

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 4 September 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 explore the operational need of the applicant, and whether it could be met from other sources of renewable energy; b) to examine the effect of the wind turbine on the wider landscape, particularly the view from the Lammermuirs, and the visual effect on public users (walkers and riders), and from local properties; c) to discuss the wider aspects of renewable energy provision in East Lothian.*

Application No. **12/00327/P**

Proposal Erection of wind turbine

Location **Land At Woodside  
Gladsmuir  
East Lothian  
EH33 2AL**

Applicant Ian Brash Assoc. Ltd

Ward 6

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

Planning permission is sought by Ian Brash Assoc. Ltd for the erection of a wind turbine on agricultural land within the countryside at Woodside to the southeast of Gladsmuir.

The proposed wind turbine would be positioned in the southeast corner of a field some 60 metres to the west of the southern part of Liberty Hall North Wood and some 345 metres to the north of the U125 minor public road.

Woodside House, a building listed as being of special architectural or historic interest (Category B), is some 325 metres to the northwest of where the proposed wind turbine would be sited. Woodside House is contained within a wooded setting.

The proposed wind turbine would comprise of a lattice tower measuring 18.3 metres in height from the ground to the centre of the rotor hub. The twin blades of the rotor would each have a length of 6.5 metres. The wind turbine would therefore have a height of 24.8 metres from ground level to blade tip. The diameter of the rotating blades would be

13 metres. The lattice tower of the proposed wind turbine would be constructed of steel and the rotor hub and blades would be formed of fibreglass.

Through the determination of an application (ref: 11/01041/NAF) made to the Council by Vicki Sandison/Ian Brash Associates, prior notification approval was granted in December 2011 for the erection of an agricultural building within the same field in which it is now proposed to erect the wind turbine. The agricultural building has not yet been erected but would measure some 26.7 metres long, 19.5 metres wide and some 5.8 metres high to the highest point of its pitched roof. It would be positioned some 156 metres to the north of where the proposed wind turbine would be sited.

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 Environmental Impact Assessment (Scotland) Regulations 1999 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 30 May 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 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;

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 addressed 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 261 written representations have been received in respect of this planning application. Of these, 260 make objection to the proposed wind turbine. Many of the 260 written objections are based on a pro-forma letter and 2 take the form of petitions. The other written representation does not express support or objection to the proposed wind turbine but suggests that it could be feasible to use photovoltaic panels to generate renewable energy.

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 have a harmful visual impact;
- iii) would be harmfully dominant in the landscape;
- iv) would harmfully impact on key features and views;
- v) would harmfully impact on the setting of Woodside House;
- vi) would have a harmful noise impact;
- vii) would have a harmful shadow flicker impact;
- viii) would harmfully impact on birds and bats;
- ix) would lead to an unacceptable cumulative impact;
- x) should be the subject of an EIA.

Other grounds for objection are that, (i) it has not been demonstrated that alternative, better sites are not available for the proposed wind turbine, (ii) the supporting information submitted with the application is very limited, (iii) the generating capacity of the proposed wind turbine would be in excess of what is needed to operate an agricultural building, (iv) the location of the proposed wind turbine is not efficient and, (v) other means of renewable energy should be sought.

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.

Whether or not there are other means to generate renewable energy is not a material planning consideration in the determination of this application. The applicant has the right to apply for planning permission for the proposed wind turbine in the proposed location for it and there is a duty of responsibility on the Council, as Planning Authority to duly consider and determine the application on such basis.

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 agricultural building approved by the grant of prior notification 11/01041/NAF and thus as a form of new build infrastructure development in the countryside of East Lothian the proposed wind turbine can be justified. The proposed wind turbine is capable of providing the building 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 is satisfied that the external free-field noise levels associated with the operation of the proposed wind turbine would not exceed 35dBLA90 10min at any wind speed up to 10m/s at any nearby residential property. Subject to such control the proposed wind turbine would not have a harmful noise impact on the nearest residential properties.

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 130 metres. The nearest dwelling, being the property of Hopfield to the southwest, is some 285 metres away from where the proposed wind turbine would be sited. The proposed wind turbine would be some 325 metres away from Woodside House. 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 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 a set back distance well in excess of its 24.8 metres height in its relationship with the U125 minor public road to the south. 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 proposed wind turbine would be sited some 325 metres to the southeast of the listed Woodside House. Woodside House is not a prominent feature in its landscape setting because of the amount of visual containment given to it by the presence of the trees that are to the north, south, east and west of it. Consequently, the proposed wind turbine would not 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.

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 due to the position of the proposed wind turbine some 60 metres away from Liberty Hall North Wood it would not be in close proximity to any features where bats may forage and thus the proposed wind turbine would not have any harmful impact on bats. The Council's Biodiversity Officer is also satisfied that the proposed wind turbine would not have any other adverse biodiversity impacts, including any harmful impacts on birds.

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.

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

The land of the application site is within the 'Agricultural Plain – Sub Area 2, North' landscape character area of the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011), which classifies that area as comprising an open, very undulating to flat landscape with a relatively expansive scale. The Study informs that the broad scale of the landscape and the general absence of distinctive landform and land cover features make this landscape character area less sensitive to larger turbine typologies.

The Study advises that within the 'Agricultural Plain – Sub Area 2, North' landscape character area very tall turbines of typology A would dominate both the scale of small domestic buildings but also the larger industrial and commercial buildings which feature in this landscape character. They would also be more likely to intrude on key views of the Firth of Forth and the Garleton Hills and could be perceived as contributing to the 'industrialisation' of the landscape. There would be a medium-high sensitivity to wind



turbines of typologies A and B. Smaller wind turbines would have a better scale relationship with existing settlements and would have reduced visual intrusiveness. There would be medium sensitivity to wind turbines of typology C and low sensitivity to wind turbines of typology D.

Therefore, as the Study informs there is no scope within the 'Agricultural Plain – Sub Area 2, North' landscape character area to accommodate wind turbines of typologies A and B due to the significant adverse impacts that would be likely to occur on a range of landscape and visual sensitivities. Wind turbines of typology C (i.e. wind turbines of a height of between 20 metres and 42 metres) could be more successfully located in this landscape as they would be less likely to dominate existing settlements. 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 with a height of 24.8 metres from ground level to blade tip is a typology C wind turbine that the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) advises might be capable of being successfully accommodated within the 'Agricultural Plain – Sub Area 2, North' landscape character area.

In further regard to this, 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 it would be acceptable for its proposed location.

In this respect, 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. 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.

In relation to cumulative impact paragraph 4.34 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that individual wind turbine proposals must not be looked at in isolation. Cumulative visual impact, viz. the impact of the proposed turbine/s when viewed in association with other turbines already erected or in the planning process needs to be taken into account. A balance must be retained, so that wind turbines are integrated into their landscape setting and do not merge with other turbines to change the character of the landscape into a predominantly wind farm landscape where other significant landscape characteristics of an area become visually subservient to wind turbines.

There are no existing wind turbines in the vicinity of the application site and thus there would be no resultant harmful cumulative visual impact from the proposed wind turbine.

Policy & Projects confirm that the location of the proposed wind turbine is within the 'Agricultural Plain – Sub Area 2, North' landscape character area and that according to the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) the proposed wind turbine is of a height whereby it might generally be considered acceptable for this landscape character area.

Policy & Projects advise that the trees of Liberty Hall North Wood and others in the surrounding area are likely to be between some 15 and 20 metres in height and, although there is a lack of information provided with the application in terms of landscape impact assessment, all of those trees would provide the proposed turbine with a contextual fit within the landscape.

In its location the proposed wind turbine would be visible from a few places within its landscape setting. Those limited public views would principally be from parts of the U125 minor public road to the west, southwest and southeast. From the west the proposed wind turbine would only be visible from a 120 metres length of that road, where the east side of the road has little planting along it. Nonetheless in those short duration views the wind turbine would be seen at a distance of some 650 metres away from the road and against the backdrop of the trees of the southern end of Liberty Hall North Wood to which the proposed wind turbine would be in close juxtaposition. From the southwest the proposed wind turbine would only be visible in glimpses between gaps in the roadside hedgerows where a few field accesses exist. From those places the proposed wind turbine would be seen with a backdrop of trees. From the south views of the proposed wind turbine would be mostly restricted by existing high roadside hedgerows. Due to the existence of Liberty Hall North Wood and the strip of trees to the south of it little, if anything of the proposed wind turbine would be seen from the U125 minor public road to the south or from the Birk Hedges minor public road to the east. Due to the various wooded areas to the south of the A199 public road the proposed wind turbine would be well concealed from public views from that road. The existing trees around Woodside House would screen views of the proposed wind turbine from there.

At a height of 24.8 metres from ground level to blade tip the proposed wind turbine would not be excessively high and its supporting column would be relatively slim and due to its close juxtaposition with Liberty Hall North Wood and the screening that would be given to it by the large amount of woodland in the locality it would not be a harmfully exposed

intrusive or incongruous feature in its landscape setting. It would not change the existing landscape character of the area in a harmful way. It would not have a harmful visual impact on any key views of valued landscape, historic or natural heritage features. It is capable of being accommodated within this part of the 'Agricultural Plain – Sub Area 2, North' landscape character area.

On these considerations of landscape impact the proposed wind turbine is consistent with Policies DC1 (Part 5) and NRG3 and of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the key considerations of landscape impact and impact on public views to and from landmark features 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).

With regard to Scottish Planning Policy it is appropriate to impose a condition on the grant of planning permission requiring removal of the wind turbine and restoration of the site should the wind turbine become operationally redundant.

#### CONDITIONS:

- 1 The development shall begin before the expiration of 3 years from the date of the grant of this planning permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997

- 2 The external free-field noise levels associated with the operation of the wind turbine hereby approved shall not exceed 35dBLA90 10min at any wind speed up to 10m/s at any residential property.

Reason:

In the interests of the residential amenity of the wider locality and to protect noise sensitive properties.

- 3 No symbols, logos or any other markings shall be displayed on any part of the wind turbine hereby approved without the written consent of the Planning Authority, except for over-riding reasons of health and safety.

Reason:

In the interests of the visual amenity of the area.

- 4 In the event that the wind turbine installed on the application site fails to produce electricity for a continuous period of 6 months, then, unless otherwise approved in writing by the Planning Authority, it shall be deemed to have ceased to be required. If it is deemed to have ceased to be required the wind turbine shall be dismantled and removed from the site by the operator by no later than the date occurring 6 months after the end of the said continuous 6 months period, and the ground fully reinstated to the specification and approval of the Planning Authority.

Reason:

To prevent a redundant turbine remaining on the application site, in the interests of the landscape amenity of the area.