The applicant's consultant has carried out an assessment in EIAR Chapter 10 which considers setting impacts/effects as different to indirect impacts/effects in EIA terms. The council's hearing statement paragraph 4.1 section I. refers to "severely adverse indirect impacts upon specific prehistoric cairns..." that are inside and outside of the red line boundary. It goes on to describe how it has considered the views to, from and between the cairns as significant in their location as monuments. This implies that the council is considering setting impacts/effects as indirect whereas the EIA treats setting as a different matter.

- b. Is this synopsis correct?
- c. Given that the council's evidence appears to relate largely to the settings of historic assets, should he treat the description of "indirect" impacts in council's hearing statement paragraph 4.1 section I. as referring to setting or does it mean something else?

## **Matter 2: Clarifications from the Statement of Agreed Matters (SOAM)**

At [SOAM](#) paragraph 9.2.1. the note suggests that NPF4 Policy 11 e) viii may also be relevant.

- a. Do the parties agree or disagree that it is relevant?

At [SOAM](#) paragraph 9.5.1 is a definition which the parties appear to agree upon. At [SOAM](#) Paragraph 9.5.2 contains no text but a note which appears to say that agreement on the definition is still to be finalised. Some text is cut off so there may be more.

- b. where does this definition come from?
- c. What does the text in the electronic sticky note refer to?
- d. Have the parties reached agreement on the matters stated in the sticky note and what are they?
- e. The sticky note also appears to cut off some text, what is the missing text and how does it relate to the above points?

[SOAM](#) paragraph 9.6.1 appears to assume further confirmation is needed.

- f. What specifically is the matter for confirmation?
- g. have the parties reached agreement?

[SOAM](#) paragraph 9.7.6 appears to relate to the matters above and further discussion.

- h. What is the matter here, what further discussions (if any) have taken place, where was it intended to get to, what position has actually been reached and does this alter anything?

## **Matter 3: Direct impacts**

Council hearing statement paragraph 4.1 section VI. considers there to be direct risks to heritage assets from construction work associated with the proposal. The Reporter understands this to relate to Hen Law, cairn 1550 metres WNW of Langtonlees (SM4548) and other potential and as yet unknown assets in the area.

However, the Reporter also notes that measures are proposed in Draft Condition 17: Construction Environmental Management Plan and Draft Condition 26: Programme of Archaeology. He understands that those are intended to protect assets during construction and to make provision for archaeological investigation.

- a. Are both parts of the above synopsis correct?
- b. Is there any outstanding disagreement on these matters?

#### **Matter 4: Dispute over findings for prehistoric cairns**

- a. What factors persuade the parties that their respective positions are correct for the settings of:
  - Dirrington Great Law, three cairns (SM4626)
  - Dirrington Little Law, cairn on summit of (SM4548)
  - Hen Law, cairn 1550 metres WNW of Langtonlees (SM4548)

Please explain the nature of the dispute as you see it and why your respective position offers the most plausible conclusion for Scottish Ministers?

- b. What factors persuade the parties that their respective positions are correct for the settings of:
  - Bedsheil, cairn 950 NNE of (SM4630)
  - Dunside Hill, cairn 1225m S of Byreclough (SM12507)

Please explain the nature of the dispute as you see it and why your respective position offers the most plausible conclusion for Scottish Ministers?

#### **Matter 5: Iron age forts**

The council and the applicant previously appeared to differ in relation to the effects of the proposal on iron age forts. This matter did not appear to be in the statement of agreed matters.

- a. Is this still the case or are they in agreement on these matters?
- b. If in agreement what is the agreed position?
- c. If in disagreement what are the key factors behind this?

#### **Matter 6: Cumulative effects**

Based on the [SOAM](#) between the applicant and council the Reporter understands the outstanding matter of disagreement on cumulative impacts/effects to relate the Twin Law Cairn (HER 57449).

- a. Is this correct? If not, what is/are the outstanding disputes?
- b. What is the rationale for the differences in position?

#### **Matter 7: Historic Environment Scotland (HES)**

As noted in the applicant's hearing statement, HES did not object to the proposal and does not suggest that it should be refused on grounds of cultural heritage impacts/effects. This differs from the council's position.

- a. Is this synopsis accurate?
- b. How should Scottish Ministers treat the council's advice versus that of HES?

**Proposed Lees Hill Renewable Energy Park  
WIN-140-10  
Public Inquiry**

**Hearing: Landscape and visual  
(including cumulative and residential visual amenity)**

**Agenda**

**Wednesday 14 January 2026 at 10am  
possibly also running Thursday 15 January 2026**

The session will commence following the Reporter's introduction and opening remarks.

The Reporter will take soundings from parties during the afternoon session on Wednesday 14 January 2026 to determine whether it is necessary to continue into the Thursday. If all matters are covered on the Wednesday, then there will be no need for the inquiry to sit on the Thursday. Either way, proceedings would continue on the Friday as scheduled.

**Matter 1: Landscape impacts and effects**

The applicant's hearing statement advises that the best method to consider the impacts and effects on the Lammermuir Hills Special Landscape Area (SLA) is using the principles of the NatureScot guidance for Special Landscape Qualities ([012.030](#)). It's hearing statement and [EIAR Technical Appendix 6.5](#) each reference descriptions of why the SLA was designated. The hearing statement breaks down and tabulates the individual geographic elements and determines which would or would not be affected by the proposal.

- a. Is the method outlined by the applicant the best one to consider the impacts and effects of the proposal on the Lammermuir Hills SLA? If not, what is a better alternative?
- b. Is the citation/descriptor used by the applicant in its EIAR and in its hearing statement the correct one? If not, which alternative should be used?
- c. Is the applicant's hearing statement correct that it is the impacts of the proposal on the Dirrington Laws part of the SLA that is the point of disagreement between the applicant, the council and other parties? If not, what other reasons for designation would be affected?
- d. What are the specific differences between the parties which lead them to conclude differently for the effects of the proposal on the SLA?

## **Matter 2: Visual impacts and effects**

EIAR Chapter 6 Table 6.4 omits VP17: Cockburns Law and VP18: A6105 Chirnside. These are covered in EIAR Technical Appendix 6.3, where both are found to experience minor (not significant) effects.

- a. Is this therefore a typing error/unintentional omission or was there a particular reason for this?

DLHSOS initially opposed the EIAR findings for visual effects in relation to Duns, Gavinton, Hume Castle, Polwarth and Westruther. In part this was because it opposed the different effects concluded by the EIAR for those settlements versus specific viewpoints in or near to them.

- b. Given that DLHSOS has provided a recent assessment of its own, which of these positions if any, have changed.

The key differences between the council's and DLHSOS' respective positions and that of the EIAR appear to relate to views from parts of the Southern Upland Way including at VP15 Twin Law Cairns and parts of Harden's Hill Road including at VP16 Wrunk Law. On the most recent evidence presented for the council and DLHSOS, this difference appears to be that those parties see the effects as being Major (significant) whereas the EIAR finds them to be Moderate (Significant). DLHSOS also presents a map ([Figure 5 – Visual Effects](#)) which shows the locations where it finds Major (Significant) effects to arise and what it terms "further significant effects".

- c. Is this synopsis accurate? If not, please advise what the correct position is.
- d. Parties will be asked to explain the rationale for their respective positions on these matters.
- e. Parties will also be asked to say what practical difference they think would be consequent from their own position versus that of the opposing view.

## **Matter 3: Cumulative matters**

Would the proposal change the area into a "wind farm landscape" or otherwise fundamentally alter the pattern and distribution of (wind) energy development in the area?

#### **Matter 4: Residential Visual Amenity Assessment (RVAA)**

The Reporter notes that the council did not originally object on the basis of RVAA. The Statement of Agreed Matters (SOAM) between the applicant and council also confirms the council's satisfaction with the EIA method and wirelines etc. However, the council appears to cover RVAA in its hearing statement.

- a. The Reporter would welcome a brief explanation of this matter?

The key difference between DLHSOS/Mr and Mrs Whitfield versus the applicant appears to be the judgement about whether the residential visual amenity threshold has been breached/exceeded or not.

- b. What factors determine whether the residential visual amenity threshold has been crossed or breached? Where can any relevant criteria or considerations be found? [This should focus on the theoretical matters as the items below will enable specific reference to matters on the ground.]
- c. If the residential visual amenity threshold has been breached, what would that mean in practice for the proposal and for any property for which a breach is found to have occurred?
- d. Is an RVAA expected to consider visual amenity from inside a property, from its garden or surrounding land or something else? Where are the rules or approaches governing this approach set out?

The applicant has carried out an RVAA for various properties including the closest to the proposal, Old Langtonlees.

- e. The RVAA includes wirelines from within the property grounds that exclude the Old Langtonlees shelter belt (remnants of) at EIAR Figure 6.37a and b. There are also montages from the access track. Which of these has been used to inform the RVAA for Old Langtonlees (and other properties)? Are these accurate and reliable?
- f. Where and what areas did the site visit by the applicant's consultant include in the vicinity of Old Langtonlees. Was the garden of Old Langtonlees visited or is RVAA reliance based on the wirelines in EIAR Figure 6.37a and b.
- g. Parties represented by Mr Campbell (Lida Hatrick and Mr and Mrs Whitfield) have prepared their own wirelines and montages which appears to have been done by Munro Landscape (DLHSOS consultant). What are these based upon and are they accurate and reliable to demonstrate the positioning of turbines and other elements of the proposal?

The Reporter visited Old Langtonlees in September 2025. He saw that the shelter belt has now been largely removed following storm damage. He saw some remaining shelter belt trees along the edge close to the access track at the north end, all along the Old Langtonlees drive and along much of the southern and central part of the western boundary of Old Langtonlees. Further, the Reporter also saw

adjacent west of the western elevation, a vegetated slope with tall shrubs/trees. It was topped by a flat area with a wooden garage (apex roof between 7 and 8 feet tall) and behind it (north) a wooden shed of similar height with a single panel sloping roof.

- h. What screening effects, if any, would the remaining shelter belt trees and the garden features (including garage and shed) have for the western, south (front) and north (rear) elevations of Old Langtonlees in terms of residential visual amenity?
- i. Should these features have any bearing on the findings of the RVAA?

**Proposed Lees Hill Renewable Energy Park  
WIN-140-10  
Public Inquiry**

**Hearing: Policy**

**Agenda**

**Friday 16 January 2026 at 10am**

The session will commence following the Reporter's introduction and opening remarks.

The conditions hearing session will follow immediately after the policy session. It is likely that the Reporter will take a short break between sessions.

Parties for the following draft conditions hearing are asked to attend the policy session so as to be ready for the draft conditions hearing to commence promptly.

**Matter 1: Maximising net economic benefit**

According to its recent [blog](#) Scottish Government has withdrawn various planning guidance documents as of 8 December 2025, including the Draft Advice on Net Economic Benefit (2016) (listed as the final item along with others). This is on the basis that NPF4 now contains the relevant policy and that the age of much of the guidance has prompted its withdrawal.

- a. Do parties agree that this is so?
- b. If not, what status does that draft guidance hold?

What does "maximise" net economic benefit mean in the context of LDP Policy ED9: Renewable Energy Development and NPF4 Policy 11: Energy part c) (accepting that both policies contain the same provision)?

- c. Is there any territorial or scale requirement/limit implied by this?
- d. Can any reasonable connection be made between the EIAR findings of relatively modest net socio-economic benefit and the above policy intent to "maximise" economic benefit?
- e. What factors would help Scottish Ministers to determine whether net economic benefit would be maximised if proposals such as this are approved?

## **Draft Condition Hearing Agenda for Friday 16 January 2026**

to follow on Monday 15 or Tuesday 16 December 2025