

REPORT TO: Planning Committee

MEETING DATE: Wednesday 6 June 2012

BY: Executive Director (Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

Note: this application was called off the Scheme of Delegation by Councillor Richardson for the following reasons: this turbine will have a considerable impact on the green credentials of one of our main agricultural suppliers of vegetables to major supermarkets.

Application No. **12/00028/P**

Proposal Erection of wind turbine and associated works

Location **Land At Waughton
East Linton
East Lothian**

Applicant Mr Logan and Mr Hogg

Per TGC Renewables Ltd

Ward 5

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

Planning permission is sought for the erection of a single wind turbine on agricultural land at Waughton, to the northwest of the village of East Linton. The proposed wind turbine would be positioned within a field some 423 metres to the northeast of Waughton House and some 335 metres to the east of the unclassified public road to the west. The proposed wind turbine would consist of a supporting column measuring 24.6 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 9.6 metres. The wind turbine would therefore have a height of 34.2 metres from ground level to blade tip. The diameter of the rotating blades would be 19.2 metres. The supporting column of the proposed wind turbine would be constructed of grey coloured steel and the rotor hub and rotor blades would also be coloured grey.

To facilitate the operation of the proposed wind turbine planning permission is also sought for the erection of a small control cabinet building to be positioned some 7 metres to the west of the location of the proposed wind turbine. The proposed control cabinet building would measure some 3 metres high, 2.5 metres long and 2.5 metres wide and would be coloured green. To access the proposed wind turbine from the unclassified public road to the west of the site, it is also proposed to form a 340 metre long hardcore access track

running southwards and then westwards from the location of the proposed wind turbine along the field edge.

Waughton Castle Scheduled Ancient Monument is some 390 metres to the north of where the proposed wind turbine would be positioned. Waughton Dovecot, which is listed as being of special architectural or historic interest (Category B), is some 340 metres to the north of where the proposed wind turbine would be positioned.

North Berwick Law, a valued landscape feature of the East Lothian countryside is located some 3.7 kilometres to the north of the position proposed for the wind turbine. Traprain Law, a valued landscape feature of the East Lothian countryside is located some 5.6 kilometres to the south of the position proposed for the wind turbine.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 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). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 5 March 2012 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed wind turbine to be the subject of an EIA.

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 ENV3 (Development in the Countryside), ENV6 (Renewable Energy) and ENV1C (International and National Historic or Built Environment Designations) 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), ENV3 (Listed Buildings), ENV7 (Scheduled Monuments and Archaeological Sites) 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;

5. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: February 2010; and

6. The Scottish Historic Environment Policy: 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. 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 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 wind turbine(s) lower than 42 metres high.

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).

The four principal development typologies of the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) are, (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.

A total of 46 written objections to the application have been received. Many of the written objections are based on a pro-forma letter. The main grounds of objection are that the proposed wind turbine:

- i) is of an inappropriate size and scale and would damage the landscape character and appearance of the area in an unacceptable way;
- ii) would harmfully impact on key features and views;
- iii) would harmfully impact on Waughton Castle and Waughton Dovecot;

- iv) would have a harmful noise impact;
- v) would harmfully impact on birds;
- vi) would have implications for road safety due to its distraction to drivers, the increase in traffic to the site and danger of construction traffic;
- vii) would lead to an unacceptable cumulative impact;
- viii) is not consistent with the findings of the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011);
- ix) should be the subject of an EIA;
- x) would devalue neighbouring residential properties.

Another ground for objection is that it has not been demonstrated that alternative, better sites are not available for the proposed wind turbines.

As stated above East Lothian Council as Planning Authority have already issued a screening opinion stating that there is no requirement for the proposed wind turbine to be the subject of an EIA.

The effect on property values is not a material consideration in the determination of a planning application.

The National Air Traffic Services (NATS) and the Civil Aviation Authority (CAA) have been consulted on the application and both raise no objection to the proposed wind turbine on grounds of aircraft safety. The Ministry of Defence (MOD) has 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 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. The wind turbine the subject of this application is proposed as a renewable energy source in association with the operation of the applicant's agricultural business which operates at West Garleton, in the countryside to the north of Haddington. Accordingly, as a form of new build infrastructure development in the countryside of East Lothian the proposed wind turbine can be justified. On this consideration it is 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.

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(), 10min should be 35 DB at nearest noise sensitive dwellings, up to wind speeds of 10m/s at 10 metres in height.

The Council's Senior Environmental & Consumer Services Manager advises that he 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 residential property. Thus the proposed wind turbine would not have a harmful noise impact on the residential properties within the wider area.

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 192 metres. The nearest dwelling, being the property of Little Waughton to the northwest, is some 384 metres away from where the proposed wind turbine would be sited. Thus, with regard to that dwellinghouse 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.

There is no evidence on which to say that the proposed wind turbine would 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, where applicable, 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 to the west.

The Council's Head of Transportation has been consulted on the application and raises no objection to the proposed wind turbine, being satisfied that due to its distance away from the public road it would have no significant adverse consequences for road safety. He also advises that the application site can be safely accessed by construction vehicles and use of the access would not be a road safety hazard.

On this consideration 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.

Scottish Planning Policy on the historic environment echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As stipulated in Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV3 of the adopted East Lothian Local Plan 2008, new development that harms the setting of a listed building 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 any proposal for wind turbine development near or within the curtilage of a listed building must ensure that the listed building remains the focus of its setting and is not harmed by the presence of the proposed turbine(s).

Waughton Dovecot is situated some 340 metres to the north of where the proposed wind turbine would be sited. Due to this distance apart, the contained location of Waughton Dovecot and the limited massing of the proposed wind turbine, it would not have a harmfully prominent or imposing visual relationship with that building and thus it would not be seen to harmfully impose itself on the setting of that Category B listed building.

Accordingly, the proposed wind turbine is not contrary to Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015, Policy ENV3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010 or Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

It is stated in the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: February 2010 that where works requiring planning permission would affect a scheduled monument, the protection of the monument and its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development.

As stipulated in Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV7 of the adopted East Lothian Local Plan 2008, new development that harms a scheduled monument 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 a scheduled ancient monument or its setting, will not normally be permitted.

Due to its positioning the proposed wind turbine would not encroach onto and indeed would be some 390 metres away to the south of the Scheduled Ancient Monument of Waughton Castle. Due to such separation distance and the nature of the low ground form of Waughton Castle the proposed wind turbine would not have any direct visual relationship with that Scheduled Ancient Monument and thus would not have a harmful visual impact on its setting.

Historic Scotland have been consulted on the application. Historic Scotland are content that the proposed wind turbine would not have an adverse impact on the setting of the Scheduled Ancient Monument of Waughton Castle.

Accordingly, the proposed wind turbine is not contrary to Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015, Policy ENV7 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: July 2009, Scottish Planning Policy: February 2010 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 wind turbine would be situated in an area regarded as having a high potential for the discovery of archaeological remains. He acknowledges that because of this any direct impact of the proposed development could be mitigated by a programme of archaeological works being 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 turbines, were

the decision to be to grant planning permission. This approach is consistent with Scottish Planning Policy: February 2010 and Planning Advice Note 2/2011: Planning and Archaeology.

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.

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 advises that the Council's goose survey has recorded only a relatively low number of geese in the field where the proposed wind turbine would be sited, and that the field is outwith the recognised main goose feeding grounds. He further advises that due to the positioning of the proposed wind turbine away from a field edge, it would not have a harmful impact on bats that may migrate along the nearby burn.

Accordingly 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.

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.

On the matter of landscape impact the terms of the Council approved East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) is a material consideration in the determination of this planning application.

This Study classifies the land of the application site as being within the 'Agricultural Plain – Sub Area 1, East' landscape character area, which it describes as being a rolling landform with pronounced ridges and occasional landmark features, with a relatively high proportion of woodland which increases containment and reduces scale and with little large scale built development and few large industrial features.

The Study informs that the siting of larger wind turbines in this landscape character area would be likely to impact on the perception of its rural character. While the landform of this character area can be complex and often rugged in character, broader smoother ridges and gentle hill slopes also occur and these would be less sensitive to the siting of smaller wind turbines.

Overall within the 'Agricultural Plain – Sub Area 1, East' landscape character area there would be a high sensitivity to the siting of wind turbines of typologies A and B. There would be a medium-high sensitivity to the siting of wind turbines of typology C and a low sensitivity to the siting of wind turbines of typology D.

As such the Study informs that within the 'Agricultural Plain – Sub Area 1, East' landscape character area there is no scope to accommodate wind turbines of typologies A and B due to the significant adverse impacts such wind turbines would be likely to have on the range of landscape and visual sensitivities of the landscape character area. Thereafter the Study informs that there is very little scope to accommodate within the 'Agricultural Plain – Sub Area 1, East' landscape character area wind turbines of typology C (i.e. wind turbines of a height of between 20 metres and 42 metres), and that any such wind turbines would have to be towards the lower height band of this typology (i.e. at least they would have to be below a height of 30 metres from ground level to blade tip) in order to attain a better scale relationship to small buildings in this well settled area and to minimise effects on views of landmark features. There are greater opportunities to locate wind turbines of typology D (i.e. wind turbines between 12 metres and <20 metres high), if visually associated with farms and buildings.

The proposed wind turbine, by having a height of 34.2 metres from ground level to blade tip, falls within typology C of the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011). It would be positioned within the 'Agricultural Plain – Sub Area 1, East' landscape character area defined by the Study. The Study concludes that within this landscape character area there is very little scope to accommodate wind turbines of typology C that would be no higher than 30 metres from ground level to blade tip. As the proposed wind turbine would be of a height of 34.2 metres from ground level to blade tip it is not consistent with these findings of the Study that the landscape in which it would be sited does not have the capacity to accommodate it.

In addition to the conclusion that the proposed wind turbine is not consistent with the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) other landscape appraisal needs to be made to fully inform a considered determination of whether or not the proposed wind turbine is acceptable in landscape terms.

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.

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;

The landscape advice from Policy & Projects is premised on the observations that the application site is within a landscape character area which comprises low level farm buildings, cottages and houses that are well distributed over the open countryside.

The landscape advice is that there are a number of important views within this landscape character area to North Berwick Law and Traprain Law which would be deleteriously affected by the proposed wind turbine. Due to the topography of the area the proposed wind turbine would be visible from a number of roads, including the B1377 north bound from East Linton to North Berwick, and would appear as a new, highly visible structure which would have a detrimental effect on the natural flow of the topography within this landscape character area, spoiling the composition of the views to North Berwick Law from the south and Traprain Law from the north.

A wind turbine of the scale and height proposed positioned within such open and relatively flat topography would become the dominant feature in this landscape character area and could not be successfully integrated within the landscape pattern of the area. The proposed wind turbine would be out of scale with local landscape features and would have a detrimental impact on the landscape character and would spoil the composition of views to North Berwick Law and Traprain Law. Due to the height, scale and positioning of the proposed wind turbine it would be an intrusive, inharmonious and exposed form of development that would be harmful to the quality, character and amenity of the landscape character of the area.

In its siting within a generally flat field the proposed wind turbine would, due to its height, be highly visible in views from public places in the wider area. Due to its positioning, form, height and scale the proposed wind turbine would change the existing landscape character of the area by appearing as a prominently intrusive feature in the landscape, not reflective of its character and quality of place. In that it would appear harmfully prominent, dominant, intrusive and incongruous in its landscape setting it would have an unacceptable visual impact on the landscape.

Due to the harmful impact the proposed wind turbine would have on the landscape of the 'Agricultural Plain – Sub Area 1, East' landscape character area and on the appearance in the wider landscape of the highly valued landmark natural features of North Berwick Law and Traprain Law the proposed wind turbine is contrary to Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the key considerations of landscape impact of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010, the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005) and the East

Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

Notwithstanding this, it is necessary to consider whether there are material considerations in this case that outweigh this non-accordance with development plan policy.

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 of the 'Agricultural Plain – Sub Area 1, East' landscape character area and on the appearance in the wider landscape of the highly valued landmark natural features of North Berwick Law and Traprain Law.

REASON FOR REFUSAL:

- 1 Due to the harmful impact it would have on the landscape of the 'Agricultural Plain – Sub Area 1, East' landscape character area and on the appearance in the wider landscape of the highly valued landmark natural features of North Berwick Law and Traprain Law the proposed wind turbine is contrary to Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the key considerations of landscape impact of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 and the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).