

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 McMillan for the following reasons: a) to consider the impact on the landscape in the undulating area and particularly its effect on the view from Athelstaneford b) review the application in terms of its effect on economic sustainable development c) consider wider implications given existing and visible turbines in the area d) review the application in the light of the December 2011 guidelines which were issued whilst the application was in process

Application No. **11/00467/P**

Proposal Erection of wind turbine, formation of access road, and associated works

Location **West Fortune Farm
Drem
North Berwick
East Lothian
EH39 5LL**

Applicant Hamilton Waste and Recycling

Per Wardell Armstrong LLP

Ward 6

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

Planning permission is sought for the erection of one wind turbine on agricultural land at West Fortune Farm. The proposed wind turbine would be positioned within an area of generally flat agricultural land, adjacent to the field edge. It would be some 360 metres to the northwest of the buildings of West Fortune Farm. It would be some 385 metres to the south of the B1377 public road and some 330 metres to the south of the east Coast railway line.

The proposed wind turbine would consist of a supporting column measuring 50 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 16.7 metres. The wind turbine would therefore have a height of 66.7 metres from ground level to blade tip. The diameter of the rotating blades would be 33.4 metres. The supporting column of the wind turbine would be constructed of grey coloured steel and the rotor hub and rotor blades would also be coloured grey.

In association with the proposed wind turbine planning permission is also sought for the erection of a small substation building to be positioned some 400 metres to the southeast of the location of the proposed wind turbine, some 20 metres to the southwest of the agricultural buildings of West Fortune Farm. The proposed substation building would measure some 2.5 metres high, 6.4 metres long and 4.6 metres wide and would be coloured grey. To access the proposed wind turbine it is also proposed to form a 340 metre long hardcore access track running southwards from the location of the proposed wind turbine along the field edge and thereafter eastwards towards the buildings of West Fortune Farm.

Within the grouping of buildings of West Fortune Farm is the building of West Fortune Farmhouse, which is listed as being of special architectural or historic interest (Category B). This listed building is some 500 metres to the southeast of the location of the proposed wind turbine.

The West Fortune Enclosure Scheduled Ancient Monument is some 360 metres to the northeast of the location of the proposed wind turbine.

The proposed wind turbine would be some 1.12 kilometres away from the southeast corner of the Drem Conservation Area and some 1.6 kilometres north of the Athelstaneford Conservation Area.

Submitted with the application are a landscape and visual appraisal document, a noise assessment and bird reports.

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 6 July 2011 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 ENV1A (International Natural Heritage Designations), ENV3 (Development in the Countryside), ENV6 (Renewable Energy), ENV1C (International and National Historic or Built Environment Designations) and ENV1D (Regional and Local Natural and Built Environment Interests) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies NH1a (Internationally Protected Areas), 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 Council's Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010;
4. The Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011);
4. 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;
5. 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 single wind turbine lower than 120 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 2005 Capacity Study. 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.

41 written objections to the application have been received. Many of the written objections take the form of pro-forma letters. 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 be harmful to the setting of the listed building of West Fortune Farmhouse and both Drem and Athelstaneford Conservation Areas;
- iv) would have a harmful impact through noise and shadow flicker;
- v) would be a danger to microlights;
- vi) would be harmful to birds;
- vii) would harmfully impact on tourism;
- viii) would lead to an unacceptable cumulative impact.

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

There is no evidence to suggest the proposed wind turbine would harm tourism in East Lothian.

East of Scotland Microlights, who operate their microlight centre at East Fortune, originally objected to this application on the grounds of the potential of the proposed wind turbine to impact on flight safety. However, having clearly established for themselves the proposed location of the proposed wind turbine they have withdrawn their objection, being satisfied that the proposed wind turbine would not harmfully impact on the flight safety of microlights.

Due to its relatively small size and positioning within the landscape, close to the group of large buildings of West Fortune Farm, the proposed substation building would not appear harmfully exposed, intrusive or incongruous in its setting and would not be harmful to the landscape character and appearance of the area. Due to its positioning on the southwest side of the group of buildings it would not harm the setting of the listed building of West Fortune Farmhouse which is on the northeast side of the group of buildings.

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 the area or the setting of the listed building of West Fortune Farmhouse.

The Ministry of Defence (MOD), the Civil Aviation Authority (CAA) and the National Air Traffic Services (NATS) have been consulted on the application and neither one of these aviation bodies raise any objection to the siting of the proposed wind turbine on the grounds of aircraft safety.

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. Because of this and that it is to be operated for the business use of West Fortune Farm the proposed wind turbine can as a form of new build infrastructure development in the countryside of East Lothian be justified. The proposed wind turbine is capable of providing the farm with a renewable energy source. On these considerations the proposed wind turbine 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 be the development of only a very small amount of agricultural land. Due to its physical form it could be easily removed if no longer required for its purpose and thus it would not involve a permanent development of the land and would not preclude the reversal of the use of the land to agricultural use. On this consideration too, the principle of the proposed development is consistent with Policy DC1 (Part 5) 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.

In this regard the Council's Senior Environmental & Consumer Services Manager has appraised the noise assessment 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 independently owned neighbouring residential property. Subject to such control the proposed wind turbine would not have a harmful noise impact on the residential properties 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 334 metres. The nearest dwelling, being Fortune Cottage to the southeast, is some 460 metres 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.

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 B1377 public road and railway line to the north of it. The Council's Transportation service 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.

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).

The listed building of West Fortune Farmhouse is some 500 metres to the southeast of where the proposed wind turbine would be sited. However that Category B listed building is positioned in close juxtaposition with the modern agricultural buildings of West Fortune Farm. Because of this and due to their distance apart the proposed wind turbine would not be seen to harmfully impose itself on the setting of that 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 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.

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.

It is also stated in Policy ENV7 of the adopted East Lothian Local Plan 2008 that 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.

Due to its positioning the proposed wind turbine would not encroach onto the Scheduled Ancient Monument of West Fortune Enclosure. Indeed it would be some 360 metres away to the southwest of that Scheduled Ancient Monument. Due to such separation distance and the nature of the low ground form of West Fortune Enclosure 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 West Fortune Enclosure.

The Council's Archaeology Officer does not advise of any specific archaeological interest that the proposed wind turbine might harmfully impact upon. He does, however, advise that it would be situated in an area known to contain archaeological remains. 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, 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 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: December 2011, 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.

Policy ENV1A of the approved Edinburgh and the Lothians Structure Plan 2015 states that development which would have an adverse effect on the conservation interests for which a Natura 2000 area (which includes Special Protection Areas) has been designated should only be permitted where, (i) there is no alternative solution, and (ii) there are imperative reasons of over-riding public interest, including those of a social or economic nature. Local plans should include policies and, where appropriate, proposals for their protection and enhancement.

Policy NH1a of the adopted East Lothian Local Plan 2008 stipulates that development which would have an adverse effect on the conservation interest of a Natura 2000 area (including proposed Special Protection Areas or Special Areas of Conservation) or a Ramsar site will only be permitted in the following circumstances, (i) there are no alternative solutions, and (ii) there are imperative reasons of over-riding public interest, including those of a social or economic nature.

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.

Paragraph 4.67 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that fields within a line from Tranent – Haddington – East Fortune – North Berwick are key feeding grounds for thousands of pink-footed geese in the autumn and winter. Their roost sites along the coast are within the Firth of Forth Special Protection Area and feeding grounds inland are covered by European legislation. Paragraph 4.68 states that in this goose-feeding area, the Council seeks to avoid changes to the landscape that may deter geese from landing in fields.

Scottish Natural Heritage advise that although the proposed wind turbine would be proximate to the Firth of Forth Special Protection Area (SPA) and located within the core pink-footed geese feeding area, the bird surveys undertaken of the site and surroundings reported in the Bird Reports submitted with the application do not identify the site as being used by pink-footed geese, which species is a qualifying interest of the SPA. Thus they advise that the proposed wind turbine is unlikely to have a significant effect on any qualifying interests of the SPA either directly or indirectly. The Council's Biodiversity Officer concurs with this assessment.

The Council's Biodiversity Officer advises that the proposed wind turbine would be located adjacent to a field edge with hedgerows and that such a habitat is typically used as fly-routes for bats, and the blades for the proposed wind turbine are of a height that could harmfully affect bats. He advises that provided an enhanced habitat, such as the planting of hedgerows as an enhancement of an existing habitat, is provided elsewhere this would encourage bats away from the application site.

On these considerations the proposed wind turbine is not contrary to Policy ENV1A of the approved Edinburgh and the Lothians Structure Plan 2015, Policies NH1a and DP13 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 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 impact on the setting of Drem and Athelstaneford Conservation Areas to the northwest and south respectively and in terms of its landscape and visual impacts.

The Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) determines the capacity of the East Lothian lowland landscapes to accommodate various scales of wind turbine development.

The land of the application site is within the 'Agricultural Plain - Sub-area 2 North' landscape character area of the Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) which classifies that area as having an open, very gently undulating to flat landscape with a relatively expansive scale, with relatively little woodland and dispersed industrial development and infrastructure is a feature. The Study further classifies this landscape character area as being of medium-high sensitivity to the Study's wind turbine Typologies A and B and of medium sensitivity for Typology C wind turbines and of low sensitivity for Typology D wind turbines.

The Study advises that within the 'Agricultural Plain - Sub-area 2 North' landscape character area there are some opportunities to accommodate wind turbines of Typology C, that being wind turbines between 20 metres and up to and including 42 metres high subject to impact on key views, and that there are opportunities to locate wind turbines of Typology D, that being wind turbines between 12 metres and <20 metres high if visually

associated with farms and buildings. The Study states there are no opportunities to locate wind turbines of Typology A, between 65 metres and 120 metres high, or typology B, single wind turbines between >42 metres and <65 metres high.

The proposed wind turbine, at a height of 66.7 metres from ground level to blade tip, is a Typology A wind turbine that the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) advises cannot be accommodated within the 'Agricultural Plain - Sub-area 2 North' landscape character area. Accordingly the proposed wind turbine is contrary to the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011)

Notwithstanding, a specific landscape and visual impact appraisal has to be made of the proposed wind turbine to fully inform a considered determination of whether or not the proposed wind turbine would be acceptable on the site proposed for it.

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.

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 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.

The landscape advice of the Council's Policy & Projects team is premised on the observations that the proposed wind turbine would be sited on land within the 'Agricultural Plain - Sub-area 2 North' landscape character area; an open, very gently undulating to flat landscape with a relatively expansive scale, with relatively little woodland and dispersed industrial development and infrastructure is a feature.

The advice is that the site of the proposed wind turbine is within 1.2 kilometres of the Drem Conservation Area and within 1.6 kilometres of the Athelstaneford Conservation Area, and both these Conservation Areas extend well beyond their built form to give a sense of place within the open character of the landform. The proposed wind turbine would be clearly visible from both Conservation Areas and, by their scale and character would be prominent in its visual relationship with each of them. Consequently, it would be seen as a discordant and incongruous feature harmful to the setting of both Drem and Athelstaneford Conservation Areas.

In its siting within an area of generally flat land the proposed wind turbine would due to its height of 66.7 metres be highly visible not only from the B1377 public road to the north of it but also in views from many other places in the wider area. It would also be visible in some longer views from the B1345 Drem-Dirleton public road, from the villages of Athelstaneford and Drem, and from as far afield as Kingston, Fenton Barns and Gullane. It would also be highly visible to rail passengers from the nearby east coast railway line, although those views would be of a short duration. 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, not reflective of the character and quality of its place. It would be so far away from the existing group of buildings of West Fortune Farm such that they would not serve to mitigate its prominence in the open land to the northwest of the. There are no landform features of ridges, hills or valleys and there is no existing vegetation cover in the locality of the application site to mitigate the visual impact of the proposed wind turbine in its open landscape setting. 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 it would have on the landscape and on the setting of both Drem and Athelstaneford Conservation Areas the proposed wind turbine is contrary to Policy ENV1D of the approved Edinburgh and Lothians Structure Plan 2015, Policies DC1 (Part 5) and NRG3 and of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010 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.

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 and on the settings of Drem and Athelstaneford Conservation Areas.

REASON FOR REFUSAL:

- 1 Due to the harmful impacts it would have on the landscape of this part of the East Lothian countryside and on the settings of the Drem and Athelstaneford Conservation Areas, the proposed wind turbine is contrary to Policy ENV1D of the approved Edinburgh and Lothians Structure Plan 2015, Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, the key considerations of landscape impact and impact on a conservation area of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 and the findings of the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).