REPORT TO: Planning Committee

MEETING DATE: 25 June 2025

BY: Executive Director for Place

SUBJECT: Application for Planning Permission for Consideration

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***Note**: this application has been called off the Scheme of Delegation List by Councillor Collins for the following reason:* For further discussion on project for locals and applicant.

***Note:** this application has been called off the Scheme of Delegation List by Councillor McIntosh for the following reasons:* To allow discussion of the application in light of Policy 1 of NPF4, to look in further detail at policies 4b, 11 (ii) and 14 which are referenced in the recommendation to refuse, and to consider how the LDP and supplementary guidance note fit into our overall development plan. Further noting that the reference to the development being against NPF4 Policy 11(ii) appears to be a typo, as there is no section 11(ii) and clarity is requested on which part of Policy 11 has actually been drawn on for this refusal. It may also be useful to get input from the Climate Change Officer regarding this case, as if climate mitigation is being weighed against landscape effects, then a response from the officer with expertise in climate mitigation would help the Committee have a rounded view of the issues before making a determination.

Application no.	**24/01091/P**
Proposal	Installation of one wind turbine and associated works
Location	**Field to the West of Howden Wood** **Gifford** **East Lothian**

Applicant East Lothian Eggs Ltd

Per Anna Balls

RECOMMENDATION Application Refused

REPORT OF HANDLING

BACKGROUND

This application relates to an area of agricultural land, some 0.12ha in size located to the west of Howden Wood and to the southeast of the village of East Saltoun. The application site is located within the countryside, as defined by Policy DC1 of the East Lothian Local Development Plan 2018 ('ELLDP 2018') and is identified as an area of Prime Quality

Agricultural Land (Class 3.1).

The site is within a Coal Authority Development Low Risk Area. Howden Wood which is designated as an Ancient Woodland and a Local Biodiversity Site is located to the north-east of the application site. The application site is not located within a Special Landscape Area.
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The application site is bounded to the north by two large poultry buildings that are operated as organic free range egg production units by East Lothian Eggs Limited, beyond which is the public road of the B6368. The site is bounded to the east by agricultural land and an access track, beyond which is Howden Wood. The site is bounded to the south and west by agricultural land.

Access to the proposed wind turbine would be taken from an existing access junction off of the B6368 and in part, along an existing access track.

PLANNING HISTORY

Relevant planning history is detailed below:

In December 2011, Planning Permission was granted under ref: 11/00839/P for the erection of a wind turbine and associated works at Howden Farm, some 1km north of the application site. The wind turbine was approved with a total height of 34.4 metres from ground level to blade tip. This consent has been implemented and the wind turbine is in operation.

A number of other planning applications have since been granted for development including poultry buildings and associated structures relating to egg production in various locations at Howden Farm. These include (refs: 15/00541/P, 17/00027/P, 19/00330/P, 20/00238/P, 20/00851/P, 21/01235/P, 22/00239/P, 22/00952/P, 23/00680/P, 23/01262/P and 24/00563/P).

PROPOSAL

Planning permission is cnow sought for the erection of a wind turbine and associated works. The associated works would include: i) the erection of a GRP unit; ii) the erection of foundations to host both the turbine and the GRP unit and iii) the extension of an existing access track.

The wind turbine is proposed to be positioned to the southeast of the existing poultry shed and bunding approved under refs: 19/00330/P, 21/01235/P and 22/00239/P. It would be positioned facing in a south-westerly direction and would be embedded into a concrete foundation which would be some 15m in length by some 15m in width. The concrete foundation would have an approximate depth of some 4m.

The wind turbine column would have a height of some 40m. The wind turbine would have three blades, with each blade proposed to be some 27m in length. The total height of the wind turbine inclusive of its blades would be some 67 metres in height. It would have a generation capacity of some 900kW.

The turbine tower itself would be light grey (RAL 7035) in colour and would be of steel construction. The turbine rotor blades would also be light grey (RAL 7035) in colour and constructed from glass reinforced epoxy.

The GRP unit would be positioned to the northeast of the proposed wind turbine. It would

be some 4m in length by some 3m in width. It would have a height of some 2.55m from ground level. It would be constructed with glass reinforced plastic in a shade similar to bottle green (RAL 60007). It would have a set of double stainless steel lourve style doors of some 600mm by 600mm on its front elevation. A thermostatically controlled extract fan would be positioned on the rear elevation of the GRP unit. The GRP unit would be situated on top of a concrete foundation of some 5.19m in length by some 3.4m in width.

The existing access track is proposed to be extended to the southeast to facilitate access to the proposed wind turbine location. The track extension would have a length of some 113m and a width of some 5m. It would be constructed with compacted crushed rock.

This application for planning permission is accompanied by a Planning Statement which is summarised below:

i) The application is submitted on behalf of East Lothian Eggs Ltd ('ELE') an existing and successful agricultural business operating from Howden Farm and with their ongoing expansion comes an increased demand for energy on-site.
ii) Maintaining the hen sheds at the required temperatures for egg production requires a significant amount of energy for heating. The Planning Statement states that this is a contributing factor to the climate crises.
iii) Currently Howden Farm uses ground source heat pumps, an existing wind turbine and solar panels for electricity generation, however, the applicant's do still rely on grid energy which is noted to be burdensome to the existing agriculture business.
iv) The applicant's agent states that increasing the renewable energy generation at Howden Farm will be a significant benefit to the business, environment and community.
v) No other renewable technologies offer an electrical output as high as wind turbines, with the typology chosen to ensure impacts to residential amenity are minimised as much as possible.
vi) In 2023, ELE consumed over 492MW/h of electricity with this figure set to rise.
vii) The proposed turbine would allow this local rural business to secure green, low carbon and zero emission technology, positively contributing to ELC's declared climate emergency and associated climate change targets. Whilst playing a part in increasing the business' green credentials.

The application is also accompanied by the following reports: i) Bat Survey; ii) A Collision Risk Analysis Report; iii) A Noise Impact Assessment; iv) A Preliminary Ecological Appraisal; v) A Non-Technical Summary and vi) an Environmental Impact Assessment (EIA) and associated appendices.

The application is EIA development and is therefore accompanied by an Environmental Impact Assessment. A summary of the EIA and details relating to EIA procedures and associated legislation is set out later in this report.

DEVELOPMENT PLAN

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

The development plan is the approved National Planning Framework 4 ('NPF4') which was adopted by The Scottish Government on the 13th of February 2023 and the adopted ELLDP 2018.

The relevant policies contained within the NPF4 consist of Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 4 (Natural

Places), 5 (Soils), 7 (Historic Assets and Places), 11 (Energy), 13 (Sustainable Transport), 23 (Health and Safety) and 29 (Rural Development) and Policies DP1 (Landscape Character), DP2 (Design), T2 (General Transport Impact), DC1 (Rural Diversification), DC9 (Special Landscape Areas), WD2 (Smaller Scale Wind Turbine Development), WD3 (All Wind Turbines), WD4 (Access Tracks), WD6 (Decommissioning and Site Restoration), NH7 (Protecting Soils), NH13 (Noise), NH3 (Protection of Local Sites and Areas), NH4 (European Protected Species), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), CH1 (Listed Buildings) and CH6 (Gardens and Designed Landscapes) of the adopted ELLDP 2018 are relevant to the determination of the application.

Also, material to the determination of this application is:
1. The Scottish Government web-based renewables advice entitled "Onshore Wind Turbines", which has replaced Planning Advice Note 45: Renewable Energy Technologies;
2. The East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011); and,

The advice entitled "Onshore Wind Turbines" forms one section of the web-based renewables advice note 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, impacts on the historic environment including setting and cumulative effects.

The Council's Locational Guide for Smaller Scale Wind Energy Proposals is relevant to the determination of this application. This has been based on the Supplementary Landscape Capacity Study for Smaller Wind Turbines and determines the capacity of the Lowland Farm Plain 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 65 meters and 120 meters high, (ii) Typology B: Single wind turbines between 42 meters and 65 meters high, (iii) typology C: wind turbines between 20 meters and up to and including 42 meters high, and (iv) typology D: wind turbines between 12 meters and 20 meters high, with all wind turbine heights being from ground level to blade tip.

Also relevant to the determination of the application is the Special Landscape Areas ('SLA') Supplementary Planning Guidance (SPG) of the ELLDP 2018 adopted by the Council in 2018.

REPRESENTATION

One letter of support has been received in respect of this application and two letters of objection have been received in respect of this application. Both objections of which are from the same party.

The letter of support is summarised below:
i) The commentor states that they fully support farmers who are trying to reduce their carbon footprint with renewable energy projects.

The main grounds of objection are:

i) The proposed development would have a materially overbearing and adverse effect on the visual amenity of the objector's dwellinghouse and views toward the Lammermuirs when approaching the B6368 from the west.

ii) The proposed development causes concerns for the welfare of ponies and fools within the surrounding area due to noise.
iii) The proposed turbine exceeds the 42m area designation by 25m or 60%. The objector advises that the fact that the area designation was decided in 2013 should not in itself make the designation outdated.
iv) Noise levels would exceed 35dB if the wind turbine were to be commissioned. The objector states that these noise levels on top of existing noise levels would be unacceptable.
v) The Objectors dwellinghouse will be adversely affected by excessive noise and shadow flicker.
vi) Having read the Non-Technical Summary submitted in support of this application, the objector puts forth that the applicant upgrades the existing turbine and/or add an additional turbine at or close to this existing site as it would meet the applicant's renewable objectives and would not cause adverse effects on the amenity of their residential property and the wider area.
vii) The materially adverse effect on How Knowe should be given precedence in determining this application over the applicant's need for this development to maximise the net economic impact on their already thriving business.
viii) The objector notes that the applicant seeks to justify the proposed development on the basis that the business is a "large draw on traditional fossil fuelled networks". This is not substantiated and may now (and almost certainly during the lifespan of the proposed development will be) provided by other renewable energy projects.

The loss of private views is not a material consideration in the determination of this planning application.

COMMUNITY COUNCIL

None.

ENVIRONMENTAL IMPACT ASSESSMENT ('EIA')

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment ('EIA'). The proposal falls under the development description Schedule 2, Section 3(J)(ii) - the hub height of any turbine or height of any other structure exceeds 15 metres. The proposal therefore must be screened under Schedule 2 of the EIA (Scotland) Regulations 2017.
On 5 June 2023, a Scoping Request was submitted to East Lothian Council. On 21 July 2023, the Council issued a formal scoping opinion to the applicant concluding that proposals formed as 'EIA Development' due to the following issues:

i) Scale of development including the introduction of new land uses and the influx of people to the site.
ii) The visual impact of the development on the surrounding landscape including key views, protected trees and local designations.
iii) The effects on cultural heritage in particular Scheduled Monuments, buried archaeological remains, conservation areas and nearby listed buildings.
iv) The effects on biodiversity in terms of species and habitats; and,
v) The effects on nearby populations in terms of pollution (odour, noise, dust and vibration).

An EIA was submitted to the Council on 9 October 2024 on the same date of submission of the associated application for planning permission. An advert was placed in the East

Lothian Courier and the Edinburgh Gazette on 15th November 2024 giving members of the public a period of 1 month with the opportunity to make representations to, and therefore be involved in the decision-making process of this EIA development.

The submitted EIA contains chapters on the method and approach to preparing the Report, project description and specifications, site selection, EIA legislation, Landscape and Visual Impact Assessment, Heritage Impact Assessment, Ecology, Noise Impact Assessment, Access and Transportation and Topics Scoped Out.

Following amendments to the EIA as submitted, namely with relevance to Chapter 9, Access and Transportation, a further advert was placed in the East Lothian Courier and the Edinburgh Gazette on 11th April 2025 giving members of the public a period of 1 month the opportunity to make representations to, and therefore be involved in the decision-making process of this EIA development.

The EIA is based on a proposal for the erection of a single wind turbine with a height to blade tip of some 67m and associated works on land to the west of Howden Wood, Gifford.

As required by Regulation 5(5)(b) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and to ensure the completeness and quality of the EIA, the applicant has submitted within Section 1.2 of the EIA a statement outlining the relevant expertise or qualifications of the project team that has contributed to the EIA.

Supplementary to Section 1.2 of the EIA, a further statement was submitted by the applicant's agent Cogeo on 12th February 2025 which detailed that: "Cogeo's team comprises numerous competent professionals with vast experience in renewable energy and EIA applications and… that Cogeo stand by their statements, assessments and conclusions in all aspects of environmental impact concerning the application". They further state that their EIA is compliant with Regulation 5 (5).

Based on the submitted statements, it can be reasonably concluded that the authors of the EIA Report are suitably qualified.

Regulation 4(2) and 4(3)(a) to (d) require that an EIA must identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development on the factors and the interaction between those factors. In line with the Scoping Opinion, the EIA has considered the likely significant effects from construction and operation of the proposed development on Landscape and Visual, Heritage, Ecology, Noise and Access and Transport.

The EIA report concludes that:

Landscape and Visual impact Assessment ('LVIA') - The findings in the LVIA conclude that the proposal will be the largest single turbine development within the lowlands, though overall, the proposed development would only have a moderate impact on views from the local area, with this diminishing to minor with increased distance from the development. The LVIA notes that a number of SLAs will be impacted, however, it notes that the extent of the impact would not cause harm to the intended purpose of the designation. Further, the LVIA acknowledges that the impacts to Core Path 4 and How Knowe are major/moderate, though the author does not consider that this breaches the level of unacceptable development in terms of being dominant or an overbearing feature. Rather, the LVIA concludes that this is a reflection of the proximity to the vertical structure.

Heritage Impact Assessment ('HIA') - All cultural heritage assets located within a 10km search area were analysed to assess the potential for risk of impact to heritage value through the installation of the proposed development. The Scoping Opinion received scoped out all aspects of the Historic Environment, apart from the potential indirect effects on Listed Buildings, Scheduled Monuments and Inventory Gardens and Designed Landscapes. Historic Environment Scotland requested that the following assets be appropriately assessed: Bolton Muir (Category A Listed Building), Pilmuir House (Category A Listed Building) and Pilmuir (Garden and Designed Landscape) amongst other relevant assets.

The HIA (Chapter 6) of the EIA Report details the assessment undertaken. Evaluation of the anticipated impacts in the HIA finds that the installation of proposed turbine at Howden Farm would create wide ranging impacts and fall below a threshold considered significant in Heritage and EIA terms, with the proposal considered compliant with relevant historic environment legislation and policy.

Ecology - The ecology section of the EIA references the PEA; the Bat Survey and the Collision Risk Analysis also submitted in support of this application which are summarised above. This chapter concludes that the development proposed would have no impact on the four European Sites within 20km of the application site.

Noise - Section 8 of the EIA concludes that a background survey was conducted at a location representative of the study area and a noise modelling exercise was undertaken to assess potential operational noise impacts. It references the NIA and concludes that the proposed turbine compiles with limits derived from ESTU-R-97 when assessed both in isolation and cumulatively. As such, Section 8 of the EIA concludes that no mitigation measures are required.

Access and Transport - Section 9 sets out that once operational, there will be low vehicle movements required in association with the proposed development, limited to maintenance visits by standard sized vans upon operation of the wind turbine. Section 9 details that it is the construction phase where potential impacts are likely to arise and references a Swept Path Analysis undertaken and submitted in support of this application. Potential impacts and mitigation measures are outlined, and Section 9 concludes that driver safety is paramount, with measures taken to ensure no impact is posed to road users, with traffic generated as a result of the proposed development not anticipated to be significant.

The Environmental Impact Assessment (EIA) concludes that subject to relevant mitigation, the proposed development would not have any significant effects.

Historic Environment Scotland were consulted as part of the EIA component of this application. They raised no comments in respect of this proposal.

Transport Scotland has also commented on the EIA and have confirmed that their director does not propose to advise against the granting of permission.

Scottish Water has also commented following consultation on the EIA to state that they have no objection to the proposal. They state that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity. They do however state that they will not accept any surface water connections into their combined sewer system.

Nature Scot has also been consulted on the EIA and raised no objection.

PLANNING ASSESSMENT

The proposed wind turbine would be located on land classified as prime agricultural land. Policy 5 of NPF4 and Policy NH7 of the ELLDP 2018 support development on prime agricultural land in limited circumstances including where it is to be used for the generation of energy from renewable sources. Therefore, the proposals are complaint with Policy 5 of NPF4 and NH7 of the ELLDP 2018.

Policy DC1 of the ELLDP 2018 states that development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for agriculture, infrastructure or other businesses that have an operational requirement for a countryside location.

Policy 29 of NPF4 supports development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy, inclusive of developments relating to farms, where use of good quality land is minimised, and business viability is not adversely affected and for the diversification of existing businesses.

With its purpose to generate and supply electricity, a wind turbine and associated works can reasonably be defined as being an infrastructure type of 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.

Moreover, the proposed wind turbine and associated works would generate renewable energy for an existing agricultural business located at Howden Farm and thus the proposal has an operational requirement for a countryside location. Proposals are therefore consistent in principle with Policy 29 of NPF4 and Policy DC1 of the ELLDP 2018.

Policy 11 of NPF4 supports development of all forms of renewable technologies including small scale renewable energy generation technology such as a single wind turbine. However, proposals must demonstrate how the following impacts have been addressed:

i. Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
ii. Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
iii. Public access, including impact on long distance walking and cycling routes and scenic routes;
iv. Impacts on aviation and defence interests including seismological recording;
v. Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
vi. Impacts on road traffic and on adjacent trunk roads, including during construction;
vii. Impacts on historic environment;
viii. Effects on hydrology, the water environment and flood risk;
ix. Biodiversity including impacts on birds;
x. Impacts on trees, woods and forests;
xi. Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
xii. The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
xiii. Cumulative impacts.

Policy WD3 of the ELLDP 2018 only supports free standing wind turbines subject to compliance with Policy WD2 and where a number of impacts, similar to Policy 11 of NPF4 are addressed.

On the matter of communities and residential amenity, the Scottish Government's 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 this case, the diameter of the rotor blades proposed is some 54m, with the closest dwellinghouse being some 435m to the south of the proposed turbine location, falling short of the required 540m distance. The guidance continues that in instances where shadow flicker could be problematic, the developer should provide calculations to quantify this effect. In this instance and in determining whether there will be any detriment to residential amenity as a result of shadow flicker from the proposed wind turbine, the applicant's agent has used a methodology commonly used in England, Wales and Northern Ireland. It dictates that where properties are within 130 degrees either side of north, relative to the proposed turbine, shadow flicker should not be problematic as turbines do not cast long shadows on their southern side. As the closest residential property of How Know is south of the proposed turbine, it would not cause unacceptable levels of shadow flicker. All residential properties to the northeast are at least 540m away from the proposed position of the wind turbine.

During the scoping stage, prior to the submission of this application, it was identified that the proposal could have a significant impact upon residential amenity in respect of noise given initial calculations indicated an exceedance of the 35dB limit at How Knowe, a sensitive receptor some 435m away.

Consequently, a NIA was conducted by the applicant and submitted in support of this application. The Methodology for the NIA was agreed upon by the Planning Authority in consultation with the **Council's Environmental Health Service**.

The noise impact assessment found maximum cumulative emission levels of 38.6dB(A) at Location NAL1 ('How Knowe') for windspeeds greater than 10m/s. The NIA sets out that the collective levels gathered for all locations during the day and at night would meet the ETSU-R-97 noise limits by a maximum margin of 1dB during the daytime and 7.1dB during the night when considering existing background noise. The report therefore concludes that no mitigation is expected to be required.

The **Council's Senior Environmental Health Officer** has been consulted on the proposals and in respect of noise, they advised that given the suggested 35dB limit was exceeded slightly, ETSU-R-97 permits turbine noise in such cases to be limited to an absolute limit between 35 and 40dB(A) LA90,10min for quiet daytime periods and 43dB(A) for night-time periods or 5dB(A) above the background noise levels, whichever is the greater. As the NIA details, proposals comply with ETSU-R-97 when considering background noise levels. Accordingly, and in respect of noise, the Senior Environmental Health Officer raises no objections.

To ensure that noise levels do not exceed those detailed within the NIA, it would be prudent to attach a condition onto any such grant of planning permission restricting noise limits to those detailed in Table 4.3 of Congeo's Noise Report Reference N6373-1535 Version 2 dated June 2024. Therefore, subject to this condition if planning permission is granted, the proposed wind turbine would not be detrimental to the surrounding residential amenity in

terms of noise and proposals would be compliant with Policy 23 of the ELLDP 2018 and NH13 of the ELLDP 2018.

Whilst no lighting is proposed by the applicant as part of this application, a consultation response from the Ministry of Defence ('MOD') stipulated the requirement for infra-red (IR) aviation safety lighting to be fitted onto the turbine by condition. ELC's Environmental Health Officer advised that they did not expect any aviation lighting to impact upon residential amenity due to the type of lighting and separation distance. Should planning permission be granted, full details of the aviation lighting would be required to be submitted to the planning authority as part of conditions compliance process prior to the commencement of development to ensure the specification would not be harmful to the surrounding residential amenity.

Subject to conditions and on the matter of amenity with regards to shadow flicker, noise and lighting proposals are overall, compliant with Policies WD3(b) and DP2 of the ELLDP 2018 and Policies 11 e(i) and 14 of NPF4.

The **Council's Access Officer** was consulted as part of this application and advised that on the matter of public access, they raise no objection to this application.

The **Ministry of Defence** was consulted as part of this application and advised that their primary concern was the potential of the turbine creating a physical obstruction to air traffic movements as the development in this instance falls within the Low Flying Area 16 (LFA 16) within which fixed wing aircraft may operate as low as 250 feet, or 76.2m above ground level to conduct low level flight training. To address the impact upon low flying aircraft operating in the area, the MOD has stipulated that any such grant of planning permission be subject to conditions which requiring that the development i) be fitted with infra-red (IR) aviation safety lighting at a minimum and ii) that sufficient data be submitted to ensure that structures can be accurately charted to allow deconfliction.

National Air Traffic Services (NATS) has been consulted on the proposal. They have responded to state that the proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Edinburgh Airport has been consulted on the siting of a wind turbine in this location. They confirm that the proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. They therefore confirm that they have no objection to this proposal.

Therefore, subject to conditions if planning permission is granted, proposals would not impact upon aviation, defence interests or seismological monitoring and would comply with Policy WD3 (g) of the ELLDP 2018 and Policy 11 (iv) of NPF4.

ELC's Transport Planning Services were consulted as part of this application and following the submission of further documentation inclusive of a revised swept path analysis, they advise that they are satisfied that the information provided, and mitigation measures proposed are sufficient, subject to the condition that if planning permission is granted, an Abnormal Load Delivery and Traffic Management Plan be submitted.

Transport Scotland were also consulted as part of this application. They advised that they raised no objections, subject to any such grant of planning permission being subject to the following three conditions:

I) A Construction Traffic Management Plan shall be submitted to and approved by the Planning authority in consultation with Transport Scotland. The CTMP shall identify measures to control the use of any direct access onto the trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.
II) Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Planning Authority, in consultation with Transport Scotland.
III) Prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.

On the matter of transportation and road safety and subject to such conditions should planning permission be granted, proposals would be compliant with Policies 11 (e) (vi) and 13 of NPF4 and Policies WD2 (k) and T2 of the ELLDP 2018, the Scottish Government web-based renewables advice entitled "Onshore Wind Turbines" and Planning Guidance for Lowland Wind Turbines: June 2013.

Whilst there are no historic designations within a 10km buffer of the application site, owing to the proposed turbine height, the EIA scoping exercise scoped in potential effects on the historic environment, namely potential indirect effects on Listed Buildings, Scheduled Monuments, Inventory Gardens and Designed Landscapes.

Historic Environment Scotland were consulted as part of this application being satisfied the proposed development would not have any indirect effects on the listed buildings, scheduled monuments, or inventory gardens and designed landscapes within the 10km or their setting.

Proposals are therefore compliant with Policies 7 and 11 (e) (vii) of NPF4 and Policies WD3 (d), CH1, CH4 and CH6 of the ELLDP 2018.

SEPA were consulted as part of this application and raised no comment. Further, Scottish Water were consulted as part of this application and raised no objection being satisfied that proposals would not detrimentally impact upon matters relating to hydrology and would accord with Policy 11 (e) (viii) of NPF4 and Policy WD3 (h) of the ELLDP 2018.

Having reviewed the Bat Survey, the PEA, the EIA and the Collison Risk Analysis, ELC's Biodiversity Officer advises that they are satisfied with proposals not detrimentally impacting on the adjacent Ancient Woodland and the Local Biodiversity Site of Howden Wood, or any protected species, subject to the condition that a Construction Method Statement be made a requirement of any such grant of planning permission, incorporating the latest good practice guidelines and statutory advice as outlined in the PEA to protect European Protected Species.

NatureScot were consulted as part of this application and were satisfied that proposals would not impact on the qualifying interests and features of the Firth of Forth SPA / SSSI or the North Berwick Law SSSI.

Therefore, subject to conditions, the Biodiversity Officer is satisfied that proposals comply with Policy 4 of NPF4 and Policies NH3, NH4 and NH5 of the ELLDP 2018.

Policy 3 of NPF4 states, among other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the

nature and scale of development. Any grant of planning permission would be conditional upon securing the aforementioned biodiversity enhancement requirements. Whilst a small number of biodiversity enhancements have been proposed such hedgehog boxes, log piles and hibernacula and insect hotels. No further detail has been supplied, nor has any detail on how the biodiversity enhancements will be maintained or managed. Therefore, any such grant of planning permission should be subject to the imposition of a condition requiring biodiversity enhancements. Subject to this condition, proposals do not conflict with policy 3 of NPF4.

On the matter of biodiversity overall, proposals comply with Policy 11 (e) (ix) of NPF4 and Policies WD3 (n) and WD2 (c) of the ELLDP 2018.

Policy WD6 of the ELLDP 2018 requires that all wind turbines must be decommissioned and the site restored to an appropriate condition within an agreed timescale after the earliest of: (a) expiry of planning consent; or (b) the failure of the wind turbine to produce electricity for a continuous period of 12 months, unless otherwise agreed in writing by the planning authority. Subject to a relevant condition requiring an outline strategy for appropriate decommissioning and restoration of the site and any relevant offsite works should planning permission be granted, proposals would comply with Policy WD6 of the ELLDP 2018 and Policy 11 (xi and xii) of NPF4.

On the matter of design, Policy DP1 of the ELLDP 2018 requires all new development to be well integrated into its surroundings by responding to and respecting landform and by retaining and where appropriate enhancing existing natural and physical features to assist in the developments integration.

Policy 14 of NPF4 states that proposals will be designed to improve the quality of an area whether urban or rural and regardless of the scale.

Policy DP2 of the ELLDP 2018 requires developments to be appropriate to their location in terms of positioning, size, form, massing proportion and scale and be appropriate to the site's context.

The proposed GPR unit and its associated foundation would sit some 7m to the east of the proposed wind turbine and some 200m away from the classified road to the north. It would be some 2.5m in height, green in colour and would sit to the south of an existing landscape bund. As such, the proposed GPR unit would not be visible from the public road. It would only be visible from within the agricultural field and in those views, it would be viewed in the context of the existing agricultural hen sheds and associated works to the north. By virtue of its proposed position, size, scale, colour and materials proposed, the GRP unit would not be harmful to the character and appearance of the surrounding rural landscape area. The proposed GPR Unit and associated foundation would therefore comply with Policy 14 of NPF4 and Policies DP1 and DP2 of the ELLDP 2018.

The proposed access road would form as an extension to an existing access track and various areas of hardstanding to the north of the wider site. It would be constructed from crushed rock and would therefore be similar in appearance to existing areas of hardstanding. The extension of this access track would be formed within an area of site which is relatively contained from public views, and it would therefore be satisfactorily integrated into the surrounding landscape. The formation of this access track extension would not therefore be harmful to the character and appearance of the surrounding rural landscape area. The formation of this access road would therefore comply with Policy 14 of NPF4 and Policies WD4, DP1 and DP2 of the ELLDP 2018.

Notwithstanding, the above and in accordance with Policy 11 of NPF4 and Policy WD3 of

the ELLDP it is now necessary to determine whether or not the proposed 67m high wind turbine would be acceptable to its place or if it would have significant visual impacts that would make it unacceptable in this location.

Policy WD2 of the ELLDP 2018 supports smaller scale wind turbine developments, inclusive of proposals for 1 to 3 turbines of any height. However, where proposals are for smaller scale wind turbines of 12m and over, Policy WD2 states it will only support proposals where they comply with the Locational Guide for Smaller Scale Wind Energy Proposals amongst other matters.

Policy WD3 supports free standing wind turbine development subject to policies WD1 and WD2 and provided the impact of the turbines and any other ancillary development is acceptable, including the impact on landscape and visual impacts.

The Council's Locational Guide for Smaller Scale Wind Energy Proposals identifies the application site as being within an area with potential for wind turbines of up to 42 metres in height.

The proposed wind turbine with a height of 67 metres to the blade tip, does not meet the Locational Guide for Smaller Scale Wind Energy Proposal as set out on Page 109 of ELLDP 2018 and therefore is contrary to Policy WD2 of the ELLDP 2018.

The proposed wind turbine would be located within the Lowland Farm Plain landscape character type and the Mid Tyne Valley Plain landscape character area as identified within the Special Landscape Area SPG. The landscape character review notes that the area does not contain much large infrastructure or industry. Rather, it is an extensive agricultural plain with an abundance of mixed small-scale shelterbelts and woodlands throughout the farmland that strengthen the chequerboard field pattern. This abundance of shelterbelts offers containment to lower-level development such as the existing chicken sheds and silos at Howden Farm which are some 7-9m in height.

The **Council's Senior Landscape Officer** was consulted as part of this application and advised that whilst there are several wind turbines present within the surrounding area including a two bladed wind turbine located close to the proposed site at Howden Farm and three three-bladed turbines within the Tyne valley to the west of Haddington. However, those existing wind turbines meet the criteria of the landscape capacity study for smaller wind turbines with heights of less than 43m and are generally contained within their own landscape setting.

The Council's Senior Landscape Officer advises that the Landscape and Visual Impact analysis (LVIA) appears to underestimate the impact of the proposed 67m high wind turbine on this landscape character area. She advises that due to its large size, the proposed turbine's visual impact would not just be localised as evidenced by the 10x viewpoints submitted by the applicant. Instead, as it would be much taller than the surrounding woodlands and nearby buildings it would be visible from long range views including from within the Bolton Special Landscape Area (SLA), The Lamer Law, Hopes to Yester SLA, the Samuleston SLA and the Galeton Hills. In those views due to its height, the wind turbine would not relate to the scale of the surrounding landscape and would be wholly out of scale with existing landscape features. Due to its positioning, form, height and scale it would appear as a highly exposed and obtrusive feature which would be visible in both local and more distant views of it, introducing a new industrialised component into a countryside setting which would detract from the otherwise rural nature of the area.

Such effects would harmfully detract from the landscape character of both the Lowland Farm Plain landscape character type and the Mid Tyne Valley Plain landscape character

area. Furthermore, the effects of the proposed development would also detract from key views of the Bolton SLA, Samuelston SLA, The Lamer Law, Hopes to Yester SLA.

Therefore, as the proposed 67m high wind turbine cannot successfully be accommodated in its proposed location within the Mid Tyne Valley Plain landscape character area it is not therefore compliant with Policies 4(d), 11 (ii) and 14 of NPF4 , or Policies WD2, WD3 (a & c), DP1, DP2 and DC9 of the ELLDP 2018.

In considering the acceptability of a development, the associated impacts of the proposals on the environment should be weighed against factors such as the global climate crises, the scale of contribution to renewable energy targets, effects on greenhouse gas emissions and the local and community socio-economic benefit of the proposal. Further, Policy 1 of NPF4 states that when considering all development proposals significant weight will be given to the global climate and nature crises.

Whilst this proposal for a singular wind turbine which would no doubt contribute to the global climate crises on a small scale, this does not outweigh the harmful impact the proposed wind turbine would have on the landscape character and appearance of the Lowland Farm Plain landscape character type and the Mid Tyne Valley Plain landscape character area. Nor does it outweigh the harmful impact that the proposal would have on the Bolton SLA, Samuelston SLA and The Lamer Law, Hopes to Yester SLA.

Proposals are therefore contrary to Policies 4(d), 11 (ii) and 14 of NPF4, Policies WD2 (a), WD3 (a & c), DP1, DP2 and DC9 of the ELLDP 2018, the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011), The Council's Planning Guidance for Lowland Wind Turbines: June 2013 and the Council's SPG on Special Landscape Areas.

The proposal is therefore contrary to the development plan and no material considerations outweigh this conflict. It is therefore recommended that planning permission be refused.

REASONS FOR REFUSAL:

1 The proposed wind turbine is contrary to Policy WD2, part A of the ELLDP 2018 and the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) which states that a wind turbine over 47 metres in height cannot be accommodated within the 'Agricultural Plain - Sub Area 3, south' landscape character area.

2 Due to its positioning, form, height and scale, the proposed wind turbine at 67m in height would appear as a highly exposed and obtrusive feature which would be visible in both local and more distant views of it, introducing a new industrialised component into a countryside setting which would detract from the otherwise rural nature of the area. Such effects would harmfully detract from the landscape character of both the Lowland Farm Plain landscape character type and the Mid Tyne Valley Plain landscape character area. Further, the effects of the proposed development would also detract from key views of the Bolton SLA, Samuelston SLA, The Lamer Law, Hopes to Yester SLA. The proposed wind turbine at some 67 metres in height is not therefore compliant with Policies 4(d), 11 (ii) and 14 of NPF4 or Policies WD3 (a & c), DP1, DP2 and DC9 of the adopted East Lothian Local Development Plan 2018.