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APPEAL STATEMENT

PROPOSED ERECTION OF TWO 50kW WIND TURBINES AT OVERHAILES FARM, EAST LINTON, EH41 3SB

(APPLICATION REFERENCE: 11/00469/P)

Contents

List of Documents:

Document 1 – Application Registration Letter

Document 2 – Officer Report

Document 3 – Decision Notice

Document 4 – Council's Screening Opinion

Document 5 – Zone of Theoretical Visibility Diagrams

Document 6 – Photomontages

1.0 Introduction - Appeal Summary

TGC Renewables Ltd wish to appeal to the Local Review Body against East Lothian Council's decision to refuse planning permission for application 11/00469/P for the erection of two 50kW wind turbines on land at Overhailes Farm, East Linton, EH41 3SB.

The application was submitted on 27th May 2011 and registered on 22nd July 2011 (Document 1), with the Council setting a determination deadline of 21st September 2011. Following an extensive determination period, the application was refused planning permission through the Scheme of Delegation List on 13th April 2012 (Document 2).

As noted in the Decision Notice (Document 3), the Council's reason for refusal for planning permission is as follows:

"Due to the harmful impact the proposed two wind turbines would have on the landscape they are, as applicable, contrary to Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the key considerations of landscape impact of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010, the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005) and the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011)."

TGC on behalf of the applicant wish to appeal the decision of East Lothian Council to refuse this application and respectfully requests that Local Review Body overturns the decision and grants planning permission for the development of two wind turbines at the site at Overhailes Farm. The proposed development would be economically beneficial to the landowner and is a good example of a renewable energy development which respects the character of the landscape in which it is proposed to be located, and would make a contribution towards East Lothian as well as Government targets of reducing our reliance on fossil fuels.

This Appeal Statement reviews the reason for refusal, which of course focuses on the perceived landscape impact of the proposed wind turbine development.

2.0 Background to Application

Prior to the submission of the current application which is being appealed, a previous application was submitted by TGC on behalf of the applicant for a single wind turbine at Overhailes Farm. TGC acknowledged the potential cumulative landscape and visual impact as regards the proposal to deploy a single wind turbine through the previous application and the proposal to deploy two wind turbines through the application which is being appealed, and as a result formally withdrew the previous application to deploy a single turbine on 6th March 2012. The reference number of this is 11/00468/P.

A screening opinion request concerning the proposed development was sent to East Lothian Council on 25th November 2010. The Council responded on 14th December 2010 (Ref: EIA/Screen/Overhailes) stating that:

"Taking into account the nature, scale and location of the development we do not consider that there would be a significant effect on the environment such that expert and detailed study is needed through EIA in order to properly assess any effect. This is because although the proposal is likely to have visual effects, these are not generally on sites defined as sensitive in the regulations."

The planning application was submitted based on the Council's screening opinion and the advice within this (Document 4).

3.0 Grounds of Appeal

3.1 Introduction

TGC will go through the Grounds of Appeal by reviewing the reason for refusal of planning permission.

3.2 Reason for Refusal

As stated in the first section of this Appeal Statement, one reason for refusal was given by the Council. To reiterate this was:

"Due to the harmful impact the proposed two wind turbines would have on the landscape they are, as applicable, contrary to Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the key considerations of landscape impact of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010, the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005) and the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011)."

The appellant does not consider that the proposed turbine development would have a significantly harmful impact on the landscape. Following is an assessment of the perceived landscape impact of the proposed turbine development.

3.3 Landscape Impact Assessment of Proposal

Initially it is important to point out that the applicant has already been informed by East Lothian Council during the process of pre-application consultation that a turbine development on the south side of the A1 would not be possible due to the perceived landscape and visual impact of this on Hailes Castle, Traprain Law and the A1 itself. As a result the applicant has had to find another site to overcome these concerns, which has resulted in the site to the north side of the A1 which is subject of this application.

The proposal is to erect two wind turbines on a north/south axis on agricultural land at Overhailes Farm, which is to the north east of Haddington. The proposed wind turbines would be positioned within a field some 750m west north west of the buildings at Overhailes Farm, and some 300m to the north of the A1. The proposed wind turbines are 36.4 metres to hub and 46m to blade tip. The nearest independent residential property is approximately 835m to the west of the proposed turbines.

The supporting column of the turbine proposed is an off-white colour as is the colour of the turbine blades. An analysis of different colours of turbine has been carried out to specifically look at the visual appearance of grey, galvanised, white, green, brown and black. It has been concluded that an 'off white' appearance looks the least obtrusive when set in several backgrounds such as a rural, agricultural, farm or domestic setting. This colour helps the turbine blades and support structure blend more easily into the background skyline, and as such is proposed for this location.

From pre-application consultation, the Council's screening opinion noted that the proposed wind turbine development does not fall within a sensitive site. In terms of landscape impact, it is noted in the Council's screening opinion that:

- the development may be out of scale with existing development;
- there are potential cumulative effects;
- driver distraction from the A1 could be an issue; and
- the development is in a location where it is likely to be visible to many people.

Furthermore, in the Council's screening opinion it was advised that a Landscape and Visual Impact Assessment for this proposal should be submitted with any application, this advice was followed as a series of photomontages which considered key receptors was submitted with the planning application as were zone of theoretical visibility diagrams (ZTVs) (Document 5).

The ZTVs submitted with the planning application show where the wind turbines will be visible from within the area. In reality in a number of locations existing vegetation and the topography of the land will provide considerable screening of the proposed wind turbine development. Additionally, the analysis has been taken using the highest blade height of the turbine, at 46m. The visual impact of the blade tip is significantly less than that of the turbine hub, which is located at 36.4m above ground level and therefore it is felt that the ZTVs should be considered to represent the 'worst case' scenario.

An assessment of the photomontages submitted with the planning application (Document 6) is as follows:

VP-01 East Linton (located approximately 2.2km to the east of the site)

Sensitivity – it is considered that this receptor has a high sensitivity to change as it is a viewpoint from the settlement closest to the proposed wind turbine development site.

Impact – as can be seen from the photomontage, the proposed turbines cannot be seen from this viewpoint. Pencraig Wood forms a visual barrier between East Linton and the site.

Sensitivity to change – high

Magnitude of change – negligible

Resultant predicted impact – minor

VP-02 Markle (located approximately 1.2km to the north of the site)

Sensitivity – it is considered that this receptor has a medium sensitivity as it is not from a principal viewpoint and does not relate to any detrimental effect on residential property.

Impact – as can be seen from the photomontage, the proposed turbines cannot be seen from this viewpoint as they are completely obscured by the trees at Markle Mains Heights.

Sensitivity to change – medium

Magnitude of change – negligible

Resultant predicted impact – minor

VP-03 Beanston Mains (located approximately 1.4km to the north west of the site)

Sensitivity - it is considered that this receptor has a medium sensitivity as it is not from a principal viewpoint and does not relate to any detrimental effect on residential property.

Impact – one of the turbines can be clearly seen from this viewpoint, with only the blade tip of the other turbine visible.

Sensitivity to change – medium

Magnitude of change – moderate

Resultant predicted impact – moderate

VP-04 viewpoint to the west south west adjacent to Abbey Mains (located approximately 2.5km to the west south west of the site)

Sensitivity – it is considered that this receptor has a medium sensitivity as road users would experience views towards the site.

Impact – as can be seen from the photomontage, the proposed turbines are completely obscured by existing vegetation.

Sensitivity to change – medium

Magnitude of change – negligible

Resultant predicted impact – minor

VP-05 Brae Heads Loan (located approximately 2km to the east of the site)

Sensitivity – it is considered that this receptor has a high sensitivity as if offers an open view towards the proposed wind turbine development site and this viewpoint is also adjacent to the River Tyne.

Impact – as can be seen from the photomontage, only the blades of one of the turbines is visible from this viewpoint.

Sensitivity to change – high

Magnitude of change – slight

Resultant predicted impact – moderate

VP-06 Kippielaw Farmhouse (located approximately 2km to the south east of the site)

Sensitivity – it is considered that this receptor has a high sensitivity to change as it is a viewpoint from a residential farm.

Impact – as can be seen the proposed turbines are obscured by existing vegetation and the topography from this receptor.

Sensitivity to change – high

Magnitude of change – negligible

Resultant predicted impact – minor

VP-07 Nether Hailes (located approximately 1.2km to the south of the site)

Sensitivity – it is considered that this receptor has a high sensitivity to change as it is from a residential farm.

Impact – both turbines are visible against the horizon, however, their visual impact is reduced by the distance between this receptor and the position of the proposed turbines.

Sensitivity to change – high

Magnitude of change – moderate

Resultant predicted impact – moderate

VP-08 viewpoint to the south of the site adjacent to Monkmill Island (located approximately 1.6km to the south of the site)

Sensitivity – it is considered that this receptor has a high sensitivity to change as it offers wide/open views of the proposed turbine development site.

Impact – the turbines are barely visible against the horizon from this receptor.

Sensitivity to change – high

Magnitude of change – slight

Resultant predicted impact – moderate

It is acknowledged that the proposed turbines will be visible from a number of the key visual receptors in the area, but these are not considered to create an impact that affects residential amenity or the character of the landscape in a significantly negative way.

There are no designated sites of importance within the immediate vicinity of the proposed turbines, however, the proposed site is located to the north of the category B listed Overhailes Farmhouse. It is considered that the proposed turbines are of a far enough distance away from Overhailes Farmhouse that they would not detrimentally impact on the listed building's setting.

The Scheduled Ancient Monument Overhailes enclosure is located approximately 540m to the south of the site, and the Scheduled Ancient Monument Hailes Castle is located approximately 950m to the south of the site. It is submitted that the proposal will not impact upon these designations in a detrimental way due to the distances involved.

Traprain Law is located approximately 2km to the south of the site. It is submitted that the proposal shall not significantly impact on Traprain Law due to the significant distance between this and the proposed turbine development site, and also because of the presence of a visual barrier between the two in the form of the A1 trunk road and A199 public road.

The visual impact on users of the A1 has been cited as a concern; in response to this it is important to note that the Council's Head of Transportation and Transport Scotland raise no objection to the application. Furthermore, much reference is made to the existence of historic sites in the area of the proposed turbines. In response to this Historic Scotland has raised no objection to the proposed development.

It is submitted that the proposal will not affect the existing field boundary pattern. The proposal will not detract from the existing farming use on site. It is not considered that the proposal will have a significant impact on the existing landscape character of the area. This is due to the positioning of the turbines in the landscape which is partly mitigated by existing vegetation and existing farm buildings.

Based on the above landscape and visual impact assessment of the proposal to erect two wind turbines at Overhailes Farm, we do not believe that East Lothian Council can justify a reason for refusal based on landscape impact grounds.

4.0 National Planning Policy

4.1 National Planning Framework 2

NPF2 highlights onshore wind along with hydro-power as the renewable technologies most likely to make the largest contributions initially to the realisation of the Scottish Government's renewable energy targets.

4.2 Scottish Planning Policy

The Scottish Planning Policy document includes a section on renewable energy (addressing onshore wind power specifically) and the Government's commitment to achieving their set targets. Paragraph 182 states:

"The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth. The current target is for 50% of Scotland's electricity to be generated from renewable sources by 2020 and 11% of heat demand to be met from renewable sources. These targets are not a cap. Hydroelectric and onshore wind power are currently the main sources of renewable energy supplies…"

Paragraph 184 specifically addresses the role of the Development Plan in supporting renewable energy schemes, as stated:

"…Development plans should support all scales of development associated with the generation of energy and heat from renewable sources, ensuring that an area's renewable energy potential is realised and optimised in a way that takes account of relevant economic, social, environmental and transport issues and maximises benefits. Development plans should support the wider application of medium and smaller scale renewable technologies…"

The relevant context of the Scottish Planning Policy is supportive of the type of development subject of this planning application.

4.3 Scottish Government Specific Advice Sheet on Onshore Wind Turbines

PAN 45 Renewable Energy Technologies and Annex 2 Spatial Frameworks and Supplementary Planning Guidance for Wind Farms has been replaced with web based renewables advice. The advice note on Onshore Wind Turbines is relevant for this proposed development.

The advice paper has suggested areas of focus for planning authorities one of which is to:

"Provide greater clarity on where groups of wind turbines can be located by ensuring that a spatial framework for wind farms greater than 20MW has been set out in the development plan and addressing the potential below 20MW where appropriate."

The guidance note has a section on "Typical Planning Considerations in Determining Planning Applications for Onshore Wind Turbines" which are:

- Landscape Impact
- Landscape Assessment
- Impacts on Wildlife and Habitat, Ecosystems and Biodiversity
- Impact on Communities
    - Shadow Flicker
    - Noise
    - Electro-magnetic Interference to Communications Systems
    - Ice Throw
- Separation Distances
- Aviation Matters
- Road Traffic Impacts
- Cumulative Impacts
- Good Practice During Construction
- Decommissioning

TGC Renewables has considered all of the above points in its assessment of the proposal. This is detailed below:

- Landscape Impact – this is considered in section 3.3 of this report and in sections 13.0 and 14.0 of the Planning & Design Statement submitted with the planning application. We are aware that the turbines will be visible from some viewpoints; however, the consideration was made when assessing the location that the turbines would not impact detrimentally on the wider landscape. Photomontages and ZTVs have of course been prepared which demonstrate the visibility of the proposed wind turbine scheme.

- Landscape Assessment – again this is considered in section 3.3 of this report and in sections 13.0 and 14.0 of the Planning & Design Statement submitted with the planning application.

- Impacts on Wildlife and Habitat, Ecosystems and Biodiversity – this is considered in section 16.0 of the Planning & Design Statement.

- Impact on Communities
    - Shadow Flicker – this is dealt with in section 20.0 of the Planning & Design Statement.

- Noise – this is dealt with in section 19.0 of the Planning & Design Statement.

- Electro-magnetic Interference to Communications Systems – this is dealt with in section 21.0 of the Planning & Design Statement.

- Ice Throw – it is very unlikely there will be a build-up of ice but the turbines are sited in a location which mitigates this risk.

- Separation Distances – the turbines comply with the separation distances required.

- Aviation Matters – this is also dealt with in section 21.0 of the Planning & Design Statement.

- Road Traffic Impacts – it is not considered that there will be any detrimental impact on the existing road network. There may be a slight increase in traffic during the deployment phase but following this the site will only be visited for maintenance purposes on an approximately three-monthly basis.

- Cumulative Impacts – this is not relevant to this proposal.

- Good Practice During Construction - TGC work closely with statutory and industry regulations to ensure best practice at all stages of site development. Certifications and qualifications of site staff are available on request. All contractors are appointed on the basis of their accreditation from industry bodies and also work to TGC's standards.

- Decommissioning – Once the turbines have reached the end of their life, which is expected to be around 30 years, the site will be cleared and restored to its original condition as soon as possible. The applicant is willing to accept a condition on the consent relating to decommissioning.

4.4 Scottish Natural Heritage – Natural Heritage Assessment of Small Scale Wind Energy Projects which do not require formal Environmental Impact Assessment (EIA) March 2008

The above guidance is relevant to the proposed development. SNH have outlined what level of information they require for turbines which do not require an EIA:

- Conducting a basic landscape appraisal – this should include a Zone of Theoretical Visibility map covering an area of up to 15km (radius) from the turbine and wireline drawings and/or photomontages from a limited number of key viewpoints. TGC have of course prepared a ZTVs and photomontages from Key Visual Receptors surrounding the site, which were submitted with the planning application;

- Conducting a basic assessment of the impact on birds – TGC have taken this into consideration when preparing the planning application. Due to the height of the proposed turbines which are only 36.4m to hub it is not considered that these would cause a detrimental impact to birds; and

Conducting a basic assessment of the potential impacts on habitats and protected species – the site is within zone 1 which is a low sensitivity area and the turbines are less than 50m high. There are no nature designations within close vicinity of the proposed development site.

5.0 Conclusion

The proposal meets the requirements of the Development Plan and National Planning Policy and it is respectfully requested that the Local Review Body should overturn the decision of East Lothian Council to refuse planning permission for the proposed development. The proposal is an example of a development which will help to meet East Lothian Council as well as National targets as regards the production of renewable energy.

The proposed turbines are not overbearing in scale and are neutral in colour which ensures that they will not pose a detrimental impact within the landscape setting. They are proposed in an area which is capable of accommodating two wind turbines of the scale proposed.