

REPORT TO: Planning Committee
MEETING DATE: Tuesday 7 May 2013
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

Note: this application was called off the Scheme of Delegation List by Councillor McLennan for the following reason: Due to the strong public interest in this application and the number of submissions made I would like the opportunity to discuss in greater detail.

Application No. **12/00874/P**

Proposal Erection of 1 wind monitoring mast for a temporary period of 18 months, 1 wind turbine and associated works

Location **Blackcastle Hill
Dunbar**

Applicant Dunbar Community Energy Company

Per Locogen

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

Planning permission is sought for the erection of one wind turbine on agricultural land on Blackcastle Hill that is in the countryside to the south of Innerwick and to the northwest of Oldhamstocks. The proposed wind turbine would be positioned high on Blackcastle Hill, some 273 metres to the southwest of the existing Blackcastle Hill transmitting station and tall telecommunication mast, and some 177 metres to the southwest of another tall telecommunication mast. The proposed wind turbine would be some 31 metres to the east of the access road which traverses Blackcastle Hill.

The proposed wind turbine would consist of a supporting column measuring 32.8 metres in height from the ground to the centre of the rotor hub. The triple blades of the rotor would each have a length of 23.5 metres. The wind turbine would therefore have a height of 56.3 metres from ground level to blade tip. The diameter of its rotating blades would be 47 metres.

In association with the proposed wind turbine planning permission is also sought for the erection of a small transformer building that would be positioned some 1.2 metres to the north of the proposed wind turbine. The proposed transformer building would be constructed of Glass Reinforced Plastic, would measure some 3 metres high, 4 metres long and 4 metres wide and would be coloured green or brown. To access the proposed wind turbine it is

proposed to form a 37 metres long gravel access track running southwards from the location of the proposed wind turbine to where it would join the existing Blackcastle Hill access road.

Planning permission is also sought for the erection of a 40 metres high wind monitoring mast some 20 metres to the east of the location of the proposed wind turbine. Planning permission for the proposed wind monitoring mast is sought for a temporary period of 18 months. It is stated in the application that the purpose of the proposed wind monitoring mast is to monitor and record wind speed and direction for the temporary period of 18 months in order for such data to be used to assess the conditions for the future erection of the proposed wind turbine.

The proposed wind monitoring mast would be in the form of a 40 metres high tubular steel pole held in place with steel wire ropes at 5 levels and joined to ten ground anchors. No permanent foundations would have to be formed. Anemometers, wind direction vanes and other instrumentation would be mounted on the proposed mast.

The application site is within the Lammermuir Hills Area of Great Landscape Value and is some 2.3 kilometres away from the northwest corner of Oldhamstocks Conservation Area.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, as the applicant has submitted an Environmental Statement with the application the proposed development falls to be assessed as Environmental Impact Assessment (EIA) development.

The submitted Environmental Statement contains an introduction and chapters on: scheme design and description, planning policy, landscape and visual, hydrology, socio-economic, cultural heritage, ecology, shadow flicker, noise, telecommunications, aviation and public safety and miscellaneous issues. A design and access statement has also been submitted with the planning application.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policies ENV1D (Regional and Local Natural and Built Environment Interests), ENV3 (Development in the Countryside), ENV6 (Renewable Energy) and of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP13 (Biodiversity and Development Sites), NRG3 (Wind Turbines), ENV7 (Scheduled Monuments and Archaeological Sites), NH4 (Areas of Great Landscape Value) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are:

1. The Scottish Government's policy on renewable energy given in Scottish Planning Policy: February 2010;
2. The Scottish Government web based renewables advice entitled "Onshore Wind Turbines", which has replaced Planning Advice Note 45: Renewable Energy Technologies;
3. The East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011);

4. The Council's Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010;

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. In this, there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning authorities should support the development of a diverse range of renewable energy technologies whilst guiding development to appropriate locations. Factors relevant to the consideration of applications for planning permission will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise. When granting planning permission planning authorities should include conditions for the decommissioning of renewable energy developments including, where applicable ancillary infrastructure and site restoration.

The advice entitled "Onshore Wind Turbines" forms one section of the web based renewables advice that the Scottish Government have introduced to replace Planning Advice Note 45: Renewable energy technologies. It provides advice on, amongst other things, matters relating to landscape impact, wildlife and habitat, ecosystems and biodiversity, shadow flicker, noise, road traffic impacts, aviation, and cumulative effects. In relation to landscape impact, the advice is that wind turbines can impact upon the landscape by virtue of their number, size or layout, how they impact on the skyline, their design and colour, any land form change, access tracks and ancillary components anemometers, substations and power lines. The ability of the landscape to absorb development often depends largely on features of landscape character such as landform, ridges, hills, valleys, and vegetation. Selecting an appropriate route for access, considering landform change, surfacing and vegetation can also influence to what extent proposals are integrated into the landscape setting. In relation to landscape impact, a cautious approach is necessary in relation to particular landscapes which are rare or valued. In assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant considerations. It will also be necessary to consider the significance of the landscape and views, proximity and inter-visibility and the sensitivity of visual receptors. Planning authorities are more frequently having to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed.

Policy ENV6 of the approved Edinburgh and the Lothians Structure Plan 2015 states that the development of renewable energy resources will be supported where this can be achieved in an environmentally acceptable manner. Local Plans should set out the specific criteria against which renewable energy developments will be assessed including cumulative impact.

It is stated in paragraph 9.6 of the adopted East Lothian Local Plan 2008 that the Council is supportive of Government policy to secure greater energy generation from renewable sources. The benefits will be weighed against the impact on the local environment and features of interest. With regard to wind turbines it is stated in paragraph 9.7 that because of the need for turbines to catch the wind it is not possible to hide them. The visual and landscape impact, both of the turbines themselves and associated infrastructure, is usually the main concern. In paragraph 9.8 it is stated that the Council wishes to protect valued landscape features, including North Berwick Law.

Policy NRG3 of the adopted East Lothian Local Plan 2008 states that subject to consistency with other plan policies, proposals for individual turbines or wind farms and associated access tracks and transmission lines will be supported where (i) they would not change the existing landscape character in an unacceptable way; (ii) they would not have an unacceptable visual

impact on landscape or townscape including the impact on distinctive public views, landmark buildings or natural features, or routes; (iii) they would not have an unacceptable impact from noise at any noise sensitive property including the gardens of such properties however large; (iv) there would be no demonstrable nuisance from a shadow flicker effect; (v) they would have no unacceptable adverse impacts on hydrogeology or hydrology; (vi) alternative, better, sites are not available; and (vii) there are no unacceptable cumulative impacts. Policy NRG3 also requires that in assessing all proposals the Council will have regard to the findings and recommendations of the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005).

The Council's Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is relevant to the determination of this application. In setting out the policy framework and key considerations for wind turbine development the purpose of this supplementary planning guidance is (i) to provide potential applicants for planning permission for smaller and medium sized turbines with guidance on the range of issue which they should consider when preparing wind turbine proposals, and (ii) to indicate the matters which will be considered by the Council when assessing these applications. It is focused primarily on turbines with a height to blade tip ranging from between 20 to 120 metres but is also applicable to single and small groups of turbines in excess of 120 metres to blade tip where the same design and policy issues would be relevant.

The Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) is also relevant to the determination of this application. This Supplementary Landscape Capacity Study determines the capacity of the East Lothian lowland landscapes and the Lammermuir fringe to accommodate various scales of wind turbine development smaller than those considered in the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005). In this regard four principal development typologies are considered in the study, namely, (i) Typology A: wind turbines between 65m and 120m high, (ii) Typology B: Single wind turbines between >42m and <65m high, (iii) typology C: wind turbines between 20m and up to and including 42m high, and (iv) typology D: wind turbines between 12m and <20m high, with all wind turbine heights being from ground level to blade tip.

The Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005) is not material to the determination of this application as its findings are not based on an assessment of the affect on the landscape of East Lothian of a single wind turbine lower than 120 metres high.

A total of 101 written representations have been received in respect of this planning application. Of these, 46 make objection to the proposed development and 54 expresses support for it. The other written representation is a comment on the proposed development and is neither an objection to nor a statement of support for the proposed development.

The main grounds of the objections to the application are:

- * the proposed wind turbine is of an inappropriate size and scale and would damage the landscape character and appearance of the area in an unacceptable way;

- * the proposed wind turbine would harmfully impact on key features and views including an Area of Great Landscape Value;

- * the proposed wind turbine would be in an elevated position and thus highly visible;

- * the proposed wind turbine would lead to an unacceptable cumulative impact

- * the proposed wind turbine would have a harmful impact through noise;
- * the proposed wind turbine is contrary to Policy NRG3 of the adopted East Lothian Local Plan 2008;
- * the proposed wind turbine is contrary to the findings of the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011);
- * there is already enough renewable energy infrastructure in the area;
- * transportation to the site could be a concern
- * it is that it has not been demonstrated that alternative, better sites are not available for the proposed wind turbine;
- * property prices would be affected
- * concern over how funds generated by the operation of the proposed wind turbine would be allocated and regulated;
- * only a select few would benefit from employment and salaries;
- * the promotion of the proposed wind turbine as a "community turbine" should have no bearing on the how the application is determined as there should be no preference arising from and claimed community benefit;
- * community benefits do not justify ignoring development plan policy.

The main grounds of support for the proposed development are:

- * the proposed wind turbine would be a source of grant funding for local communities and would provide investment in local projects;
- * the proposed wind turbine would support the aims of the Council's environment strategy;
- * the visual impact of a community wind turbine is different to that of a commercial wind turbine;
- * promoting renewable energy is important to address climate change;
- * wind turbines are not unsightly.

Dunpender Community Council comment that they are unable to support the application unless the proposed development fully complies with the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

Dunbar Community Council, as a consultee on the application have divided views on the acceptability of the proposed wind turbine, being supportive of proposed economic benefits from it but concerned over its impact on the landscape in terms of the findings of the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

The application is within the area of East Lammermuir Community Council, who are therefore a statutory consultee on the application. They state that the proposed wind turbine would contravene the East Lothian Planning Guidelines on wind turbines and is too large for its

proposed location. They also state that the proposed wind turbine would be clearly visible from Oldhamstocks Conservation Area where it would have a harmful visual and landscape impact on that conservation area. Other concerns raised are ones of harmful cumulative impact of wind turbines in the wider area and harmful impacts on residential amenity, noise and psychological impacts. In all of the above East Lammermuir Community Council recommend planning permission for the proposed wind turbine be refused.

Scottish Borders Council state that they are satisfied that the proposed development would be sufficiently distant from their administrative area that there would be no landscape or other impacts of significance upon the Borders area and there is, therefore, no objection to the proposed development.

As a monitoring and recording device of wind speed and direction the proposed wind monitoring mast has an operational requirement for being in its countryside location.

Whilst it would be tall, the proposed wind monitoring mast would be thin in its physical form, with little bulk to it. In its open countryside location and in its elevated position on Blackcastle Hill it would be visible in views from public places, including from parts of the local road network. Nonetheless, even with its steel wire supporting ropes, anemometers, wind direction vanes and other instrumentation it would not appear unduly intrusive, and given the temporary period of time in which it would be sited on the land it would not cause significant or lasting harm to the landscape character and visual amenity of this part of the Lammermuir Hills Area of Great Landscape Value.

Due to its remoteness from existing residential properties the proposed wind monitoring mast would have no harmful impact on residential properties.

Due to its relatively small size and positioning within its wider landscape setting the proposed transformer building would not appear harmfully exposed, intrusive or incongruous in its setting and would not be harmful to the landscape character and appearance of this part of the Lammermuir Hills Area of Great Landscape Value.

Due to its positioning within the local landform and that it would be a ground surface feature, the proposed access track would not be harmful to the landscape character and appearance of this part of the Lammermuir Hills Area of Great Landscape Value.

The National Air Traffic Services (NATS) and the Ministry of Defence (MOD) have been consulted on the application and all raise no objection to the proposed wind turbine on grounds of aircraft safety. The Civil Aviation Authority (CAA) have no comment to make on the application.

It is stated in Part 1(a) of Policy DC1 of the adopted East Lothian Local Plan 2008 that infrastructure type development will be acceptable in principle in the countryside of East Lothian provided it has a clear operational requirement for a countryside location that cannot reasonably be accommodated within an existing urban or allocated area. Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 states that development in the countryside will be allowed where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose.

With its purpose to generate and supply electricity a proposed wind turbine can reasonably be defined as being an infrastructure type development. A countryside location where wind power can be harnessed to generate electricity is a basis upon which the requirement to operate a wind turbine infrastructure type development in the countryside can in principle be justified.

The application site is in a countryside location where wind power can be harnessed to generate electricity and the proposed wind turbine, with its purpose to generate and supply electricity is an infrastructure type development. Thus the proposed wind turbine is, in principle, consistent with Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

Moreover, in its countryside location the proposed wind turbine would not involve any permanent development and furthermore would not preclude the reversal of the use of the land of the application site to agricultural use. On this consideration too the principle of the proposed development is consistent with Policy DC1 of the Local Plan and Policy ENV3 of the Structure Plan.

The applicant states that the proposed wind turbine would provide an additional sustainable source of income for the nearby Cocklaw Farm as a proportion of the revenue that would derive from the electricity generated by it. Yet what they also say is that such income would be in the form of a rent paid to the farm for the siting of the wind turbine on the piece of land owned by the farm on which the proposed wind turbine would be sited. This amounts to a contractual agreement between the operators of the wind turbine and the landowner. In this the proposed wind turbine is not being promoted as any direct requirement for the operation of the agricultural use of the farm.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not have an unacceptable impact from noise at any noise sensitive property and Part 5 of Policy DC1 requires there to be no significant adverse impact on nearby uses.

Paragraph 5.20 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that the proximity of noise sensitive receptors (e.g. residential properties) will be a significant factor in the requirement for an assessment of the affect of noise from the turbine on such noise sensitive receptors. Paragraph 5.22 states that for single turbines in low noise environments the day time level measured as LA(1), 10min should be 35 DB at nearest noise sensitive dwellings, up to wind speeds of 10m/s at 10 metres in height.

In this regard the Council's Senior Environmental & Consumer Services Manager advises that he has assessed the noise data submitted with the application and is satisfied that the external free-field noise levels associated with the operation of the proposed wind turbine would not exceed 35dBLA90 10min at any wind speed up to 10m/s at any nearby residential property. In which case the proposed wind turbine would not have a harmful noise impact on any residential property within the locality.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not demonstrably give rise to nuisance from a shadow flicker effect and Part 5 of Policy DC1 requires there to be no significant adverse impact on nearby uses.

The Scottish Government web based renewables advice entitled "Onshore Wind Turbines" advises that as a general rule the shadow flicker effect of an operating turbine should not be a problem where the distance between the turbine and a dwellinghouse exceeds 10 times the diameter of the rotor blades of the turbine.

In the case of the proposed wind turbine 10 times the diameter of its rotor blades would be 470 metres. The nearest dwellings, being those of Thurston Mains Cottages to the north, are some 1.25 kilometres away from where the proposed wind turbine would be sited. Thus, the proposed wind turbine passes the Scottish Government's general rule of shadow flicker effect.

Due to its height and distance from the nearest residential properties the proposed wind turbine would not be physically overbearing on any of them or in the outlook from them. On this count the proposed wind turbine would not harm the amenity of those residential properties.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not have an unacceptable adverse impact on hydrogeology or hydrology.

Scottish Water raises no objection to the application.

The Scottish Environment Protection Agency (SEPA) raise no objection to the application.

On this consideration the proposed wind turbine would not have an unacceptable adverse impact on the hydrogeology or hydrology of the area.

On these tests of noise and shadow flicker effect and considerations of dominance, outlook and impact on hydrology the proposed wind turbine is consistent with Policies NRG3 and DC1 (Part 5) of the adopted East Lothian Local Plan 2008, Policy ENV6 of the approved Edinburgh and the Lothians Structure Plan 2015, The Scottish Government web based renewables advice entitled "Onshore Wind Turbines" and Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

On the matter of safety, paragraph 5.15 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that although wind turbines erected in accordance with best engineering practice should be stable structures, it is desirable to achieve a set back from roads, railways and public footpaths. The Scottish Government web based renewables advice entitled "Onshore Wind Turbines" gives advice on the siting of wind turbines in proximity to roads and railways and states that it may be advisable to achieve a set back from roads and railways of at least the height of the turbine proposed.

The proposed wind turbine would achieve such a set back distance in its relationship with the nearest public road; that being the one that is some distance to the northwest of the application site at Thurston.

On this consideration of safety the proposed wind turbine is consistent with Policy T2 of the adopted East Lothian Local Plan 2008, The Scottish Government web based renewables advice entitled "Onshore Wind Turbines" and Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

The Council's Transportation service advises that a Transport Method Statement and Vehicle Track Assessment would have to be submitted to and approved by the Planning Authority prior to the erection of the proposed wind turbine in order to control the movement of construction and delivery vehicles during the erection of the proposed wind turbine.

Transport Scotland raise no objection to the application.

Policy DP13 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area. One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that sites or species designated or protected for their biodiversity or nature conservation interest will be protected in accordance with development plan policy. Proposals for wind turbines must have regard to both their site specific and wider impacts.

The Council's Biodiversity Officer is satisfied that the proposed wind turbine would not have any adverse biodiversity impacts.

Accordingly, the proposed wind turbine is not contrary to Policy DP13 of the adopted East Lothian Local Plan 2008 or Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

It is stated in Scottish Planning Policy that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

As stipulated in Policy ENV7 of the adopted East Lothian Local Plan 2008, new development that would harm a site of archaeological interest or its setting will not be permitted. One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that wind turbine development that would harm an archaeological site or its setting, will not normally be permitted.

The Council's Archaeology Officer advises that the proposed development would be situated in an area of considerable archaeological importance and which is exceptionally dense with archaeological remains dating from the prehistoric period. Because of this the Archaeology Officer recommends that a programme of archaeological works be carried out prior to the commencement of development. This could be secured through a condition attached to a grant of planning permission for the proposed wind turbine. This approach is consistent with Scottish Planning Policy: February 2010 and Planning Advice Note 2/2011: Planning and Archaeology.

On this consideration the proposed wind turbine is not contrary to Policy ENV7 of the adopted East Lothian Local Plan 2008 or Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

Notwithstanding these foregoing conclusions it now has to be established whether or not the proposed wind turbine would be acceptable in terms of its landscape and visual impact, including its impact on the Lammermuir Hills Area of Great Landscape Value within which it would be located and its impact on the setting of Oldhamstocks Conservation Area.

On the matter of landscape impact, an important material consideration in the determination of this planning application is the Council approved East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) which determines the capacity of the East Lothian lowland landscapes to accommodate various scales of wind turbine development.

According to the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) Blackcastle Hill and thus the application site is a part of the lowlands landscape of East Lothian.

The land of the application site is within the Eastern Lammermuir Fringe landscape character area of the Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011). The Study classifies this landscape character area as comprising of a complex rolling

landform of small hills and strongly contained narrow valleys. The Study further classifies this landscape character area as being of high sensitivity to Typology of wind turbine A and B, of medium-high sensitivity to Typology of wind turbine C and medium-low sensitivity for Typology of wind turbine D.

The Study states that within the Eastern Lammermuir Fringe landscape character area: (i) there are no opportunities to locate wind turbines of Typology A (between 65 metres and 120 metres high) or of Typology B (single wind turbines between more than 42 metres and less than 65 metres high); (ii) there are limited opportunities to accommodate wind turbines of Typology C, being wind turbines between 20 metres high and up to and including 42 metres high (subject to impact on key views); (iii) there are opportunities to locate wind turbines of Typology D, being wind turbines between 12 metres and less than 20 metres high, if visually associated with farms and buildings.

The proposed wind turbine, at a height of 56.3 metres from ground level to blade tip, is a Typology B wind turbine that the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) advises cannot be accommodated within the Eastern Lammermuir Fringe landscape character area.

Even more, whilst the Study advises that within the Eastern Lammermuir Fringe landscape character area there are some opportunities to accommodate Typology C and D wind turbines, it particularly states that the part of the Eastern Lammermuir Fringe landscape character area in which the site of the proposed wind turbine is located cannot accommodate any Typology of wind turbine.

On both of these counts the proposed wind turbine is contrary to the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

Notwithstanding, it is necessary to determine, though a specific landscape and visual impact appraisal of its likely impact whether or not the proposed wind turbine would be acceptable to its place. In this due regard has to be paid to the terms of Structure Plan Policies ENV1D and ENV3, Local Plan Policies DC1, NH4 and NRG3, Scottish Planning Policy: February 2010 and Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

It is stated in Scottish Planning Policy that development outwith a conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area.

Policy ENV1D of the approved Edinburgh and Lothians Structure Plan 2015 states that development affecting the setting of a conservation area will only be permitted where it can be demonstrated that the overall objectives and overall integrity of it will not be compromised. It also states that development affecting an area of great landscape value will only be permitted where it can be demonstrated that the overall objectives and overall integrity of it will not be compromised.

Policy ENV3 states that local plans should require that development in the countryside is well integrated into the rural landscape and reflects its character and quality of place.

Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008 stipulates that new development must be sited so as to minimise visual intrusion and landscape impact within the open countryside. With regard to its nature and scale new development must be integrated into the landscape, reflect its character and quality of place, and be compatible with its surroundings.

Policy NH4 stipulates that development that harms the landscape character and appearance of Areas of Great Landscape Value will not be permitted.

As stipulated in Policy NRG3 of the adopted East Lothian Local Plan 2008 a proposed wind turbine(s) should not change the existing landscape character in an unacceptable way and should not have an unacceptable visual impact on landscape or townscape including the impact on distinctive public views, landmark buildings or natural features.

On the key considerations of landscape impact and impact on public views to and from landmark features Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states:

(i) wind turbine development will only be supported where the overall integrity and setting of key public views to and from landmark features, both natural and man-made, will not be compromised. Developments which would harm the character, appearance and setting of significant natural landscape features, landmark buildings and structures will be resisted;

(ii) wind turbines must be sited and designed so that they relate to their setting; that any adverse effects on visual amenity and landscape are minimised and that areas which are valued for their landscapes and scenery are protected;

(iii) wind turbines must be acceptable in terms of scale and character for their proposed location and must be well integrated into the landscape, reflect its character and quality of place and be compatible with its surroundings;

(iv) wind turbines must not appear incongruous or dominate the local landscape when viewed from a range of public places. They must be capable of being accommodated within an open landscape without detriment to landscape character. They must not result in a change of landscape character from a predominantly agricultural landscape to one that is a landscape dominated by wind turbines: cumulative impact will be a particular issue here;

(v) a wind turbine development that would be detrimental to the character and appearance of conservation areas will not be supported.

(vi) a wind turbine development that would harm the landscape character and appearance of an area of great landscape value will be resisted.

In relation to cumulative impact paragraph 4.34 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that individual wind turbine proposals must not be looked at in isolation. Cumulative visual impact, viz. the impact of the proposed turbine/s when viewed in association with other turbines already erected or in the planning process needs to be taken into account. A balance must be retained, so that wind turbines are integrated into their landscape setting and do not merge with other turbines to change the character of the landscape into a predominantly wind farm landscape where other significant landscape characteristics of an area become visually subservient to wind turbines. On this matter Policy NRG3 of the local plan stipulates there should be no cumulative impacts from a proposed wind turbine(s).

The applicant has submitted with the application a Zone of Theoretical Visibility (ZVT) drawing which identifies 17 viewpoints (VPs) to inform the assessment of the potential landscape and visual impact of the proposed wind turbine.

The specific landscape appraisal of the impact of the proposed wind turbine from those 17 viewpoints (VPs) undertaken by Policy & Projects finds that:

VP 1 from Oldhamstocks:

As Oldhamstocks is in a hollow the proposed wind turbine would not be readily visible from within the village, but in the wider landscape it would be visible in its relationship with Oldhamstocks Conservation Area. The proposed wind turbine would be visible in views from the southern part of Oldhamstocks Conservation Area at Woollands. The land of the Conservation area between Woollands and the village of Oldhamstocks is part of the open setting of the village. This setting contributes, in part, to the sense of place of Oldhamstocks, an historic village within a rolling landscape. In that relationship the proposed wind turbine would be seen as a discordant and incongruous feature harmful to the setting of Oldhamstocks Conservation Area;

VP 2 from Oldhamstocks Local Road:

From this viewpoint the proposed wind turbine would be screened by intervening woodland but would become visible if the woodland were to be felled as a forestry crop.

VP 3 from Thurston Manor;

This is an open hillside view of the very focal Blackcastle Hill. To its height of 56.3 metres with blades rotating to a 47 metres diameter the proposed wind turbine, in its position close to the top of the hill would be very prominent and obtrusive on the skyline in the view from Thurston Manor and together with the existing telecommunication masts would be harmful visual clutter of large scale structures on Blackcastle Hill. This would harmfully detract from the landscape character and focus of Blackcastle Hill and from the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 4 from Ferneylea (south of Oldhamstocks):

The tips of the blades of the proposed wind turbine would be visible on the skyline in views from Ferneylea, introducing a new discordant and incongruous form of development in those views harmful to the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 5 from the A1 Thurston Manor Turnoff:

The proposed wind turbine in its position close to the top of the very focal Blackcastle Hill would be very prominent and obtrusive on the skyline in the view from Thurston Manor and together with the existing telecommunication masts would be harmful visual clutter of large scale structures on Blackcastle Hill, harmful to the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 6 from Monynut Edge:

In views northwards from the Monynut Edge towards the sea the proposed wind turbine would be a prominent obtrusive skyline feature on the very focal Blackcastle Hill and together with the existing telecommunication masts would be harmful visual clutter of large scale structures on Blackcastle Hill, harmful to the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 7 from the A1 at Torness:

From this viewpoint the proposed wind turbine would be visible on the skyline at Blackcastle Hill and by its scale and form would be seen as an intrusive feature in the landscape and together with the existing telecommunications masts would be harmful visual clutter of large scale structures on Blackcastle Hill, harmful to the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 8 from the A1 at the Oldhamstocks Turnoff:

The proposed wind turbine would be visible on the skyline at Blackcastle Hill and by its scale and form would be seen as an intrusive feature in the landscape and together with the existing telecommunication masts would be harmful visual clutter of large scale structures on Blackcastle Hill, harmful to the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 9 from Dunglass:

The tips of the blades of the proposed wind turbine would be visible on the skyline in views from Dunglass, introducing a new discordant and incongruous form of development in those views harmful to the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 10 from Cockburnspath:

The tips of the blades of the proposed wind turbine would be visible on the skyline in views from Cockburnspath, introducing a new discordant and incongruous form of development in those views harmful to the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 11 from Doon Hill:

From this viewpoint the proposed wind turbine would be visible on the skyline at Blackcastle Hill and by its scale and form would be seen as an intrusive feature in the landscape and together with the existing telecommunication masts would be harmful visual clutter of large scale structures on Blackcastle Hill, harmful to the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 12 from Halls:

From this viewpoint the proposed wind turbine would be visible on the skyline at Blackcastle Hill and by its scale and form would be seen as an intrusive feature in the landscape and together with the existing telecommunication masts would be harmful visual clutter of large scale structures on Blackcastle Hill, harmful to the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 13 from Ecclaw Hill:

From this viewpoint the proposed wind turbine would be visible on the skyline at Blackcastle Hill and by its scale and form would be seen as an intrusive feature in the landscape and together with the existing telecommunication masts would be harmful visual clutter of large scale structures on Blackcastle Hill, harmful to the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value.

VP 14 from Dunbar by ASDA:

This represents views from the south east edge of Dunbar from where the proposed wind turbine would be seen to be prominent and obtrusive on the skyline at Blackcastle Hill and together with the existing telecommunication masts would be harmful visual clutter of large scale structures on the hill. It would be similarly seen from other parts of Dunbar and from parts of the coastline. In such views the proposed wind turbine would be harmful to the Eastern Lammermuir Fringe landscape character area and the landscape character of the Lammermuir Hills Area of Great Landscape Value.

VP 15 from the A1107 close to Old Cambus:

In this long distance view from the Berwickshire coastal/tourist road looking west towards East Lothian the proposed wind turbine would be visible but not to such a degree as to be unduly prominent in its landscape setting.

VP 16 from the A198 near Knowes Farm:

In this long distance view looking east towards over the East Lothian countryside the proposed wind turbine would be visible but not to such a degree as to be unduly prominent in its landscape setting.

VP 17 from Traprain Law:

In this long distance view looking east towards over the East Lothian countryside the proposed wind turbine would be visible but not to such a degree as to be unduly prominent in its landscape setting.

The overall findings of the VP appraisals is that the proposed wind turbine due to its positioning, form, height and scale would in many views of it appear as a highly exposed and obtrusive skyline feature and in its relationship with the existing two telecommunications masts would harmfully amount to visual clutter on Blackcastle Hill. Such effects would harmfully detract from the landscape character and focus of Blackcastle Hill and from the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value. It would be visible from parts of the Oldhamstocks Conservation Area from where it would be prominent in its visual relationship with, and a discordant and incongruous feature harmful to the setting of that Conservation Area.

These findings demonstrate that the proposed wind turbine cannot successfully be accommodated in its proposed location within the East Lammermuir Fringe landscape character area.

On the matter of landscape and visual impact Scottish Natural Heritage state they have concerns relating to likely landscape and visual impacts of the proposed wind turbine, in particular the cumulative impact on landscape character and visual amenity. In this they advise that:

- The proposed wind turbine would likely contribute to adverse cumulative effects on landscape character and visual amenity by virtue of its combination with the larger and existing wind farm developments at Aikengall and Crystal Rig. It would potentially be seen as an outlier or a prominent foreground element, often in visual competition and potentially detracting from the setting of these larger and more extensive developments which are often seen to be more associated with the broad upland areas and set further back within the hills;

- The proposed wind turbine would add to the wider and emerging spatial pattern of wind energy development within this area of East Lothian and Northern Berwickshire. This area already has a defined baseline of wind turbine developments of varying scales and turbine numbers and this baseline will be added to by this now proposed wind turbine. By virtue of its general skyline prominence, its strategic location on the eastern fringe of the Lammermuir Hills and with regards its proximity to other developments, the proposed wind turbine could adversely add to this pattern of developments where it has the potential to exacerbate the growing mix of turbine scales and differing designs of wind energy developments in the area, thus blurring any current distinction and association that exists relating turbine scale and typology to landscape scale and character. The proposed wind turbine therefore has the potential to add to a sense of piecemeal or poorly planned wind turbine development across this sub-region;
- The proposed wind turbine would be visually prominent within the local and wider landscape context by virtue of its positioning in an open location near the highest area of Blackcastle Hill. The existing telecommunication masts provide a useful reference point towards establishing the potential visibility of the proposed wind turbine, including identifying the wide range of likely views from important areas of the coast and agricultural hinterland. Given the openness and the smooth profile of the Blackcastle Hill, which often appears as the “outer edge” of the Eastern Lammermuir Hills, there is a general affordability of views of the proposal from many eastern areas, especially from within 5km of the site. Clear views of the proposed wind turbine, on a prominent local skyline, will therefore be readily experienced from settlements, dispersed dwellings, recreational areas, locally and regionally important paths, roads and railway routes;
- It should be noted that the proposed wind turbine lies within the Lammermuir Hills Area of Great Landscape Value (AGLV). Whilst noting the scale and extent of existing wind farm development within the AGLV, the designation does nonetheless raise the need for an approach which delivers high standards of siting and design of any new development. In this regard, the overall landscape and visual impacts of the proposed wind turbine, including cumulative effects, would be greatly reduced if it was located away from the ridge and within areas of lower topography, further south and east.

On the considerations of landscape appraisal it can be concluded from all of the above that the proposed wind turbine is contrary to Policy ENV1D of the approved Edinburgh and Lothians Structure Plan 2015, Policies DC1 (Part 5), NH4 and NRG3 and of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the Scottish Government web based renewables advice entitled “Onshore Wind Turbines” and 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.

Finally, it is necessary to consider whether there are material considerations in this case that outweigh the above conclusions that the proposed wind turbine does not comply with relevant development plan policy, the Council’s Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 and the Council’s East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. However, Scottish Planning Policy advises that whilst planning authorities should support the development of a diverse range of renewable energy technologies, they should guide development to appropriate locations and that factors relevant to the consideration of applications for planning permission will depend on the scale of the development and its relationship with the surrounding area and include impact on the

landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

Development plan policy for East Lothian is supportive of Government policy to secure greater energy generation from renewable sources, but does require that the benefits of that have to be weighed against the impact of any such developments on the local environment and features of interest.

In the case of the wind turbine proposed in this application any benefit of it as a renewable source of electricity generation would not in itself outweigh the harmful impact it would have on the landscape, on the landscape character and appearance of the Eastern Lammermuir Fringe landscape character area, the Lammermuir Hills Area of Great Landscape Value and on the setting of Oldhamstocks Conservation Area.

It is stated in the Environmental Statement submitted with this application that if planning permission were to be granted for the proposed wind turbine it would be wholly owned locally by Dunbar Community Energy Company and it would provide a direct and considerable financial return to local communities within the Dunbar and District area. Monies from the revenue generated by the operation of the wind turbine would be disbursed through a grants scheme open to applications from voluntary/non-profit making organisations and community initiatives primarily based in the Dunbar, West Barns and East Linton wards of East Lothian.

The Council's Legal Services confirms that how the applicant intends to use any profits generated by the operation of the proposed wind turbine cannot be taken to be a material consideration in the determination of this application for planning permission, as the distribution of any potential revenue to a third party or parties is a future matter for the applicant over which the Council cannot exercise any control.

In any event the matter of community benefit advocated by the applicant would not outweigh the harmful impacts the proposed wind turbine would have on the landscape of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value and on the setting of Oldhamstocks Conservation Area.

REASONS FOR REFUSAL:

- 1 The proposed wind turbine is contrary to the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) which states that a Typology B wind turbine cannot be accommodated within the Eastern Lammermuir Fringe landscape character area and that the part of the Eastern Lammermuir Fringe landscape character area in which the proposed wind turbine would be located cannot accommodate any Typology of wind turbine.
- 2 The proposed wind turbine due to its positioning, form, height and scale would in many views of it appear as a highly exposed and obtrusive skyline feature and in its relationship with the existing two telecommunications masts would harmfully amount to visual clutter on Blackcastle Hill. Such effects would harmfully detract from the landscape character and focus of Blackcastle Hill and from the landscape character of the Eastern Lammermuir Fringe landscape character area and the Lammermuir Hills Area of Great Landscape Value. It would be visible from parts of the Oldhamstocks Conservation Area from where it would be prominent in its visual relationship with, and a discordant and incongruous feature harmful to the setting of that Conservation Area. Accordingly, the proposed wind turbine is contrary to Policy ENV1D of the approved Edinburgh and Lothians Structure Plan 2015, Policies DC1 (Part 5), NH4 and NRG3 and of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the Scottish Government web based renewables advice entitled "Onshore Wind Turbines" and 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.