

REPORT TO: Cabinet

MEETING DATE: 12 March 2013

BY: Executive Director (Services for Communities)

SUBJECT: Consultation on Planning Guidance for Windfarms of over 12 Megawatts

1 PURPOSE

- 1.1 To advise Cabinet (i) of the preparation of draft planning guidance intended to provide a spatial framework against which proposals for wind farms of 12MW output and more will be assessed and (ii) to seek Cabinet approval to take the draft *Guidance on Wind Turbines over 12MW* appended to this report, to public consultation.

2 RECOMMENDATION

- 2.1 That Cabinet approve the attached report, *Guidance on Windfarms Over 12MW*, for public consultation.

3 BACKGROUND

- 3.1 East Lothian Council already has large scale wind turbine development at Crystal Rig (191MW in total) and Aikengall (48MW). Consent has been given for development at Pogbie (now under construction), and at Keith Hill. An application at Wester Dod, Monymut, is under consideration by Scottish Ministers. Existing wind development outwith the East Lothian Council area can also have substantial visual effects, for example, at Fallago Rig (currently under construction) and Dun Law. There is also just under 2MW of smaller wind development consented in East Lothian.
- 3.2 The Scottish Government, through Scottish Planning Policy, requires Councils to produce a spatial framework for windfarms of over 20MW for their areas. There is scope to incorporate windfarms of less than this if it is considered appropriate. In East Lothian, current policy on wind turbine development is contained within the East Lothian Local Plan. The Council has also commissioned the *Landscape Capacity Study for Wind Turbine Development in East Lothian (2005)*, supplemented by the more

recent *East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines* (2011). This latter study considered windfarms of up to 6 turbines less than 120m high, to fit with the turbine scales/numbers considered in the first study. Although the output of such a windfarm would depend on the type of turbine used, it is most likely around 12MW. Due to the intervisibility of much of East Lothian, a windfarm of this size here will raise broadly similar issues as a windfarm of 20MW and above. As it is also a better fit with these landscape capacity studies 12MW was taken as the lower limit of windfarms covered by the Guidance.

3.3 Scottish Planning Policy states that planning authorities should support the development of windfarms in locations where they can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. It sets out a procedure for producing the spatial framework. The planning authority should identify:

- **Areas requiring significant protection** because they are designated for their national or international landscape or natural heritage value, are designated as green belt or are areas where the cumulative impact of existing and consented wind farms limits further development;
- **Areas with potential constraints** where proposals will be considered on their individual merits against identified criteria; and
- **Areas of search** where appropriate proposals are likely to be supported subject to detailed consideration against identified criteria

When identifying areas with potential constraints on wind farm development, planning authorities should consider the historic environment, areas designated for their regional and local landscape or natural heritage value, tourism and recreation interests, likely impacts on communities, including long term and significant impact on amenity, impact on aviation and defence interests, and impact on broadcasting installations. A separation distance of up to 2km between cities, towns and villages and Areas of Search is recommended to guide development to the most appropriate sites.

3.4 The Scottish Government has also issued web-based guidance on preparing spatial frameworks, which allow for variations in local approaches. The Guidance does vary in some respects to take account of issues of particular importance for East Lothian. Landmark hills (North Berwick Law, the Garletons and Traprain Law) are included in the Areas of Significant Protection as is the Northern Coast Landscape Character Area. The hills were included as development here would affect the character of significant East Lothian landmarks and, in the case of Traprain and North Berwick, they are also Scheduled Monuments. The Northern Coast was included due to its importance for tourism. Cumulative landscape and visual issues were considered to affect most of East Lothian, and merit its inclusion in the Area of Significant Restraint

(see Map 14 of the Guidance). In addition, there is an area around Keith Hill which has reached cumulative limits because of potential impact on Black Grouse.

- 3.5 While the Guidance was being drawn up, the Council was consulted on the Section 36 application for a windfarm at Wester Dod, which led to an evaluation of that site. Although the Landscape Capacity Study for Windfarm Development in East Lothian found there to be low capacity and medium-high sensitivity for windfarm development in this area, this had been found before the approval of the existing Aikengall windfarm. Taking Aikengall windfarm into account in the baseline, the Council accepted that some windfarm development was acceptable in this location, but that the amount of development was limited mainly by the need to protect the setting of Oldhamstocks Conservation Area.
- 3.6 In looking for areas of search, the areas of significant restraint (other than cumulative landscape and visual issues) and potential constraint listed in Scottish Planning Policy, plus an indicative 500m buffer around individual houses was applied as a starting point. This did not leave any very large areas. To reflect the Council's view that windfarm development was appropriate in the Monynut area, this area has been identified as an Area of Search.
- 3.7 Given that the Council had accepted that windfarm development could be compatible with the moorland part of the Lammemuir AGLV, this rest of this area was further considered for suitability. However, the cumulative landscape and visual issues including compatibility with AGLV designation were considered to be too great, so none of the remainder of the Lammermuir Plateau landscape character areas was allocated as Areas of Search.
- 3.8 Within Areas of Significant Protection, there is a presumption against wind development. In areas with potential constraint, wind development could be acceptable if appropriate mitigation can be put in place. In Areas of Search, wind development is supported. In proposing that the majority of East Lothian (other than the Monynut Area of Search) be identified as an Area of Significant Restraint means that in most of the area, windfarm development over 12MW would not be supported. Within the Area of Search, if the Wester Dod application is consented, it is unlikely there will be any further capacity for a windfarm of over 12MW.
- 3.9 Draft Strategic Environmental Assessment (SEA) has been prepared for the Guidance, and this is in the Members Library. The SEA shows that the main choice to be made is between protecting landscape, cultural heritage and biodiversity, or contributing to mitigating climate change. Adoption of the Guidance will not mean that the Scottish Government targets for renewable energy generation cannot be met, although it will mean that East Lothian's further contribution to these will be more limited. There are some residual significant impacts from allocation of the Monynut Area of Search, namely the potential impact on Oldhamstocks Conservation Area and listed buildings within it, and the landscape

impact on wild land. Through consultation, views will be sought on the SEA and its assessment of the environmental effects of the draft guidance as well as on the draft Guidance itself.

- 3.10 Consultation on the draft Guidance will run for a period of not less than six weeks. The document will be available on the Council's website, and Community Councils will be sent a copy. Copies will also be available at libraries. Interested parties (those involved in the wind industry, representatives of interest groups) will be informed that the document is available and how to access it.

4 POLICY IMPLICATIONS

- 4.1 Once in its approved form, this guidance will be a material consideration in the Council's determination of planning applications for wind turbines of 50 MW or less, and for its response to Scottish Ministers on consultations for wind farms of over 50 MW.
- 4.2 Single Outcome Agreement Outcome 11: *East Lothian has a high quality natural and built environment that supports the well being of the local community* is supported.
- 4.3 Single Outcome Agreement Outcome 12; *East Lothian is less dependent on finite resources by moving to a more localised, low carbon economy and reducing its ecological and carbon footprints by 2050*. This indicator may be affected by restricting windfarm development, although any windfarm built in the next 12 years would likely be decommissioned before 2050.
- 4.4 Coastal Tourism Strategy; supports this by restricting windfarm development in coastal areas.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and Equality Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none
- 6.2 Personnel - none
- 6.3 Other - none

7 BACKGROUND PAPERS

7.1 Scottish Planning Policy

Scottish Governments Web based guidance on Spatial Frameworks

East Lothian Local Plan 2008

Edinburgh and the Lothians Structure Plan 2015

Landscape Capacity Study for Wind Turbine Development in East Lothian 2005

East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines 2011

Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian

SEA of Guidance for Wind Turbines Over 12MW

Appendix 1: Draft Guidance for Wind Turbines of Over 12MW

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Guidance for Wind Farms over Twelve Megawatts



This document is
available on request
on audiotape, in
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1. Introduction

- 1.1 Renewable energy helped power the Industrial Revolution; more recently there has been a resurgence of interest due to growing concern about climate change and the effects of peak oil production. The Scottish Government is committed to reducing greenhouse gas emissions, and in the Climate Change Act 2009 has set challenging targets for this. Part of their strategy is to increase the supply of renewable energy, and Scottish Planning Policy¹ (SPP) sets out strong support for its development where this can be achieved in an environmentally acceptable way. The Scottish Government has set a target of 100% of electricity consumption to come from renewable sources in the next decade², with an interim target of 50% by 2015³. Onshore wind projects are expected to make a continuing contribution towards meeting targets for renewable energy generation.
- 1.2 The Scottish Government outlines in SPP and web based guidance⁴ how planning authorities should approach encouraging the development of renewable energy, and in particular wind. This includes preparing a spatial framework for wind farms of over 20MW. (SPP can be seen online on the following link; <http://www.scotland.gov.uk/Publications/2010/02/03132605/0>). The purpose of this Guidance is to implement this policy. Windfarms of between 12 and 20MW have also been included in this policy. This was done because it was considered that in an East Lothian context most of the issues which would arise for a 20MW windfarm would also arise for windfarms of 12MW and above, and is a better fit with other Council policy and studies on wind development. Guidance for smaller scale wind development is given separately in *Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian*⁵ and in the *East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines*, 2011. The Council is in the process of incorporating the findings of the latter study into the *Planning Guidance*.
- 1.3 For the preparation of spatial frameworks for large wind development, Scottish government policy requires the identification of areas where significant protection is appropriate, where there are potential constraints to windfarm development, and where there are Areas of Search.
- 1.4 In East Lothian, the majority of the area is identified as requiring **significant protection**. The reasons for this are set out in this guidance. Within this area, there are also constraints of various types. Some of these are constraints listed in the web-based guidance, for example the historic environment. Others are not specifically mentioned, but nonetheless are likely to be a constraint in practice. An example of this

¹ Scottish Planning Policy, A statement of the Scottish Government's policy on nationally important land use planning matters (2010) see <http://www.scotland.gov.uk/Publications/2010/02/03132605/0>

² Alex Salmond announcement, see <http://www.scotland.gov.uk/News/Releases/2011/05/18093247>

³ Update to 2020 Routemap for Renewable Energy, see <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/UpdateRenewableRoutemap>

⁴ At <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/renewables/spatialframework>

⁵ http://www.eastlothian.gov.uk/info/206/planning-advice_and_guidance/1130/renewable_energy/3

is high-pressure gas pipelines. This Guidance sets out these constraints and maps them where it's possible to do so.

- 1.5 One Area of Search has been identified, which is the area at Monynut, at the eastern end of the Lammermuirs. At the time of writing much of this area was the subject of an application under the Electricity Acts to Scottish Ministers for a windfarm at Wester Dod. If this application is granted, there will be no further capacity in this area for a windfarm of over 12MW.

2. Context

- 2.1 Climate change is widely seen as the most serious challenge our generation faces. Greenhouse gases emitted previously are now starting to have an impact on our climate and weather systems; this is predicted to get worse, and without action now to reduce emissions, much worse. The Scottish Government has passed the Climate Change (Scotland) Act 2009⁶ which contains a target of an 80% reduction in CO2 emissions by 2050, with an interim (2020) target of a 42% reduction. Annual targets support these long-term targets.
- 2.2 The replacement of fossil fuel electricity generation by generation from renewable energy is one way that rising CO2 emissions can be tackled. Scottish Government policy is supportive of increasing renewable energy generation: for example, their Climate Change Delivery Plan 2009⁷ has as Transformational Outcome 1: *“A largely de-carbonised electricity generation sector by 2030, primarily using renewable sources for electricity generation with other electricity generation from fossil fuelled plants utilising carbon capture and storage”*. East Lothian Council supports this objective.
- 2.3 Scottish Government policy also supports the protection of the natural and built heritage. This objective includes sites of international importance with legal protection, but extends, though with appropriate weight, to the protection of more local interests. This guidance attempts to balance these sometimes conflicting aims, recognising that East Lothian already hosts or is affected by a considerable amount of existing, consented or ‘in planning’ large scale wind development.

Pattern of Wind Development in East Lothian

- 2.4 Until 2008, East Lothian had no commercial scale wind development within its boundaries though there were a handful of domestic scale turbines. However, Dun Law, the first windfarm in Scotland, is widely visible from much of south-western East Lothian. Crystal Rig, just over the East Lothian border in the Lammermuirs, followed in 2004. Since then, both Aikengall windfarm and the Crystal Rig extensions straddling the East Lothian/Scottish Borders area border have been commissioned. Aikengall is on the eastern edge of the Lammermuirs, has 16 turbines 125m high to blade tip, with a capacity of 48MW. Crystal Rig now has a total of 85 turbines, with a capacity of 200MW. Consent has been granted by East Lothian Council for a 6 turbine windfarm

⁶ see <http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/climatechangeact>

⁷ See <http://www.scotland.gov.uk/Publications/2009/06/18103720/0>

at Pogie, by Dun Law, which is under construction, followed by an adjacent five turbine windfarm at Keith Hill, both with turbines up to 76 metres.

- 2.5 Fallago Rig (48 turbines 100 – 125m high, 144MW capacity) has recently been given consent by Scottish Ministers and is currently under construction. Although this windfarm is not in East Lothian, the visual effects will fall largely within this area. Other windfarms outwith the area also have a visual presence in East Lothian. Those that are visible from the lowland agricultural plain are Toddleburn, which is seen in association with Dun Law, as well as Bowbeat and Carcant in the hills to the southwest. To the northeast, Greenknowes in Perth and Kinross and Little Raith in Fife are visible.
- 2.6 From southern parts of East Lothian, especially from the Lammermuirs, other windfarms in Scottish Borders area are visible. These include Blackhill by Duns in the Lammermuirs and, more in a lowland setting, Drone Hill towards St Abbs. Map 1: *Large Windfarms in and Around East Lothian* shows larger windfarms in the area.
- 2.7 In addition to the large scale wind turbine development, interest in smaller scale development has increased markedly with the introduction of feed-in tariffs. Several smaller scale wind turbines in the lowland areas of East Lothian have been installed. Map 2: *Wind Turbine Projects* shows smaller scale wind turbine proposals at various stages of development within East Lothian.
- 2.8 The strong pattern of onshore wind development has therefore been for large-scale wind development to be located in the upland areas of the Lammermuirs, or in more distant hills such as the Moorfoots. Turbines are currently clustered at either end of the Lammermuir skyline, with Aikengall and Crystal Rig to the east and Dun Law/Toddleburn to the west. With the Fallago Rig windfarm in the centre, development will appear as a pattern of cluster and space. From the agricultural plain of East Lothian, and higher ground within it, there will be a pattern of a skyline regularly interspersed with wind farm development. Viewed from within the Lammermuirs, the windfarms will be seen as regularly spaced groups with areas of open moorland in between and not a continuous windfarm landscape. These larger scale turbines generally fit with the larger scale of the landscapes of the uplands.
- 2.9 In the more lowland areas, there is limited smaller and domestic scale development. This scale of development is a better fit with the generally more intimate scale of the lowland landscapes, where there is in addition more built development which can provide a scale comparison.
- 2.10 There is currently no wind development offshore; however the Crown Estate has recently announced offered exclusivity agreements to companies for offshore sites within Scottish Territorial Waters. These now include sites at Inch Cape off the Fife/Angus coastline, and Neart na Gaoithe, off Fife Ness, which is now at the application stage. A UK Government 'Round 3' site off the Firth of Forth outwith Scottish Territorial Waters would also be visible at a distance from some parts of East Lothian, and the Firth of Forth is also a medium term area of search for offshore wind development (see Map 1).

3. Wind Resource

- 3.1 The UK government publishes figures for average wind speeds in its NOABL database. This shows the average wind speed for each square kilometre at 10m, 25m and 45m high derived from a model. The speeds given are more accurate on flat, open areas than on more varied landscape. The model doesn't account for thermally driven breezes (such as onshore/offshore breezes) or features like walls or forestry, which may affect wind speed. However, it does give a general idea of potential. Map 3: *Windspeeds* shows windspeeds at 45m using information from this database⁸. Developers will initially prefer a site with wind speeds of more than 7.5 m/s at 45m above ground level, however, they will generally test the wind for at least a year before committing to a project.
- 3.2 The local Distribution Network Operator is required to offer terms to connect any proposal to the national grid at the expense of the developer. Scottish Power is the operator for this area, through its subsidiary SP Energy Networks. Further information, including broad indicative costs, are available on their website at <http://www.spenergynetworks.co.uk/dgis/> Developers are advised to seek early discussions with SP Energy Networks to discuss costs and other issues. Costs will depend on the size of the development, the distance from the offered connection point, and the connection voltage.

4. Who consents applications?

- 4.1 Scottish Ministers determine applications for windfarms of over 50MW and offshore applications under the Electricity Acts. Consenting for offshore development is delegated to Marine Scotland, while the Scottish Government's Energy Consents Unit deals with onshore development. East Lothian Council is consulted on these larger on-shore developments in this area and nearby offshore development in Scottish internal waters. If a Council objects to a windfarm within its area a Public Inquiry on the application is automatically held.
- 4.2 East Lothian Council determines applications for wind development above the low watermark and that are rated at 50MW or less. Windfarms of 20MW and over are major development, and so are considered by Planning Committee with appeal to Scottish Ministers. All major developments require pre-application consultation with communities, and this includes extensions of more than 20MW to existing windfarms. It does not include smaller extensions even if the total development is then over 20MW. Development of less than 20MW are considered local development, which is determined by the Executive Director of Services for Communities, with appeal to the Local Review Board (unless the planning authority or a member of it has made the application or the planning authority has ownership or financial interest in the land on which the application is made, in which case the decision is made by full Council also).

⁸ See http://tools.decc.gov.uk/en/content/cms/meeting_energy/wind/onshore/deploy_data/windsp_databas/windsp_databas.aspx

- 4.3 For development of up to 50MW in the inter-tidal zone, i.e. between the high and low water marks, consent would be required from both East Lothian Council and Marine Scotland.
- 4.4 All planning applications within East Lothian are available to view at www.eastlothian.gov.uk/Planningonline . A database of wind applications within East Lothian is available online at: http://www.eastlothian.gov.uk/info/206/planning-advice_and_guidance/1130/renewable_energy/5 .
- 4.5 Neighbouring authorities will consult East Lothian Council on wind development in their area where it appears to them to affect land in East Lothian.

Environmental Impact Assessment (EIA)

- 4.6 The Environmental Impact Assessment (Scotland) Regulations 2011⁹ set out the types of development that need to undergo EIA and submit an Environmental Statement with the planning application. Schedule 1 development will always require assessment – this includes things like oil refineries and nuclear power stations. Wind development is included in Schedule 2, which lists development that **may** require assessment if it is **likely that it would have significant effects on the environment** by virtue of factors such as its nature, size or location. Wind turbine development will potentially require assessment (and therefore submission of an Environmental Statement with the planning application) where:
- a) the hub or any other part of the development is over 15m high, or there are more than two turbines or
 - b) any part of it is in a sensitive area as defined in the regulations¹⁰.
- 4.7 It is for the planning authority (or for applications under the Electricity Acts, Scottish Ministers) to decide whether or not a proposal requires EIA. The process of making this decision is known as Screening. Due to the size and number of the turbines, all development of 12MW or over will need to be screened.
- 4.8 Screening is triggered in two main ways. A potential applicant may make a screening request to East Lothian Council to determine whether or not EIA will be required. Alternatively, if a planning application is made where EIA may be needed, the Council will carry out Screening at this point.
- 4.9 Once it has been decided if EIA is required, a Screening Opinion will be issued. This will state whether or not EIA is required, having taken into account the characteristics of the development, its location, and the nature of the potential impact. The Scottish Government has provided checklists which can be used as an aid to making the decision. East Lothian Council uses these checklists but may take other issues that arise into account also. The checklists are available at

⁹See <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/enviro-assessment/eia>

¹⁰ Sensitive areas relevant to East Lothian are: a Site of Special Scientific Interest, a site subject to a Nature Conservation Order, a Scheduled Ancient Monument (SAM), a Natura 2000 site. Also sensitive, but of which there are currently none in East Lothian are: a property on the World Heritage list, a Natural Heritage Area or a Natural Scenic Area.

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/enviro-assessment/eia/ScreeningChecklist> .

- 4.10 If EIA is required, an applicant may make a Scoping Request to seek the Council's views on what should be covered in the Environment Report, including issues such as the range and depth of coverage of study required and the methodology to be used. Developers are not required to submit a Scoping Request, however it is advisable to do so as it may save time and research effort.
- 4.11 The register of Screening and Scoping Requests is available at www.eastlothian.gov.uk/eia or in hard copy at council offices at John Muir House, Haddington. Requests for Screening or Scoping Opinions should be sent to the Policy and Projects Manager, Services for Communities, John Muir house, Haddington, East Lothian, EH41 3HA, or via email to policy&projects@eastlothian.gov.uk
- 4.12 It is likely that a windfarm of 12MW or more anywhere in East Lothian would require EIA.

Habitats Regulations Assessment

- 4.13 The Habitats Regulations aim to help protect the best of European wildlife. Where a strategy, policy or proposal could affect a European Site (a Special Protection Area (SPA) or Special Area of Conservation (SAC)) the planning authority must assess those effects. Where it is likely that a significant effect will occur, the planning authority must carry out a more detailed Habitats Regulations Assessment (HRA). Planning permission cannot be granted until it is completed. The trigger for assessment is that a proposal may have an effect; it does not matter whether the proposal is within or outwith the European site. The developer will be required to submit sufficient information to determine if HRA will be needed and, if so, to enable the assessment to be done. Where the HRA finds that there will be a significant effect on a European site, or it is not certain that there won't be, planning permission can only be granted in limited circumstances. See SNH's website at <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/natura-sites/habitats-regulations-appraisal/> for more details.
- 4.14 Wind development within Natura 2000 sites in East Lothian will almost certainly require HRA. These are the Firth of Forth and Forth Islands Special Protection Areas (see Map 4). Development may still require HRA even though it is not in a Natura 2000 site. This would be required where the development is likely to affect a qualifying interest of any Natura 2000 site, including those outwith East Lothian.
- 4.15 There are some areas where wind development is known to potentially affect Natura 2000 sites in other areas. Firstly, development that could affect the Pink Footed Goose: these geese are a qualifying interest of the Firth of Forth SPA, as well as nearby SPA's at Fala Flow, Greenlaw Moor and Gladhouse Reservoir. Effects of windfarm development within the foraging areas of the pink-footed goose are not well understood, however much of the foraging range is outwith the site itself. In goose feeding areas, the Council seeks to avoid changes that may deter geese from foraging in fields. The developer would need to show that any effect on the geese would not be a significant effect on the SPA. The main goose foraging area is the arable fields of a broadly triangular area northeast of a link from Tranent – Haddington – East Fortune –

North Berwick, and a further area towards Dunbar (shown in Map 4). The geese may be vulnerable to disturbance from wind development in their feeding areas, or on daily flights to or from feeding grounds to roosting grounds. Development in the main feeding areas is likely to require assessment, however the area affected has not been shown as significantly protected or potentially constrained for this interest following web-based guidance not to buffer areas of natural heritage.

- 4.16 Secondly, in the Lammermuirs, there are areas that drain into the River Tweed Special Area of Conservation (SAC). The qualifying interest of the SAC is in fish and aquatic vegetation, as well as the otter, which relies on fish for feeding. Maintenance of the qualifying interest therefore relies on good water quality. This includes prevention of siltation or pollution, which could affect water quality and therefore impact on the life cycle of the fish. Development that could potentially have such an effect will need HRA.
- 4.17 Thirdly, HRA may also be needed where birds that are a qualifying interest of an SPA use the site, if they could be from an SPA. Sites on migration routes, primarily up the east coast, may also require assessment. Information on the qualifying interest of SPA's can be found on Scottish Natural Heritage Sitelink <http://www.snh.org.uk/snh/>.
- 4.18 Natura sites and areas where it is known that there is potential for wind development in that area to affect a Natura site are shown on Map 4: Habitat Regulations - Natura 2000 Sites and Related Areas. The additional areas shown are not necessarily exhaustive; there may be other areas where wind development could impact on the interest of these sites.

5. Windfarm Policy

- 5.1 Scottish Government Policy on renewables is set out in its Renewables Action Plan¹¹, published in 2009, as updated. The Renewables Action Plan has as its vision for Onshore Wind “continued expansion of portfolio of onshore wind farms to help meet renewable target, with robust planning framework supporting timely processing of consents applications and ensuring wind farms are consented where they are environmentally acceptable”. The Renewables Action Plan is supported by the 2020 Routemap for Renewable Energy in Scotland¹², as updated most recently in October 2012¹³, which was produced to drive forwards renewable energy development. Scottish Planning Policy gives planning policy on windfarms, stating “Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.” Web based guidance gives further advice, including on the development of spatial frameworks for windfarms over 20MW.
- 5.2 The Edinburgh and the Lothian's Structure Plan 2015¹⁴, the current Structure Plan for East Lothian, is supportive of renewable energy development. Policy ENV6: Renewable Energy states:

¹¹ <http://www.scotland.gov.uk/Publications/2009/07/06095830/0>

¹² See <http://www.scotland.gov.uk/Publications/2011/08/04110353/0>

¹³ See 3 above

¹⁴ See <http://www.elsp.gov.uk/CurrentStructurePlan.htm>

“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. They should also consider whether it is appropriate to define broad areas of search, or specific sites, suitable for wind or other renewable energy developments.”

This policy preceded the updating of Scottish Government policy contained in SPP6 (now SPP) which requires consideration of broad areas of search. This plan will be replaced by the Strategic Development Plan developed by SESplan. The SESplan Proposed Plan¹⁵ states in Policy 10 – Sustainable Energy Technologies - that Local Plans will “Set a framework for the encouragement of renewable energy proposals, taking into account relevant economic, social, environmental and transport considerations.”

- 5.3 Specific policy on windfarms in the adopted East Lothian Local Plan 2008 (ELLP)¹⁶ is given in Policy NRG3, NRG4 and NRG5 (see Annex A). ELLP Policy NRG3 includes, in criterion 6, the requirement that wind development will be supported where “alternative, better, sites are not available”. SPP, which post-dates the adoption of the plan specifically states that spatial frameworks for windfarms “should not be used to put in place a sequential approach to determining applications”. Criterion 6 of Policy NRG3 is therefore no longer applicable.
- 5.4 ELLP Policy NRG3 refers to the Landscape Character Study for Wind Turbine Development in East Lothian 2005 (LCS)¹⁷, jointly commissioned by East Lothian Council and SNH. That document remains relevant for the determination of wind turbine applications. The LCS systematically appraised the landscapes of East Lothian and identified areas of capacity and sensitivity (in landscape and visual terms) looking at 5 development typologies including wind farms of over 12MW (broadly corresponding to Typologies 3, Medium Scale wind farm development, 6 to 20 120m high turbines, 4, large scale windfarm development 21+ 120m high turbines, and potentially 5, extensions to existing windfarms). Landscape Character Areas, refined from areas identified by SNH’s Lothian Landscape Character Types and Areas¹⁸ were identified (see Map 5: Landscape Character Study and AGLV’s). The capacity for and sensitivity to wind turbine development was assessed for each area. Sensitivity was judged by looking at a number of physical criteria of the landscape – scale, landform and shape, settlement, industry and infrastructure elements, landscape context, landscape composition, experiential/perceptual and sense of remoteness/naturalness. The question of capacity was then examined; how far each landscape could absorb or accommodate development without a fundamental change in character. Capacity included visibility assessment, values relating to the landscape and whether change was acceptable. So a highly sensitive landscape would not necessarily have a low capacity and vice versa.

¹⁵ see <http://www.sesplan.gov.uk/representation/proposed-plan.html>

¹⁶ See http://www.eastlothian.gov.uk/info/204/statutory_development_plans/231/statutory_development_plans/3

¹⁷ At http://www.eastlothian.gov.uk/info/206/planning-advice_and_guidance/1130/renewable_energy/2

¹⁸ No 91: The Lothians Landscape Character Assessment, Ash consulting group 1998 at www.snh.org.uk/publications/on-line/LCA/lothians.pdf

5.5 Other policies within the ELLP are likely to be relevant, in particular:

- DC1 (Development in the Countryside and Undeveloped Coast)
- Policy NH1a (Internationally Protected Areas)
- Policy NH1b (Sites of Special Scientific Interest)
- Policy NH2 Wildlife and Geological Areas
- NH4, Areas of Great Landscape Value
- NH5 Protected Trees
- Policy NH6, Watercourses and Wetlands
- Policy ENV3 Listed Buildings
- Policy ENV4 Development in Conservation Areas
- Policy ENV7 Scheduled Monuments and Archaeological Sites
- Policy ENV8 Historic Gardens and Designed Landscapes
- Policy INF1 Pipeline Consultation Zone,
- Policy INF3 Infrastructure and Facilities provision
- Policy C6 Rights of Way
- Policy C7 Core Paths and Other Routes
- Policy T2 General Transport Impact
- Policy DP1 Landscape and Streetscape Character
- Policy DP2 Design
- Policy DP4 Design Statements
- Policy DP12 Biodiversity Assessments
- Policy DP13 Biodiversity and Development Sites
- Policy DP14 Trees on or adjacent to Development Sites
- Policy DP15 Sustainable Urban Drainage Systems
- Policy DP16 Flooding
- Policy DP17 Art Works – Percent for Art
- Policy DP20 Pedestrians and Cyclists

6. Future windfarm development

- 6.1 SPP gives guidance on planning for windfarms over 20MW, which is expanded in the web based advice. SPP states (paragraph 189) that planning authorities may incorporate wind farms of less than 20MW in their spatial frameworks if it is considered appropriate. This guidance includes windfarms of 12MW. This is considered the appropriate level as it accords with landscape capacity work previously commissioned by the Council. The constraints that apply to wind farms of 20MW and over, in particular due to topography and the rich built and natural environment of the area, are considered to apply equally to windfarms of 12MW and over in this area.
- 6.2 SPP requires planning authorities to use a three stage process to determine the appropriate policy approach to land within their area. Stage 1 is to identify Areas of Significant Protection, Stage 2, Areas of Potential Constraint and Stage 3, Areas of Search. Although Areas of Significant Protection cover almost all of East Lothian, the potential constraints are set out as this would be relevant to the determination of any application affecting these constraints.

6.3 Areas of Significant Protection are those where there are interests that are unlikely to be compatible with windfarm development. The Areas of Significant Protection as stated in SPP are:

- (1) those that are designated for their national or international landscape or natural heritage value
- (2) Green Belt, and
- (3) areas where the cumulative impact of existing and consented wind farms limits further development.

In addition, the web based guidance states the Scottish Government will also support alternative approaches which are appropriate to local circumstances and which remain compatible with SPP. There are some areas of East Lothian where for their own importance and sensitivity to wind development of this scale, significant protection is required. Development here would not be possible without significant adverse impact. These further areas are:

- (4) the recreational and scenic interest of the northern coast (the area of coast from Port Seton to Dunbar, shown as Northern Coastal Margin in the Landscape Capacity Study for Large Wind Turbine Development in East Lothian (LCS))
- (5) landmark volcanic outcrop hills; the Garleton Hills and Traprain and North Berwick Laws.

Areas 1 – 5 above are shown on Map 6: *Areas of Significant Protection: Intrinsic Interest*. Areas which require significant protection due to cumulative impact (discussed below) are shown on Map 7: *Areas of Significant Protection: Cumulative Limits*.

6.4 Areas of Potential Constraint are those where there are other interests that need to be taken into account if development is to occur. These interests are the historic environment, areas designated for their regional and local natural heritage value, tourism and recreational interests, communities, aviation and defence interests and broadcasting installations. Where possible these constraints have been mapped (Map 9: *Historic Environment*; Map 10: *Natural Environment*; Map 11: *Tourism and Recreation*; Map 12: *Communities and Housing*) however some of these interests are difficult to map at a suitable scale and need to be taken into account on a site by site basis. The existence of a constraint in itself does not amount to a blanket restriction. In practice the Areas of Potential Constraint are overlaid by Areas of Significant Protection.

6.5 Outwith these areas is land that is not constrained by formal designation. Nonetheless SPP recognises that issues may still arise within these areas. In practice some of these issues may be a significant barrier to development, for example designated burial sites. Where these interests are capable of being mapped, they are shown on Map 13: *Aviation and Hazardous Installations*. Again, for the most part these areas are overlaid by Areas of Significant Protection and Areas of Potential Constraint.

6.6 One Area of Search is shown, at Monymut (see Map 14). Having completed an initial desktop sieve mapping exercise of designated sites, including those mapped as Other Considerations (which was done prior to the receipt of the Section 36 application for

Wester Dod windfarm), there were few areas that were not covered by a designation, or affected by some other practical constraint. None of the remaining areas were particularly large. Accepting that all the constraints listed should be avoided as Areas of Search would have resulted in no Area of Search being designated. The Council has previously accepted that large scale wind development could be compatible with Lammermuir Plateau landscape part of the Lammermuir Area of Great Landscape Value (AGLV). The wind resource in this area is good and grid connection also appears viable. The LCS had identified the East Lammermuir Plateau and Central Lammermuir Plateau as Med-High and High sensitivity to large scale windfarm development, with low and no capacity for windfarm development. However, the scale of these landscapes was in this study considered to relate to large scale development. It was therefore decided to consider these areas further for allocation as Areas of Search (see Map 18).

- 6.7 The two areas considered were the Monymut area (where the Wester Dod application has now been made), and an area north and west of Crystal Rig. The latter was subsequently ruled out as Areas of Search because of cumulative and other environmental considerations. A third area, by Dun Law, was also identified but this has subsequently been taken up by the consented Pogbie and Keith Hill windfarm proposals, and it is not considered that any potential large scale capacity remains in that area. In the case of the some southern parts of the Northern Lammermuir Platform and Eastern Lammermuir Fringe, where there is AGLV designation but few other listed designations, the scale of the landscape was not considered capable of absorbing large windfarm development, and there are also issues with the outlook and setting from the many hillforts in this area. The remaining areas which are not covered by designation or other constraint were considered too small to allocate.
- 6.8 The following new locational policies will apply to windfarm development. In addition new policy on Battlefields, peat and control of woodland removal will be applied. The Council will include these policies in the East Lothian Local Development Plan.

WF1: Development in Areas of Significant Protection will not normally be supported. Exceptionally, windfarms will be supported where the developer can show that:

- There is no adverse impact on the interest which is the reason for the areas significant protection; and
- Where the proposal also affects an area of Potential Constraint, there is no adverse impact on the overall integrity and objectives of the interest which is the reason for the potential constraint; and
- The terms of the East Lothian Local Plan 2008 other than NRG3.6 are met

WF2: Development in the Area of Search will normally be supported provided the policies of the East Lothian Local Plan 2008 are met other than ELLP policies NH4 and NRG3.6 which do not require to be met.

Areas of Significant Protection (ASP)

- 6.9 Scottish Ministers recognise there are some areas with interests that are not easily compatible with windfarms. Development within these areas is likely to be more difficult and developers will need to demonstrate that these interests will not be compromised. SPP defines areas of significant protection from wind farm development as those with international and national natural heritage designations (Ramsar Sites, Natura 2000 sites and SSSI's), Green Belts and areas where the limits of cumulative development have been reached. In addition the web based guidance also recognises that local circumstances may mean that an alternative approach may be needed. In East Lothian some further areas requiring significant protection have been identified. These are described below as Local Areas of Significant Protection. The Areas of Significant Protection are therefore:
- Ramsar and Natura 2000 sites
 - SSSI's
 - Green Belt
 - Areas at the limit of cumulative landscape and visual effects
 - Areas at the cumulative limit for Black Grouse
 - Locally significant issue: Northern Coast
 - Locally significant issue: Landmark Hills
 - Locally significant issue: Setting of Traprain Law
- 6.10 Areas of Significant Protection are shown in Map 6: *Areas of Significant Protection: Intrinsic Interest* and Map 7: *Areas of Significant Protection: Cumulative Limits*. There is only one area of East Lothian which is not considered to require significant protection because of cumulative or other issues. This is the area around Monynut, discussed below under Areas of Search.

ASP: International and national natural heritage designations

- 6.11 The natural heritage is protected internationally through a system of designated sites. Under the Ramsar Convention important wetlands were identified, of which the Firth of Forth is one. The European Union designates a network of sites to protect the best of Europe's wildlife. SPA's are chosen for their bird interest, while SAC's are selected for other important habitat interest and together they make up the Natura 2000 network. The Firth of Forth and the Forth Islands are both SPA's, with the Forth Islands now extending into the surrounding sea. Parts of southern East Lothian in the Lammermuir Hills drain into the River Tweed SAC and development in this area could affect its qualifying interests.
- 6.12 Nationally, Sites of Special Scientific Interest Sites (SSSI) are designated by Scottish Natural Heritage (SNH) and chosen to best represent our natural heritage - its diversity of plants, animals and habitats, rocks and landforms, or a combinations of such natural features. They are the essential building blocks of Scotland's protected areas for nature conservation, and it is an offence for any person to intentionally or recklessly damage their protected features. There are 15 SSSI's in East Lothian, covering a variety of habitats from the coast to rocky volcanic outcrops to Lammermuir uplands and upland fringe areas. Nationally and internationally important sites are protected under ELLP Policy NH1a and NH1b.
- 6.13 Although wind development outwith SSSI's, Natura 2000 and Ramsar sites may affect their qualifying interests only the areas themselves have been included as Areas of

Significant Protection in line with advice in SPP. See paragraphs 4.13 above for advice on Habitat Regulation Assessment however.

- 6.14 Information on international and national designated sites can be obtained from Scottish Natural heritage; see Sitelink at www.snh.org.uk.

ASP: Green Belt

- 6.15 The Edinburgh Green Belt has been designated to maintain the identity of the city and protect its landscape setting and, where appropriate, that of its neighbouring towns. Parts of western East Lothian are designated as Green Belt. The Green Belt is included in the Area of Significant Protection on Map 6: *Areas of Significant Protection: Intrinsic Interest* as large scale windfarm development here would affect the landscape setting of the City of Edinburgh. The Green Belt is protected under ELLP Policy DC2.

ASP: Cumulative Effects

- 6.16 Cumulative effects arise where the effect of one or more out of two or more wind farms would be acceptable, but not all of those proposed can be accommodated. Existing and consented windfarms as well as wind development proposals for which application has been made are all considered when looking at cumulative impacts. SPP states that areas which have reached their cumulative limit due to existing and consented development should be included in areas of significant protection. ELLP Policy NRG3(7) states that wind turbines will be supported where there are no unacceptable cumulative impacts.
- 6.17 Cumulative impacts may arise from impacts on the landscape and visual resource, noise, natural and built heritage, hydrology and recreation and other interests. The conclusions on cumulative limits take into account existing and consented development, as well as probable development offshore, which is considered likely to come forward in some form. Cumulative limits are considered to have been reached in almost all areas of East Lothian for landscape and visual reasons. Landscape constraints are also linked to issues of cumulative effects on recreation and wild land. Cumulative effects on Black Grouse are also considered to have reached in a western part of the East Lothian Lammermuirs.

ASP: Cumulative Visual and Landscape Effects

- 6.18 East Lothian largely comprises a series of plains, within which there are significant igneous outcrops which form key landmark features. The Lammermuir Hills provide the backdrop to the East Lothian plains and river valleys. From the Lowland plains there are open views over large areas of East Lothian. From the igneous outcrops there are wide ranging panoramic views across East Lothian and beyond. These outcrops include, the Garleton Hills, North Berwick Law, Traprain Law, and Pencraig Hill. Other high points include Doon Hill and the Fa'side Ridge. These high points are landmarks in the East Lothian Landscape and are popular viewpoints for both local residents and tourists. There are also open panoramic views across East Lothian from the Lammermuir Hills. Along the Firth of Forth coastline there are open views along the coast and across the Firth of Forth. Because of this topography, there is a high level of intervisibility across the area.

- 6.19 SNH has mapped the visual influence of built development¹⁹ as a Natural Heritage Indicator, and this shows the area of East Lothian north of the Lammermuirs as relatively heavily influenced in Scotland-wide terms by man-made change. Those areas which are not so influenced are therefore rarer locally. SNH have also identified areas of wildness²⁰, according to various criteria (perceived naturalness, remoteness, ruggedness, visible lack of modern artefacts). SPP states in para 128 “The most sensitive landscapes may have little or no capacity to accept new development. Areas of wild land character in some of Scotland's remoter upland, mountain and coastal areas are very sensitive to any form of development or intrusive human activity and planning authorities should safeguard the character of these areas in the development plan”. The Lammermuirs are the largest (and wildest) areas of wild land in East Lothian, some parts also scoring highly in an overall Scottish context. Areas of the northern coast (see below) also score highly in terms of wildness. The relative wildness of different areas of East Lothian in terms of the relative wildness of all of Scotland is shown on Map 8.
- 6.20 The main area of development pressure for larger scale development has been in the Lammermuirs. The approach of East Lothian Council, informed by the LCS, has been broadly to support development at either end of the Lammermuirs (as viewed from the East Lothian plain) but to resist development in the central section of the Lammermuirs. East Lothian Council objected to the Fallago Rig proposal, in the central Lammermuirs, which although in the Scottish Borders Council area is adjacent to East Lothian, and is visible from many parts of the area. This proposal is now being constructed. There has been less development pressure (probably stemming from the recognition within the industry of a variety of constraints) for large scale development in the lowlands.
- 6.21 The pattern of development is now therefore that there is a considerable amount of large scale wind development at the eastern and western ends of the Lammermuirs, with construction of a large scale development in the centre. These developments are all generally stepped back from the Lammermuir edge as viewed from the plain to the north, and this applies especially to the higher turbines in the centre and to the east. However, they are all visible on the Lammermuir skyline as viewed from the agricultural plain. Smaller scale domestic and commercial development, for which there is considerable pressure, is located in the East Lothian lowlands.
- 6.22 There are several cumulative landscape and visual issues which limit further development, namely:
- Lammermuir landscape: Lammermuir AGLV and Lammermuir landscape character including recreational effects and impact on wildness
 - Skyline effects: visual coalescence of windfarm development on the Lammermuir skyline as viewed from the lowlands
 - East Lothian Landscape character: retention of distinctiveness
 - Cumulative visual effects on the non-Lammermuir area

¹⁹ See SNH Natural Heritage Indicator N3: Visual Influence of built development and land use change www.snh.gov.uk/docs/B551051.pdf

²⁰ SNH wild land mapping, see <http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/landscape-policy-and-guidance/wild-land/mapping/>

Lammermuir Landscape

- 6.23 The Lammermuirs include the areas shown as Plateau Grassland, Central and East Lammermuir Plateau in the LCS (see Map 5). The foothills are identified as North Lammermuir Platform and Eastern Lammermuirs Fringe. The Lammermuir AGLV includes open moorland and parts of the foothills, including the Central and Eastern Lammermuir Plateau, most of the Plateau Grassland, upper parts of the Eastern Lammermuirs Fringe and small parts of the North Lammermuir Platform. There is now a significant level of wind development here, which the construction of Fallago Rig, Pogbie and Keith Hill will increase considerably. There is also a current application at Wester Dod to which the Council did not object but made representations at the public inquiry that the proposal be modified.
- 6.24 Windfarm development here (beyond that already built and consented, or within the Area of Search) would effectively mean there is no area of the East Lothian Lammermuirs, including the Lammermuir AGLV, which remain unaffected. Large wind turbines can appear as majestic and graceful, and therefore have been previously accepted in the AGLV in slacker parts of the landform. Consents have now reached the stage however where any further development would tip the moorland area of the AGLV into becoming a windfarm landscape in its entirety. The East Lothian Lammermuir area would effectively have altered from an open, moorland/foothill landscape with wind farms to a wind farm landscape. This is an unacceptable cumulative impact as East Lothian will then have none of this landscape type remaining substantially unaffected by windfarm development. It would also have a cumulative impact on recreational value as there would then be few or no parts of the East Lothian Lammermuirs for local walkers or visitors to take walk in East Lothian without being within, or having the view dominated by, a windfarm.
- 6.25 Large scale wind development could also have a significant adverse effect on wildness (see Map 8) as the Lammermuirs are the largest area of wild land in East Lothian, and also contain the wildest land. As development can have an effect over a wide area development within the Lammermuirs could considerably reduce East Lothian's wild land. It is desirable to retain some wild land in East Lothian, and the Lammermuirs are the best area for this. In terms of loss of wild land, the cumulative limits of this area have been reached.
- 6.26 This area is considered to have reached its capacity for windfarm development in landscape, visual and recreational terms.

Lammermuir Skyline

- 6.27 The Lammermuirs form a defining backdrop to East Lothian, with a pencil sharp clear skyline visible over most of the area. Windfarm development on the skyline can be particularly prominent. The skyline itself should continue to appear as the dominant feature. Prior to the construction of Fallago Rig, windfarm development was at either end of the skyline, with the central part being clear of views of turbines. The turbines, for the most part, did not appear to dominate the skyline.
- 6.28 With the addition of Fallago Rig, there is a pattern of a cluster of development at either end of the skyline, and a further cluster in the centre. This pattern continues outwith East Lothian on the hills to the west. The pattern of turbines-space-turbines-

space-turbines appears as a regular pattern. From the agricultural plain, the turbines of the centre and the east in particular appear as behind the hills, rather than in front of them. However, from parts of the East Lothian plain a considerable proportion, possibly up to half, of the skyline will appear as having windfarm development. Any further coalescence of windfarm development on the skyline is unacceptable as this would give the appearance of the majority of the skyline being affected by wind development. This would in turn alter perceptions of East Lothian as an attractive, tranquil, rural area.

- 6.29 The limit of capacity for development affecting the Lammermuir skyline is therefore considered to have been reached.

Landscape Character: retention of distinctiveness

- 6.30 There is now a strong, established pattern of wind turbine development within East Lothian, with large scale development in the expansive upland landscapes, and smaller scale development in the more intimate landscapes of the lowlands. This reflects the different character of the different landscape areas. SPP Para 127 states landscapes are constantly changing, but should do so with the aim of facilitating positive change whilst maintaining and enhancing distinctive character.
- 6.31 The pattern of development in the upland area is of cluster and space, with development set back from the Lammermuir edge especially as viewed from the north. Turbines on or over the Lammermuir edge would disrupt the pattern of development, and would reduce the distinctiveness of the different character areas by bringing them together visually via windfarm development. Development which brings turbines forward to the Lammermuir Edge, especially as viewed from the plain to the north would therefore have an unacceptable cumulative effect. Development here would give the impression of the large parts of East Lothian being defined by windfarm development as the Lammermuir edge is a key defining landscape feature of the area. Large scale development not associated with the upland plateau area would merge landscape character types as the turbines are such a strong feature they would have the effect of making what are distinct character areas appear homogenous.
- 6.32 Large scale development outwith the Lammermuir area would disrupt the pattern of wind development of large scale turbines on the moorland uplands, with more human scale turbines in the settled lowlands. This would blur the distinction between landscape types and lead to visual confusion. Larger turbines in the lowland character areas would risk trivialising the existing smaller scale development, as well as giving a cluttered appearance. In addition to the large scale development that is already in the upland areas, large scale development in the lowlands would lead to East Lothian being defined by wind turbine development rather than wind development being a component of the landscape.
- 6.33 These are unacceptable cumulative impacts on the landscape character of East Lothian.

Cumulative visual impact

- 6.34 Due to the East Lothian topography, large windfarm development has the potential to be visible over much of the area. The visibility of turbines varies considerably due to

lighting and weather conditions, and can be very noticeable at certain times of day or in particular conditions.

- 6.35 In visual terms, there are three potential thresholds
- a. You can see a windfarm
 - b. You can see more than one windfarm
 - c. You are in a windfarm-dominated landscape.
- 6.36 There are now very few areas of East Lothian which remain outwith category (a) i.e. where there is no visibility of large scale wind turbine development, although this does include places where views are distant or limited. Areas with no visibility include less settled areas such as parts of the hillfoots of the Lammermuirs, in particular around the Hopes and lower lying areas around the Whiteadder Reservoir, as well as some of the other valley bottoms. Most of North Berwick as well as some areas around Ballencrief and East Linton, as well as parts of the Eastern Coastal Margin also have little or no visibility. With development offshore and in Fife this is likely to change, and fewer areas with no visibility will remain. Also, many of the areas with no visibility of large scale wind development **do** have visibility of smaller scale development.
- 6.37 Those areas where there is some visibility of one or more windfarm divide into three broad areas. Firstly, those areas north of a line roughly from Humbie to Dunbar, mainly the Agricultural Plain and Garleton Hills as defined in the LCS but including parts of the coastal fringe have visibility, very often of more than one windfarm. The main view of Crystal Rig/Aikengall is generally of a small number of hubs and blade tips. Views of more of the turbines themselves are seen of Dun Law however its impact is lessened due to its smaller size. Generally, in views from further to the north, especially on higher ground, more of the development is in the view. Other than from vantage points such as Traprain Law the extent of development appears less than that which is there. Bringing turbines forward to, or over, the Lammermuir Edge would have the effect of drawing the eye towards and accentuating the considerable amount of windfarm development which is actually there already. Wind farms close to but outwith East Lothian are also likely to be visible.
- 6.38 Secondly, there are those areas in or towards the foothills of the Lammermuirs (the North Lammermuir Platform and Eastern Lammermuir Fringe), parts of which have views of one or more wind farms where the windfarm is a more major aspect of the view. These areas include parts of the Brunt, above Oldhamstocks, parts of the coastal areas south of Dunbar. For these limited areas, which already have a windfarm as a major component of the view, unacceptable cumulative effects would arise with further large scale development as a major component of the view.
- 6.39 Thirdly, as detailed above are those areas of the Lammermuirs where windfarm development is a dominant part of the views.
- 6.40 There are therefore almost no areas of East Lothian which are not already affected by wind turbine development, either large or small scale. In the outer reaches of the Firth of Forth large scale off shore wind farms are proposed at Neart na Gaoithe and Inch cape. Offshore wind farms will be visible from parts of the Northern Coastal margin and the Eastern Coastal margins of the East Lothian coastline, as well as from the Lammermuir Hills and other areas of high ground in East Lothian. There is therefore

potential for cumulative visual impact with these off shore wind farms from some viewpoints.

- 6.41 In addition to wind turbine development within and outside East Lothian, in the west Cockenzie Power Station is a major industrial building. Along the eastern coastal margins there are large industrial structures such as Dunbar cement works and Torness power station, and the consented energy from waste plant near Dunbar. Structures such as pylons and telecom masts also increase clutter in the landscape.
- 6.42 Cumulative impact with significant vertical or industrial features as well as existing and consented wind turbine development needs to be avoided. Large scale wind turbine development in most parts of East Lothian would be visible over a large part of the area. Almost all parts of the area are already affected to some extent by existing or consented wind or industrial development. Different styles, sizes, rotation speeds and spacing of turbines would lead to clutter and visual confusion, and the fragmentation of the existing robust, recognisable, consistent and characteristic pattern of development. Any new wind farm of 12MW or more is likely to result in unacceptable cumulative visual impact with these features, with the exception of the Area of Search.
- 6.43 It is therefore considered that cumulative landscape and visual limits for large scale wind development have been reached in all areas of East Lothian other than the Area of Search. This is shown on Map 7: *Areas of Significant Protection: Cumulative Limits*.

Cumulative Limits Black grouse habitat

- 6.44 Black Grouse are one of the species which can be significantly impacted by wind turbine development (see also paragraph 6.143). Black Grouse are Priority Species under the UKBAP, and are also on the Scottish Biodiversity List. It is also one of only four birds on SNH's species action list. Wind turbine development in East Lothian has restricted the amount of habitat available for the Black Grouse, in particular potential lek sites. An area has been identified as an area of significant protection for black grouse, as this would conflict with an area known to be important for black grouse in East Lothian, and which is already squeezed by development at Dun Law, as well as consents at Pogbie and Keith Hill. Development within this area (shown on Map 7: *Areas of Significant Protection: Cumulative Limits*) would effectively mean the Black Grouse becoming extinct from East Lothian, and this is an unacceptable cumulative impact.

ASP: Locally Significant Issues

- 6.45 The following areas are considered to be locally significant, and are shown on Map 6: *Areas of Significant Protection: Intrinsic Interest*.

Northern Coast

- 6.46 The coast is vital to East Lothian, both for its attraction to tourism, which forms a major part of the economy (employing 15% of the workforce²¹) and for recreational

²¹ East Lothian Council "Tourism Events Strategy 2010- 2015" available at http://www.eastlothian.gov.uk/info/200193/tourism_and_hospitality/1353/tourism_and_hospitality_businesses/4

use locally. In the 2011 East Lothian Visitor Survey, visiting the beach/viewing coastal scenery was the second most common visitor activity, at 64% of visitors, significantly up on the previous survey (the most common activity being general sightseeing and touring at 68% of visitors)²². The area of coast from Port Seton to the east of Dunbar is the most important recreational section, which appears as relatively free from development. The area includes the internationally renowned golf course at Muirfield, as well as many popular beaches and John Muir Country Park. John Muir is notably associated with the importance of wildness and wilderness. This Northern Coastal Margin area was identified in the LCS as being highly sensitive to windfarm development, with no capacity. Given this assessment, and its importance for recreation and tourism, it is considered that this area requires to be significantly protected.

Landmark Hills

- 6.47 East Lothian is an open landscape with volcanic intrusions in particular the landmark hills of North Berwick Law and Traprain Law, and the Garleton hills. The Garleton Hills character area was identified in the LCS as highly sensitive to windfarm development with no capacity; parts of this area are designated as AGLV. North Berwick Law is a Scheduled Monument and Area of Great Landscape Value.
- 6.48 All three of these locations are very prominent volcanic outcrops, which play a considerable part in defining the character of East Lothian. Large scale windfarm development in any of these locations would be widely seen over the majority of East Lothian and beyond, and could significantly alter its character to the extent that the character of East Lothian would be significantly defined by that windfarm. Development on either of the Laws is in any case highly constrained by their status as Scheduled Monuments. In Scottish Ministers guidance, Scheduled Monuments are part of the historic environment which should generally be considered as potentially constrained (with harm being avoidable with careful siting). However, due to the large extent of these monuments and the nature of their interest in practice the constraint would be very difficult if not impossible to overcome. It is therefore preferable that developers are aware of this. For these reasons the volcanic outcrops are considered to require significant protection and are mapped as such. The areas included in this constraint are the Garleton Hills LCA as defined in the LCS plus that part of the Garleton Hills AGLV which is outwith that area; the area with the outer boundary of Traprain AGLV including Traprain Fort Scheduled Monument, and North Berwick Law AGLV.

Potential Constraints

- 6.49 Areas that are not included in the Areas of Significant Protection may still have interests which need to be taken into account. The Web based guidance lists other such potential constraints to large-scale wind farm development. For most of these constraints, it is for the planning authority to determine the acceptability of any impact. However, for aviation and defence interests, designated burial sites and

²² East Lothian Council “The East Lothian Visitor Survey 2011” published January 2012

impacts on broadcasting installations, the developer should make their own enquiries of the relevant organisations prior to application.

- 6.50 Development is not ruled out in areas where potential constraints are identified on the grounds of that constraint. However it would have to be shown that any impact on the interest was acceptable. The web based guidance lists these potential constraints as the historic environment, areas designated for their regional and local natural heritage value, tourism and recreational interests and communities, aviation and defence interests, and broadcasting installations. Accordingly, the following designated sites are considered as potentially constrained. The interests are shown on the map for their interest where possible.

Historic Environment (Map 9)

- Scheduled Monuments (mapped where large enough to show)
- Listed Buildings (not mapped due to scale)
- Conservation Areas (mapped)
- Historic Gardens and Designed Landscapes (mapped)
- Battlefields (mapped)

Natural Environment (Map 10)

- Local Wildlife Sites (mapped)
- Native and Near-Native Woodland (mapped)
- Tree Preservation Orders (mapped where large enough to show)
- RIGS (mapped)
- Areas of Great Landscape Value (AGLV's) (mapped)
- John Muir Country Park (mapped)
- Aberlady Local Nature Reserve (mapped)

Tourism and recreational interests (Map 11)

- Golf courses (mapped with buffer)
- Caravan sites (mapped with 1 km buffer)
- Coastal Tourism (Tourist Strategy areas mapped)
- Core Paths and the John Muir Way (mapped)
- John Muir Country park and Aberlady Local Nature Reserve (See Map 10)

Communities (Map 12)

- Guideline separation distance of 2km around communities (mapped)
- Indicative 500m around addressable property (mapped)

In addition, the following interests are potentially constrained although it is not possible to map all of them effectively: smaller Scheduled Ancient Monuments; regional and local archaeology; Listed Buildings; individual trees covered by Tree Preservation Orders.

Potential Constraints for which developers should make prior enquiries

Aviation and Radar

- 6.51 Large scale wind development, as it comprises tall structures, has obvious potential dangers for aircraft, though generally they will be able to avoid them. There is however also a potential impact on radar used by aviation safety systems, which could affect public safety. There is also the potential for impacts on radar used for weather forecasting purposes. The Department of Energy & Climate Change (DECC) have produced maps which give an initial indication of likely constraints, which can be checked on their website at <https://restats.decc.gov.uk/cms/aviation-safeguarding-maps/> . Developers are encouraged to contact check the maps and information given on this website early on in the design of proposals to examine potential impacts and look for acceptable solutions. DTI/ Department for Business, Enterprise and Regulatory Reform have produced guidance "*Wind Energy and Aviation Interests Interim Guidelines*"²³(currently under review) which also gives an indication of the main issues. There is a form at the end of this document which once completed is distributed to all the relevant authorities and so provides a one-stop shop consultation.
- 6.52 Parts of East Lothian are within 30km of Edinburgh Airport and, within this area, any applications would need to satisfy the operators of air traffic control (currently National Air Traffic Service) that their service can continue to be operated safely. This area is shown on Map 13: *Aviation and Hazardous Installations*.
- 6.53 As for the Ministry of Defence, East Lothian is within Low Flying Area 16 (low flying can theoretically be done anywhere, but in practice the MOD avoids areas with more than 10,000 population, medical centres, and other sensitive areas). It is not within a Tactical Training Area. The Wind Energy Team at Defence Estates aims to work with developers to find solutions and is the point of contact for the MOD.
- 6.54 NATS En Route plc (NERL) is responsible for the safe passage of aeroplanes in flight. They will assess every wind farm proposal that comes forward to check that air traffic control can continue to operate safely.
- 6.55 Where possible, these constraints have been shown on Map 13: *Aviation and Hazardous Installations*.

Broadcasting installations

- 6.56 Where there may be an issue with broadcast interference it is for the applicant to show that the network owners are satisfied with the proposal or that satisfactory mitigation can be achieved. There is a television transmitter on the Garleton Hills north of Haddington. Other locations can be checked with Ofcom at <http://stakeholders.ofcom.org.uk/broadcasting/guidance/tech-guidance/transmaps/> .
- 6.57 Impacts on microwave links used by mobile phone networks, emergency services and the military are also a consideration, and discussions with operators should be held at an early stage.

Designated Burial Sites

²³ See <https://www.gov.uk/government/publications/wind-farms-aviation-interests-and-guidance-for-stakeholders>

6.58 There are some sites within East Lothian which are designated as burial sites other than cemeteries. Some of these can extend over a large area, generally where an aircraft has unfortunately crashed with loss of life and the retrieval of the deceased has not been possible. Most of these sites are on the Lammermuir edge. A licence is required from the Ministry of Defence for any disturbance of these sites. Further information on the location of these sites is available from the Heritage Officer.

Hazardous Installations and historic mining activity

6.59 Any development within 4km of Torness Nuclear Power Station will be referred to its operators for their comments.

6.60 The gas supply network requires high pressure pipes that run through parts of East Lothian. National Grid Gas plc Wind Turbine Guidance (2010)²⁴ states that wind turbines should not be located closer than 1.5 times the height of the turbine from the nearest edge of the pipe. As a potential constraint, this has been shown on Map 13: Aviation and Hazardous Installations assuming a 125m high turbine (to blade tip) i.e. a 187.5m buffer. The actual area potentially constrained will depend on the total height of the turbine.

6.61 For overhead power lines, electrical safety clearance distances and safety distances during construction will apply. In addition, while it is accepted that the possibility of structural failure of a commercial wind turbine is remote, SP Energy Networks will look for confirmation from the wind turbine owner that the design, construction and installation of any wind turbine constructed within falling distance of the overhead line (tip height plus 10%) takes the overhead lines into account and complies with industry acceptable standards and practices. Further, commercial wind turbines can produce significant turbulence for some distance (more than 5 times rotor diameter) downwind of the turbine. Conductors on overhead lines are susceptible to damage by wind vibration. The conductors are designed to cope with normal wind conditions, however uncontrolled turbulent airflow can reduce the life of conductors and in the worst case result in its failure, and consequent power outages. SP Energy Networks ask that operators of wind turbines within 3 rotor diameters of an overhead line show that the line is not affected, or that mitigation is agreed.

6.62 The route of the power cables are shown on Map 13, with a buffer of 270m (which assumes a 90m rotor diameter). This is the indicative area within which discussions with SP Energy Networks would be required, though this would be dependent on the rotor diameter of the turbine proposed.

6.63 In areas of former, current or proposed coal working, the planning authority will consult the Coal Authority for their views. The Coal Authority has mapped the coalfield into Development Low Risk Areas, and Development High Risk Areas. The High Risk Areas contain specific recorded coal mining legacy risks to the surface, including mine entries, shallow coal workings (recorded and probable), workable seam outcrops, mine gas sites and areas, recorded coal mining related hazards, geological features (fissures and break lines) and former surface mining sites. The Low Risk areas are the remainder of the coalfield. These areas are shown on Map 13. Any proposal in the Development High Risk Area will require a Coal Mining Risk Assessment showing how

²⁴Available at <http://www.nationalgrid.com/uk/Gas/Safety/work/downloads/>

the developer will ensure that the proposed development will be safe and stable. The planning authority will then seek the views of the Coal Authority which may lead to the imposition of planning conditions where appropriate.

Planning Constraints

Historic Environment

- 6.64 The Historic Environment includes sites with statutory protection namely Scheduled Ancient Monuments, Listed Buildings and Conservation Areas. It also includes areas on the Inventory of Gardens and Designed Landscapes, battlefields, and archaeology of regional and local interest. Information on Listed Buildings, Scheduled Ancient Monuments and Historic Gardens and Designed Landscapes as well as battlefields is available from Historic Scotland at www.historic-scotland.gov.uk. Information on local archaeological sites is available from the Heritage Officer, East Lothian Council, while information on Conservation Areas is available from the Policy and Projects Team, East Lothian Council. Where possible, these interests are shown on Map 9.
- 6.65 The historic nature of the landscape of East Lothian is one of its great assets and one of the key attractions of the area, whether living here, visiting or simply driving through vistas and landscapes that seem largely unaffected by intrusive developments. The historic monuments, historic landscapes and archaeological remains all add to our appreciation and understanding of the surrounding landscape. The historic environment also contributes to tourism, with 28% of visitors to East Lothian giving visits to historic buildings/churches as the main reason for their visit²⁵. The Historic Environment is a finite resource which makes a valuable contribution to East Lothian's tourist industry and it must be managed carefully.
- 6.66 Scottish Historic Environment Policy (SHEP)²⁶ states "our whole environment, whether rural or urban, on land or under water, has a historic dimension that contributes to its quality and character. This is most obvious in our built heritage; ancient monuments, archaeological sites and landscapes, historic buildings, townscapes, parks, gardens and designed landscapes and marine heritage such as historic shipwrecks." While this is most obvious in the built heritage, it's also seen in the patterns of landscape. SHEP advises that the protection of the historic environment is not about preventing change, but identifying its key characteristics and looking at the boundaries within which change can continue. The Key Outcomes for the historic environment include that the historic environment is cared for, protected and enhanced, and that residents and visitor understand and enjoy it.

Listed Buildings and Archaeology

- 6.67 There are 1815 listed buildings in East Lothian, ranging from to grand houses such as Lennoxlove to humbler buildings such as footbridges or cottages. Although the concentration of these is within settlements, they are also widely distributed in the agricultural plain and foothills. There are 290 Scheduled Ancient Monuments, some of which cover a large area such as East Fortune Airfield. The Historic Environment Record for East Lothian has over 12,000 records; there are certainly more sites that have not yet been discovered. In the following discussion 'monument' includes Listed

²⁵ East Lothian Council survey of visitors to East Lothian 2004.

²⁶ <http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm>

Buildings and archaeological remains. Some of the monuments in East Lothian are well known and visited often by the public, such as Dirleton Castle, Newhailes House, or North Berwick Law. Others may be less well known but nonetheless important for understanding the historic environment, and irreplaceable.

- 6.68 Large-scale windfarm development has the potential to impact on and irreversibly damage elements of the historic environment. The impacts can be direct or indirect. Direct impacts are where any process associated with the construction, operation or decommissioning of the development physically impacts on any archaeological or historical remains (upstanding or buried). This includes construction of turbine bases, cranepads, access tracks, cable trenches, drainage ditches, control buildings, construction and maintenance compounds or connections to the grid.
- 6.69 Indirect impacts occur where a development affects how a monument is perceived to be related to its landscape setting and the relationship it has with other surrounding monuments and landscape markers. SPP (para 112) states that setting is “more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape or townscape, the view from it or how it is seen from around, or areas that are important to the protection of the place, site or building.”
- 6.70 In considering indirect impacts, landscape setting, scale and size, the number of assets affected, noise, movement, and light effects should all be examined.
- 6.71 The landscape setting of a monument is about the relationship between the monument and the development but also the relationship between the monument and the landscape in which it sits. A development can change the relationship between monument and setting and it is the magnitude of this change and the ability of the relationship between the monument and its landscape to absorb this change without altering the essential character, which is the essence of the landscape setting. For example, a monument may have a clear visual relationship to other monuments of the same date in a large area (the intervisibility of sites). The monument may also be important (for different reasons) to later monuments with the later monuments spatially respecting the original monument. The original monument may also be recognised as a local landmark today and visited and experienced by modern visitors. This shows that this monument was considered to be an important point in the landscape not only for its creators but also for successive inhabitants who all interact and perceive the monument and its surrounding landscape in different ways. Where a building also functions as a landmark (for example Barns Ness Lighthouse, the Hopetoun Monument, Tantallon Castle) the importance of the setting can extend over a large area.
- 6.72 Traprain Law is a Scheduled Monument, and it and the surrounding landscape comprise a nationally important historic landscape, as well as being partly covered by AGLV designation. Historic Scotland have given their views on the importance of Traprain Law in their response to a Scoping Opinion for a single wind turbine of 76m in the vicinity of Traprain; *“Traprain Law is one of the most important Iron Age hillforts in Scotland....the fort sits on a distinctive humpbacked hill formed by a plug of volcanic rock which rises suddenly out of the rolling plain between the Lammermuir Hills and the Firth of Forth. It dominates its surroundings, commanding extensive views over the East Lothian plain and can also be seen and identified over great distances....The Law is*

a major features in the landscape, visible from much of the surrounding landscape and from the main routes through the area, particularly the A1 trunk road...The clear inter-visibility between the fort and its surrounding countryside is an essential element of its setting."

- 6.73 Large scale windfarm development in the vicinity would visually compete with Traprain Law, and affect the intervisibility of Traprain with other forts which is an essential part of its setting. As one of the most important hill-forts in Scotland it is important that the setting of Traprain is protected. Its setting is shown on Map 9: Historic Environment: Historic Environment though this is indicative it is unlikely to be possible to develop a windfarm of over 12MW here without affecting its historic setting; also setting impacts while less likely or significant may still occur outwith the area shown.
- 6.74 The issue of setting should also take into account the visual dominance of the windfarm when judged against other heritage assets e.g. a church spire may be the tallest building in the surrounding landscape and due to its relative height it has a certain dominance and this dominance is part of the meaning of the monument. Wind turbines due to their height may significantly detract from the prominence of the spire, which historically was an important marker.
- 6.75 Indirect effects are important for un-designated archaeological and historical sites which make up the majority of the historic environment, as well as those with statutory protection.
- 6.76 While it is recognised that, with the exception of direct impacts upon archaeological remains, the historic environment can absorb a certain amount of change, this change needs to be managed correctly to strike the correct balance between the current need for renewable energy and preserving the essential character of the historic environment of East Lothian.
- 6.77 In some cases the direct or indirect impact on the historic environment will be so great as to render a project unacceptable. In other cases, changes to the design may be possible to reduce the impact to an acceptable level. Where there is some damage to the historic environment, it may be possible to offset this through archaeological investigation; it is essentially the preservation by recording of any remains affected by direct impact of the development. It may also include aspects such as provision for interpretation (e.g. signage) or community engagement.
- 6.78 The impact on archaeological sites has to be assessed on a case-by-case basis, and developers are encouraged to consult with East Lothian Councils Heritage Officer at an early stage of project development. Further information on Listed Buildings and Scheduled Ancient Monuments is available from Historic Scotland at www.historic-scotland.gov.uk .

The key characteristic of this constraint is the nature of the historic or architectural interest of the listed building/monument and the need for the listed building/monument to remain the focus of its setting. Its spatial extent is likely to be the Listed Building/monument and its setting: however, depending on its nature, development may be possible within the setting.

To enable wind farm development to take place the requirements of ELLP Policy ENV3 Listed Buildings and ENV7 Scheduled Monuments and Archaeological Sites must be met.

Conservation Areas

- 6.79 Conservation areas are part of the historic environment. As such Conservation Areas are a key issue and consideration, especially where the reason for their designation would be affected.
- 6.80 For all of the Conservation Areas where development is proposed close by, issues of the large scale of modern turbines in comparison to the more intimate scale of built development will be raised. This would be the case for Conservation Areas with 'grand' elements, such as Dirleton, based around the Castle which was intended as a defensive structure but also a strong statement of power through size, or Dunbar, where the Church is intended to raise the eye towards God and show the power of the Church. However, it will also be the case for Conservation Areas less focussed on such elements, such as Drem, where the scale of development is well balanced in the landscape.
- 6.81 ANNEX B: *Conservation Area Constraints* shows East Lothian's Conservation Areas, a summary of the reason for designation, and an indication of the impact of development of large scale wind farms close by. Some of the Conservation Area statements in the ELLP 2008 indicate that the Conservation Area includes the setting for the core of the Conservation Area. The setting of the core area of the Conservation Area was originally included in some of the Conservation Areas in recognition that the maintenance of the historic interest of the Conservation Area required protection of its setting. However, large scale wind turbines can have an effect over a considerable area, and it would be impractical to designate all of the area required to achieve protection of this setting. It should be recognised that large wind turbines are exceptional in their potential for effects on setting, and therefore may have effects on setting even where they are located beyond the area stated in the Conservation Area Character Statements to provide the 'setting' of the Conservation Area.
- 6.82 There are also Conservation Areas in Midlothian and Scottish Borders which could be affected by development here, notably Crichton, Fala, Fala Dam, Pathhead and Ford, and Cockburnspath. The views of the relevant planning authority on effects on these will be taken into account in the determination of planning applications.

The key characteristic of this constraint is the nature of the Conservation Area and how it is affected by development. Its spatial extent is the Conservation Area and its setting.

To enable wind farm development to take place

- **the requirements of ELLP Policy ENV5 must be met**
- **there should be no significant adverse affect on the setting of a Conservation Area (ELLP Policy NRG3.2)**
- **there should be no significant adverse effect on key views from a Conservation area (ELLP Policy NRG3.2)**

Gardens and Designed Landscapes

- 6.83 Policy ENV8 of the ELLP 2008 states that development that would harm the conservation objectives of Gardens and Designed Landscapes will not be permitted. There is an Inventory of Gardens and Designed Landscapes kept by Historic Scotland, which is now online only. Each entry describes the valuable features of the garden or landscape. Views and vistas were not necessarily noted when the Inventory was compiled however particular views are sometimes mentioned in the location and setting information.
- 6.84 Historic Scotland and SNH have also co-published “An Inventory of Gardens and Designed Landscapes: Supplementary Volume 1. Lothians.” For those sites included, important views or vistas, if any, were noted. These principal views and vistas may include areas outwith the designed landscape. Some of the entries also show an ‘essential setting’ namely Balgone House (area to S and E), Broxmouth Park (area to S and E), Grey Walls (area of Muirfield golf course and agricultural fields bounded by the A198 and woods at Archerfield), Newhailes (area bounded by railway and housing to N), Pilmuir (circular area roughly half a kilometre surrounding designation). Historic Scotland has a programme of review for the Gardens and Designed landscapes and this information should become available over time for all sites. For the other sites, the information on views is taken from the online entry for that site. Historic Scotland can advise potential developers on a case-by-case basis. ANNEX C: *Gardens and Designed Landscapes* shows GDL along with notes on views and vistas.
- 6.85 In addition to those noted in Annex C, there are GDL in Midlothian which could be affected by development here and ELC will take Midlothian Council’s comments on these into account in determining planning applications.
- 6.86 **The key characteristic of this constraint is the desirability of preserving the Historic Garden or Designed Landscape including any identified key views or vistas. Its spatial extent is the area of the HGDL but also the visual corridor of any identified key views and vistas. To enable windfarm development to take place the following factors must be satisfactorily addressed:**
- **The requirements of ELLP Policy ENV8 should be met; the Conservation Objectives are taken as including avoiding significant impacts on key views and vistas**
- 6.87 Battlefields are an important part of Scotland’s landscape and historic environment. They contribute to our sense of history and place, and of culture and national identity, and are a significant historical and archaeological resource. The physical remains within them help inform our understanding of Scottish history. Battlefields have a crucial landscape context, which takes in the area where the battle took place and is vital in understanding the course of events. A battlefield offers a tangible link to the past and can convey a sense of place linked to the events that took place there.
- 6.88 Historic Scotland maintains the Inventory of Historic Battlefields, listing those considered to be of national importance where criteria set out in Scottish Historic Environment Policy (SHEP) Annex 5 are met. The Inventory gives information on the sites and their significance to inform decision-making in relation to their protection and the sympathetic and sustainable management of change within them. The

inventory can be viewed at www.historic-scotland.gov.uk/battlefields In East Lothian, the battlefields on the Inventory are Pinkie, Prestonpans, and Dunbar I and II,; this list is subject to change as research progresses.

- 6.89 The area defined by the boundary map shows the area within which the main events of the battle are understood to have taken place and where the main evidence survives, or has the potential to do so. The areas are substantial as they include areas of conflict, troop movements and landscape elements that influenced the course of events, as well as other important locations such as camps. The full extent of routes is not included, as these could be lengthy. Battles were fluid rather than fixed, with visual links often vital in dictating the course of action. As a result, the nature of evidence (or potential for such), as well as sensitivity to change, can vary across the area. The boundaries show the area understood as being the main extent of the battlefield irrespective of later changes, or its current condition. For example parts of the Dunbar II battlefield area have been subject to quarrying while parts of the Prestonpans battlefield have been affected by opencast.
- 6.90 Battlefields were designated after the adoption of the ELLP 2008 and it therefore contains no policy on battlefields. Historic Scotland's Guidance Note on Managing Change in the Historic Environment: Battlefields²⁷ and the inclusion of a battlefield on the Inventory of Battlefields are a material consideration in determining planning applications. The following policy is intended to protect their interest from windfarm development.

The key characteristic of the battlefield constraint is the effect on the historic interest of the battlefield. The constraint affects the battlefield area itself²⁸ (see Map 9).

WF3: Proposals in any area on the Inventory of Battlefields should take the battlefield landscape and its constituent elements into account sympathetically and retain the key landscape characteristics and important features of the battlefield.

Areas designated for regional and local natural heritage value

- 6.91 Areas are designated locally for both landscape and biodiversity reasons. Two types of local landscape designations are considered as a potential constraint to wind farm development, namely Areas of Great Landscape Value (ALGV's) and the John Muir Country Park.
- 6.92 In addition, the LCS assesses the landscape character areas of East Lothian for their sensitivity to and capacity for wind turbine development, including medium and large scale development. Policy NRG3 of the ELLP 2008 notes that this study will be referred to in assessing proposals.

²⁷ <http://www.historic-scotland.gov.uk/index/heritage/policy/managingchange.htm>

²⁸ <http://www.historic-scotland.gov.uk/index/heritage/battlefields/conservingbattlefields.htm>

6.93 In terms of biodiversity, previously East Lothian Council has recognised Scottish Wildlife Trust Wildlife sites, and is in the process of transferring to the new Local Biodiversity Site system. In addition, the Local Nature Reserve at Aberlady Bay is recognised for both wildlife and recreational value. Trees covered by a Tree Preservation Order are also designated for their natural heritage value and so areas containing these trees, as well as individual trees, are considered potentially constrained. Some other woodland is considered of particular value, such as ancient and semi-natural woodland, and this is considered below. Regionally Important Geological Sites (RIGS) are also recognised by the ELLP 2008.

Areas of Great Landscape Value and Landscape Capacity Study

6.94 East Lothian contains several AGLVs, which are designated for their scenic attraction. AGLV designation broadly covers the undeveloped coast, much of the Lammermuir Hills, some policy woodlands and other wooded areas, and the rocky outcrops of the Garleton Hills, North Berwick and Traprain Laws. SPP indicates that designation as an AGLV should not be considered necessarily incompatible with wind development. East Lothian Council has acknowledged this in the Section 36 applications for Crystal Rig Phase 2 and Wester Dod, both in the Lammermuirs AGLV, to which it did not object. It was considered that these large scale wind developments in their particular locations (where topography allows for some containment) could be compatible with the expansive landscapes of the Lammermuir AGLV. However, there is much less scope for large scale wind development to fit in with the more intimate scale of the lowland AGLV's.

6.95 A brief and limited review of the AGLV's and their relevance to wind farm development was carried out as part of the *Landscape Capacity Study for Wind Turbine Development in East Lothian* (see LCS Annex E). This was done as scenic attraction was not a criterion in assessing sensitivity to wind farm development. The LCS concluded "*wind turbine development is most likely to be able to be accommodated in those AGLV's where, as elsewhere, landscape character and visual amenity is not significantly affected by turbine development*". Map 5 shows the Landscape Character Areas and AGLVs of East Lothian.

6.96 The Longniddry – North Berwick AGLV and the North Berwick – Dunbar AGLV lie mainly within the Northern Coastal Margin LCA (Landscape Character Area), which was assessed as having no capacity for wind farm development. The parts that are not within this area are an area of farmland near Tynningame, which is within the Agricultural Plain LCA, which was assessed as being of medium sensitivity. However the area within the AGLV was recognised as having a more distinct landform and woodland pattern in places, which was seen as a localised constraint within that character area.

6.97 The Barns Ness Coast AGLV is in the area defined in the LCS as Eastern Coastal Margin, and was in general thought to have some capacity for development. Although the LCS identified typology 2 (2 –5 turbines up to 65m) as the most appropriate, typology 3 (6 – 20 120m turbines) was assessed as being acceptable against many of the criteria used in parts of this character area. There was thought to be moderate capacity in this area though development sited against some parts of the coast could interrupt the focus of sea, islands and lighthouse, as well as consolidating industrial character (this is the part of the coast covered by the Barns Ness Coastline AGLV). Sensitivities were

also identified around the narrow cleughs and indented coastline to the south east, which is covered by the Thorntonloch coastline AGLV. Since the publication of the study there have been changes in this area namely the progression of landfill and the consenting and construction of wind turbine development in the Lammermuirs and to the south.

6.98 The main part of the Garleton Hills, North Berwick and Traprain Law are covered by AGLV designation. The LCS finds that the Garleton Hills LCA has no capacity for development while North Berwick and Traprain Law (within the Agricultural Plain) are key foci in the landscape with consequent constraints to development on or near them.

6.99 The Lammermuir Hills AGLV crosses several LCA's. The parts of the AGLV within the foothills, namely the Eastern Lammermuirs Fringe was found to be highly sensitive to wind farm development with no capacity, as was the Central Lammermuir Plateau. The North Lammermuir Platform was Medium-Highly sensitive, with low capacity, especially to larger scale development typologies. The Eastern Lammermuir Plateau was seen as having low capacity for development, due to an existing pattern of development within slacker areas, which provide containment. The more distinct hill tops and valleys also increase sensitivity. This pattern of development has been altered to the east, with the consenting of Aikengall wind farm. However the constraint of effect on distinct hill tops and valleys still applies in the west for example around Faseny.

6.100 The cumulative landscape issues outlined above also affect the AGLV's.

6.101 John Muir Country Park was designated for its landscape, recreational and biodiversity value, and named to commemorate John Muir, who is famous for his work bringing recognition to the importance of protecting areas of wild land.

The key characteristics of the AGLV/John Muir Country Park constraints are the effect on the scenic attraction of the landscapes of the designation. The constraint affects the designated area itself.

To enable wind farm development to take place the following factors must be satisfactorily addressed:

- **the requirements of ELLP Policy NH4 (with the exception of the Area of Search, to which this policy will no longer be applied in respect of windfarm development) and NRG3.2 should be met.**

6.102 The LCS focussed particularly on the landscape capacity for windfarm development, looking at scale, landform and shape, settlement, industrial elements, landscape pattern and foci, context, composition and degree of remoteness. As it looked specifically at windfarm development its conclusions are focussed and relevant. It is referred to in ELLP 2008 Policy NRG3 as informing planning decisions.

6.103 The study found that all landscape character areas were sensitive to windfarm development of 6-20 turbines (typology 3) and all but the Plateau Grassland and the East Lammermuir Plateau sensitive to large scale development and extensions to existing windfarms as well (typology 4 and 5). The study identified some character areas that were considered to have a High sensitivity to windfarm development, and no capacity, namely the Northern Coastal Margin, the Garleton Hills, the River Valleys,

Eastern Lammermuir Fringe, and the Central Lammermuir Plateau. The remaining character areas were thought to have some potential (low in some cases) for some types of wind development; but not large scale development.

- 6.104 The LCS identified the Plateau Grassland as having low to medium sensitivity and moderate to high capacity for development. The LCS advised that development should accord with the existing turbines at Dun Law, and be back from the rim of the scarp. With consents for windfarms at Pogbie and Keith Hill this capacity has been taken up and there is no further capacity for windfarms of over 12MW in this character area.
- 6.105 According to the LCS, capacity in the East Lammermuir Plateau is associated with shallow gradients and relatively contained land, much of which was already occupied by the existing and consented Crystal Rig; the capacity of the remaining landscape was considered to be low. According to the study *“constraints associated with the remaining ‘undeveloped’ landscape of the East Lammermuir Plateau include more diverse landform features and the need to retain the characteristic expansive scale and openness of the hill tops, upland ridges and Dunbar Common.”* The study concluded there may be no further scope in this area, and that in many parts development would have significant adverse landscape and visual impacts. Crystal Rig 2a, situated in relatively contained land, is considered to have taken up the remainder of the capacity described.
- 6.106 The construction of Aikengall windfarm raises different issues. The presence of this wind farm affects that part East Lammermuir Plateau Character area east of the minor road from Elmscleugh to Cranshaws. It altered the baseline of many of the LCS criteria that led to the conclusion that the East Lammermuir Plateau was being medium-highly sensitive, with low capacity, in this eastern area. Larger scale development was assessed in the original LCS assessment as fitting with the scale and simple landform of the area. Its scale is now less expansive and open though it is still the case that single and small numbers of turbines would appear trivial here. Industrial and infrastructure elements are increased, especially as this wind farm is in an area away from the central ‘bowl’ and has had the effect of spreading large scale development into an area where little built infrastructure existed. The association between wind farm development in the lower lying, more contained section of the character area, and lack of it in the other sections, has been affected. Landscape context has been altered by extending the area of wind farm development to the east and towards the East Lammermuir Fringe. Landscape composition has altered through a spread of wind farm development onto the ridges and more intimate parts of the character area. The degree of remoteness has lessened, however this landscape was one that was already clearly modified by land management practices. For these reasons, the area to the east of the minor road was reassessed against the criteria and found to have some potential. This contributed to the Council’s decision not to object to the Wester Dod windfarm application. The *East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines* (which was an update and extension of the original LCS) states that for the Eastern Lammermuir Plateau: *“capacity is considered to have been reached in terms of the degree of large scale wind farm development which already characterises this landscape and the significant cumulative effects that would be associated with any further development of larger turbines”*.
- 6.107 This re-assessment applies only to the area to the east of the minor road. Development in other parts of the Eastern Lammermuir Plateau is still beyond the

Lothian Edge as viewed from the main part of the agricultural plain, so the conclusions of the LCS as regards the Lothian Edge remain valid. The effect of coming over the edge of the plateau applies only to the area to the east, where the pattern of development has already been altered, and not to the area to the north or west of Crystal Rig.

The key characteristics of the LCS constraint are the effect on the landscape character of the area.

To enable wind farm development to take place the following factors must be satisfactorily addressed:

- **the requirements of ELLP Policy NRG3.1 that the proposal would not change the existing landscape character in an unacceptable way must be met**

Local Wildlife Sites, RIGS, Trees and Woodland

6.108 Local Wildlife Sites are recognised in the ELLP. They were originally identified by the Scottish Wildlife Trust, however the Council is in the process of introducing a new methodology to identify sites that are important locally for biodiversity, called the Local Biodiversity Site system. The methodology aims to take greater account of linkages between sites and public access to the sites than previously. The Scottish Wildlife Trust sites are being re-assessed under the new methodology, along with some other potential sites, as resources allow. The Local Wildlife Sites have been mapped, however note that there are likely to be changes as a result of the review, with in particular a large area of the Lammermuir uplands being proposed for designation as a Local Biodiversity Site. Other changes are smaller and mainly related to linkages between existing SSSI's and Local Wildlife Sites. Advice on the current status of sites can be obtained from the Biodiversity Officer (see contacts at end of this report).

6.109 Regional Geological Sites are chosen by local experts and recognised by the ELLP. SPP recommends designating sites for their geodiversity to be included as Local Nature Conservation Sites along with Local Biodiversity Sites. The Council has not yet done this but may do so in the future, and if so this constraint would apply equally to any sites thus designated.

The key characteristics of Local Wildlife Sites/Local Biodiversity sites and RIGS are their value for bio- or geo-diversity. The constraint extends to the area of the designation.

To enable wind farm development to take place the following factors must be satisfactorily addressed:

- **The terms of ELLP Policy NH3 are met namely that any harm to the natural heritage interest is outweighed by the public benefits of the development and no suitable alternative sites are available**

Trees form an important component of the East Lothian landscape and are also often valuable for biodiversity. Some areas and individual trees are covered by Tree Preservation Orders. The need to protect these trees is a potential constraint. The loss of such trees will only be permitted where it is essential to facilitate development that would contribute more to the good planning of the area than retaining the tree or trees.

The key characteristic of the constraint of a TPO is the landscape value of the tree or trees. To allow development the following factors must be addressed:

- **ELLP Policy NH5 must be met, namely that their loss is only permissible where the tree is dangerous, seriously diseased, dead or dying; has no amenity value to the Conservation Area, or its removal is in the interests of good tree management or would permit development which would contribute more to the good planning of an area than would its retention.**

6.110 SPP states that “Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long-established woodlands with high nature conservation value”. Protecting Ancient Woodland is an aim of the ELBAP and its replacement with habitat of similar value would be extremely difficult. National policy on Control of Woodland Removal contains a strong presumption against removing certain types of woodland, namely; ancient and semi-natural woodland; woodland integral to the value of designated or special sites; areas supporting priority habitats and species listed in the UK Biodiversity Action Plan, woodlands critical to water catchment management of erosion control, woodlands listed as Plantations on Ancient Woodland Sites, or where removal would lead to fragmentation or disconnection of important forestry habitats (see Map 9). Forest Research has recently carried out a survey of Native and Near-Native woodland²⁹. As this survey was carried out on the ground rather than as a desk based study, and is a recent study, the areas included are likely to be more accurate than the data previously used in attempting to identify areas of Ancient and semi-natural woodland.

6.111 A Forestry Habitat Network (FHN) for the Lothians has recently been drawn up. The aim of this is to re-establish the links between woodland fragments, to benefit wildlife and enhance access opportunities for people. An effect on the FHN is a consideration in applying the biodiversity policies of the ELLP (see below), and will be taken into account when considering woodland removal. The FHN is shown on Map 16: Forestry Habitat Network.

6.112 The following policy applies where woodland may be affected by wind turbine development. The aim is to protect woodland which is particularly valuable for biodiversity, and secure compensatory planting where woodland is lost. East Lothian Council’s Biodiversity Officer will be consulted for comments on whether a proposal does affect a forestry habitat network.

²⁹ <http://www.forestry.gov.uk/forestry/inf-d-7ybttu>

WF5: There is a presumption against removal of woodland of the following types: ancient or semi-natural woodland; woodland integral to the value of designated or special sites, woodland critical to water catchment management or erosion control; woodlands listed as Plantation on Ancient Woodland Sites (PAWS); or where its removal would lead to fragmentation or disconnection of important forest habitat networks.

Where any trees or woodland are removed to facilitate development of windfarms and/or associated infrastructure, compensatory planting will be required, which can be off site.

6.113 Proposals should also meet the terms of ELLP Policy DP14 which requires the incorporation of any tree that makes a significant positive contribution to the nature conservation value of an area, and ELLP Policy DP13: Biodiversity and Development Sites which requires mitigation where there is a net loss of biodiversity resource.

Tourism and Recreation

6.114 Recreation is important for quality of life in East Lothian. Good opportunities for recreation here may also mean residents stay in the area for recreation rather than travelling further afield (with associated emissions). Tourism is important to the East Lothian economy, being the second largest employment sector³⁰. Outdoor activity and wildlife related tourism are an important part of the East Lothian tourist economy. These tourism sectors rely heavily on the scenic quality of the area.

6.115 The most visited attractions are the National Museum of Flight, Tantallon Castle, Dirleton Castle, the John Muir Birthplace and Newhailes House. John Muir Birthplace is on Dunbar High Street, and so would not be affected by windfarm development. The other attractions are Listed Buildings or Scheduled Ancient Monuments, and their setting is therefore protected through policies on those designations. No further buffer to protect their tourism interest is required.

6.116 Links golf courses are an international tourist draw, and are an important part of Scotland's tourist offer. East Lothian, along with Ayrshire and Fife, are the main centres for links golf. Muirfield is recognised internationally as an Open Golf venue. Golf is a key driver for tourism. In the East Lothian visitor survey, 8% of visitors played golf, which for three quarters was their main reason for visiting East Lothian. Due to the methodology of this survey it is likely that this figure is an underestimate³¹. Golf courses important for their tourism value are: Winterfield in Dunbar, Dunbar Golf Club, The Glen and West Links (North Berwick), Archerfield and the Renaissance (both Dirleton), Whitekirk, Muirfield and Gullane Number 1, 2 and 3 courses, as well as the Childrens Course (all Gullane), Kilspindie, Longniddry, the Old Musselburgh and Castlepark in Gifford.

³⁰ East Lothian Tourism Strategy 2007 – 2010

³¹ East Lothian Council "East Lothian Visitor Survey 2011"

- 6.117 Golf is also important for its recreational value; for men, it is second only to football in the number of participants playing at least once a month³². Golf, unlike many other sports, is also a form of physical activity which remains accessible to people into older age and for this reason it is particularly valuable in maintaining participation in sport. Participation is likely to have positive effects on both physical and mental health.
- 6.118 Caravan sites provide visitor accommodation within East Lothian. Maintaining the attractiveness of this accommodation to holiday makers is important as tourist spending adds to the East Lothian economy. In addition, camping/caravan sites in the Lothians attract a higher percentage of UK visitors than most other forms of accommodation, suggesting the availability of this type of accommodation may reduce the distances travelled by holiday makers overall³³.
- 6.119 There is one microlight facility in East Lothian, East of Scotland Microlights, at East Fortune which is a recreational facility. An application is currently under consideration for an airstrip at Dirleton, which is also intended to be used to transport visitors to the area. Significant impacts on the microlighting facility, and the airstrip if consented, will be taken into account in determining planning applications for wind turbines.
- 6.120 These tourism and recreational constraints are shown on Map 11: *Tourism and Recreation*. A buffer zone of 1 km has been shown around each of the golf courses and caravan sites as it is unlikely (though not impossible) that large scale windfarm development within this area could be undertaken without some adverse impact on the facility. However, depending on topography, impacts may also occur further afield, for example where development is proposed in the direct line of site from a tee to a golf hole.

The key characteristic of this constraint is the effect on the recreational or tourist appeal of the golf course or caravan site. Its spatial extent is the area where the presence of a windfarm would significantly affect the enjoyment and thus use of the facility, whether because of noise or visual impact.

To enable wind farm development to take place the following factors must be satisfactorily addressed:

- **The tourist or recreational appeal of the facility should not be significantly reduced in order to meet the terms of ELLP Policy DC1: Development in the countryside Part 5c which states that the proposal must have no significant adverse impact on nearby uses.**

- 6.121 East Lothian's beaches and coast are a much loved and well visited resource. East Lothian Council has recently produced a Coastal Tourism Strategy for East Lothian which divides the coast into different zones of activity, from tranquil to most visited. This Strategy describes the qualities of each coastal area. The qualities which make different parts of the coast distinctive and attractive to tourists and local visitors should be respected. In some areas that quality may be tranquillity, in others scenic attraction.

³² Sportscotland "Scotland's participation in sport 2007" at <http://www.sportscotland.org.uk/ChannelNavigation/Resources/TopicNavigation/Collections/Research/Sports+participation+in+Scotland+2007.htm>

³³ Visit Scotland Tourism in Eastern Scotland 2011 http://www.visitscotland.org/research_and_statistics/regions/eastern_scotland.aspx

6.122 ELLP Policy NRG3 states that development should not change the landscape character in an unacceptable way. Significantly reducing the scenic appeal of the coast to tourists and recreational users through windfarm development would be an unacceptable change.

The key characteristic of this constraint is the effect on the recreational or tourist appeal of the coast. The different zones of activity from Coastal Tourism Strategy are shown on Map 11.

To enable wind farm development to take place the following factors must be satisfactorily addressed:

- **the attractiveness of the coast to tourists and recreational users should not be significantly reduced in order to meet the terms of ELLP Policy NRG3 on landscape character and ELLP Policy DC1: Development in the countryside Part 5c which states that the proposal must have no significant adverse impact on nearby uses.**

6.123 Walking, cycling and horse riding are popular and healthy forms of recreation, which the Council encourages. The Core Path Network and rights of way, as well as access rights and quieter roads, provide potential for this across the area. Wind turbine development would not be supported where it would compromise the overall integrity of the Core Path Network or significantly impact on its recreational value. Access rights to private land mean that views from such areas as well as their public recreational value may be taken into account where there is a reasonable level of use.

6.124 The Council promotes the John Muir Way walking route, which attracts both tourists and recreational users. John Muir is associated with wilderness and although walking this route is not a wilderness experience neither should it be significantly impacted by development. Potentially a windfarm near the route could dominate the view, and it may significantly affect the walking experience due to the time taken to pass it. This could adversely affect the walkers experience and this is a potential constraint. Recreational routes are shown on Map 11.

The key characteristics of this constraint is the effect on the recreational or tourist appeal of the John Muir Way and the functional or recreational value of the Core Path Network or land well used for outdoor recreation. The constraint extends to the routes themselves and any area which if developed would have adversely impact on the route, including as a cumulative effect.

To enable wind farm development to take place the following factors must be satisfactorily addressed:

- **ELLP Policy C7 Core paths and Other Routes requires that development that affects a customary path, cycle way or bridle way or an agreed or proposed core path, or harms its amenity, will only be permitted where the overall integrity of the route and network is maintained: ELLP Policy T2 requires that there must be no significant adverse consequences of a proposal for the convenience, safety and attractiveness of walking and cycling in the surrounding area; ELLP Policy NRG.2 requires that there would not be an unacceptable visual impact on landscape or townscape including on routes.**

John Muir Country Park and Aberlady Nature Reserve

- 6.125 John Muir Country Park and Aberlady Nature Reserve are designated both for biodiversity and recreational value. Aberlady Bay is the only Local Nature Reserve (LNR) in East Lothian, John Muir the only Country Park. The LNR was designated to enable public access to and enjoyment of the land as well as to protect natural heritage. Management of the reserve aims to conserve the habitats, flora and fauna of the area, and its resultant landscape character. The habitat consists of saltmarsh, dunes and grassland backed by a raised shoreline. There are over 550 species of plants on the site, some rare in Scotland and others rare in the Lothians. The bird interest, also protected through designation as a SSSI and SPA, is what Aberlady Bay is best known for.
- 6.126 All of Aberlady Bay LNR and most of John Muir Country Park are also designated as either SPA or SSSI, and in practice constraints in these areas will be difficult to overcome. The remainder of John Muir Country Park is coniferous woodland to the north of East Links Family Park and an area of mainly shrub and grassland to the north of the road between West Barns and Belhaven. These areas are shown on Map 9.

The characteristics of John Muir Country Park and Aberlady Bay Nature Reserve are their value for biodiversity and recreation, and in the case of John Muir Country Park, landscape. The constraint extends to the area of the designation. To enable wind farm development to take place the following factors must be satisfactorily addressed:

- **The recreational value of John Muir Country Park and Aberlady Bay Nature Reserve should be conserved in order to meet the terms of ELLP Policy DC1: Development in the Countryside Part 5c which states that the proposal must have no significant adverse impact on nearby uses.**

Communities

- 6.127 The Council aims to protect the landscape setting of settlements, important views of settlements and views out of settlements to the surrounding countryside from inappropriate wind turbine development. The Scottish Government supports a separation distance of 2km between the edge of communities and large wind turbine development as a means of guiding development to areas of search. The 2 kilometre distance is indicative of where effects are most likely to be found. Development within this area may sometimes be possible for example where topography reduces visual and noise impacts. Conversely sometimes windfarms more distant than 2km from a community may have effects which are unacceptable. Map 12: *Communities and Housing* shows the areas within 2km of a settlement.
- 6.128 SPP (paragraph 183) states that planning authorities should support communities in developing their own projects for local benefit where this can be done in an environmentally acceptable way. This SPG aims to set out where windfarms can be development in an environmentally acceptable way. Community-led windfarms will not be treated any differently in planning terms from commercial windfarms, recognising that different opinions are likely to exist within communities and residential areas. Environmental interests should be protected from adverse impacts regardless of who is developing the project.

The key characteristic of this constraint is the effect on a community in terms of residential and public amenity. Settlements are identified in the ELLP and these have been used to define a community. 2 kilometres from the community has been used as an indicator of where effects are most likely to be found.

To enable wind farm development to take place the following factors must be satisfactorily addressed:

- There would not be an unacceptable visual impact on landscape or townscape including the impact on distinctive public views (ELLP Policy NRG3.2);
- They would not have an unacceptable impact from noise at any noise sensitive property including the gardens of such properties however large and there would be no demonstrable nuisance from shadow flicker (ELLP Policy NRG3.3 and 3.4)
- The development must be well integrated into its surroundings by responding to and respecting landform (ELLP Policy DP1)
- The development must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale (ELLP Policy DP2)
- For areas within the countryside, new development should be integrated into the landscape, reflect its character and quality of place and be compatible with its surroundings; it should be sited so as to minimise visual intrusion and landscape impact; and it should have no significant impact on nearby uses (ELLP Policy DC1)

Other Constraints

6.129 Areas outwith designated sites are considered to have no significant strategic level constraints. However, there are considerations which limit the possibilities of development both in the less constrained areas and also where other constraints apply. The following sections list some of the main factors which may limit or influence development.

Housing outside settlements

6.130 Due in part to its rich agricultural land, the East Lothian lowlands have a pattern of housing development which includes a generally wide and even spread of housing. These houses include individual dwellings and houses in small groups. The housing is spread throughout most of the agricultural plain, and there are few areas with sparse housing, though it is less dense in the formerly marshy area around Luffness. Even the volcanic outcrops of North Berwick Law, the Garleton Hills and Traprain Law, which are not hospitable sites for housing themselves often have housing at the foot. The Lammermuir foothills are less densely settled, and there is no or very little housing in the Lammermuir uplands.

6.131 It is generally accepted that when large turbines are close to houses issues affecting residential amenity will become more salient. This does not mean development is not possible within these areas, for example where topography intervenes. However this is shown as a potential constraint as areas close to housing are likely to be more difficult to develop (see Map 12) and this does affect a large part of East Lothian. The potential constraint has been mapped conservatively to 500m from each addressable property (not necessarily an occupied house). This has been done purely to give an overview for strategic purposes; for many properties unacceptable effects may arise

from large scale wind development further afield. This mapping should not be used to inform decisions on which properties would require assessment for an individual proposal, which would need to be considered with regard to the specific proposal and site.

- 6.132 Although private views are not a planning issue, where issues of visual amenity are so adverse that it could reasonably be expected that no-one would wish to purchase or rent the house this would be a consideration.
- 6.133 Noise is likely to be a significant issue close to housing. Planning Advice Note 1/2011 Planning and Noise³⁴, along with Technical Advice Note: Assessment of Noise gives advice on how noise should be assessed. The assessment will need to consider the likelihood of significant noise impact, sensitivity of location, existing noise level and likely change in noise levels, character, duration and frequency of the noise, as well as absolute levels and dose-response relationships e.g. health effects, where robust data are available. Mitigation measures should also be considered. East Lothian Council's Environmental Protection team can give further information.
- 6.134 Shadow flicker is a flickering effect caused by the sun shining through rotating turbine blades into openings in neighbouring buildings, though this is less likely with larger, slower moving blades. It can be addressed by shutting down the turbine until the sun has moved³⁵.

The key characteristic of this constraint is the ability of a house to function as a satisfactory home. The constraint is mapped at 500m from each addressable property.

To enable wind farm development to take place the following factors must be satisfactorily addressed:

- **The house should continue to function as a satisfactory home, in terms of noise and amenity; ELLP Policy NRG3 (3) and (4) requires that turbines would not have an unacceptable impact from noise at any noise sensitive property including the gardens of such properties however large; and there would be no demonstrable nuisance from a shadow flicker effect; proposals in the countryside must have no significant effect on nearby uses to meet the terms of ELLP Policy DC1: Development in the Countryside Part 5.**

Roads, railways and paths

- 6.135 It is desirable to achieve a set back from roads, railways and public footpaths. The turbine should be no closer than its total height to the tip of the turbine blade tips from any public road boundary to minimise the effects of a failure and or collapse of the turbine and to reduce the effects of ice throw should this occur.
- 6.136 The route for construction traffic to the site should be carefully considered, and early contact with East Lothian Council's Transportation Division is advised (or where development affects the A1 (T), Transport Scotland). Where alterations to the public

³⁴ Planning Advice Note 1/2011, Scottish Government, available at www.scotland.gov.uk/Resource/Doc/343210/0114180.pdf

³⁵ Department of Climate Change press release http://www.decc.gov.uk/en/content/cms/news/pn11_025/pn11_025.aspx

road or new tracks are required the impacts of this must also be carefully considered. Tracks can sometimes be obvious over long distances and the impact may not always be acceptable.

The key characteristic of this constraint is ability of the transport system to operate safely.

To enable wind farm development to take place the following factors must be satisfactorily addressed:

- **The terms of ELLP Policy T2 should be met namely the proposal must not have significant adverse consequences for road safety or the capacity of the road network to deal with traffic unrelated to the development.**

Peat and natural carbon storage

6.137 Peat is an important asset for Scotland in terms of its ecosystem services; it can support biodiversity of international significance, can be culturally valuable and importantly, can mitigate climate change through acting as a carbon store, especially where peat is increasing. A badly managed development can lead to the loss of the carbon stored within the peat. This would reduce or even outweigh the benefits of reduced carbon electricity generated from the wind farm.

6.138 There are some localised, generally shallow deposits of peat within East Lothian, mainly in the Lammermuirs. Development is likely to be able to avoid such areas through micro-siting. Even where this is not possible, it may be that development can still take place. However attention must be paid to on-site management to avoid changes in the hydrology that could affect the peat resource. Developers should calculate carbon losses from peat (if any) as part of the EIA process. The Scottish Government provides a calculator to help with this as a web only publication³⁶. Information on the location of peat can be obtained from the James Hutton Institute, and its broad location is shown on Map 15: *Peat*. SPP states that peat which is of value as a carbon store should be protected through development plans. As peat is a high carbon soil, other than in very small amounts it is all valuable as a carbon store. The Scottish Government in their web based guidance state that while emissions and savings of carbon associated with windfarms is a material consideration, it is not appropriate to set a 'bar' for what is an acceptable 'payback period'. However, developers are expected to follow best practice in minimising carbon emissions and disturbance of peat³⁷. This suggests that the Scottish Government does expect there to be a 'payback period'; if there is not i.e. emissions exceed savings of carbon over the expected life of the windfarm, this would not be acceptable.

6.139 Woodland can also act as a carbon store. The Scottish Government policy "Control of Woodland Removal – The Scottish Government's policy" outlines where forestry removal is acceptable. There is a strong presumption in favour of protecting Scotland's woodland resources. Removal of woodland for renewable energy projects is considered acceptable with compensatory planting, where it will contribute to mitigating climate change. The following policy therefore applies to development affecting peat and woodland:

³⁶ <http://www.scotland.gov.uk/Publications/2008/06/25114657/0>

³⁷ See <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-sources/19185/17852-1/CSavings>

WF4: Development on peat should be avoided where possible. Where development is proposed on land containing peat or woodland, developers must calculate, using a methodology approved by the Scottish Government or agreed with the planning authority, the carbon (greenhouse gas) savings expected from the windfarm and carbon costs related to peat, or woodland removal. Development will not be permitted where the expected losses outweigh the gains over the proposed lifetime of the windfarm.

Biodiversity

- 6.140 East Lothian Council has a statutory general duty to protect biodiversity. SPP states that decision making in the planning system should both protect and enhance biodiversity. It further states that where possible planning authorities should seek benefits for species and habitats from new development including the restoration of degraded habitats. Also, under the Habitats Directive, the planning authority must be satisfied that there is no adverse impact on any European Protected Species or that conditions for the grant of a licence are likely to be satisfied before granting planning permission. East Lothian has populations of bats, great crested newt and otter, as well as red squirrels, badgers and water voles, which are protected under other legislation. Information on their known locations can be obtained from The Wildlife Information Centre (TWIC). However where habitat is suitable for any protected species (including non-animal species) surveys will also be required. The grant of planning permission does not override the need for developers to act within laws intended to protect biodiversity. Developers are advised to check how the law applies to their proposal and in particular to note the provisions of The Wildlife and Countryside Act 1981.
- 6.141 The East Lothian Biodiversity Action Plan sets out the main priorities for biodiversity in the area, and incorporates UK and Scottish Biodiversity Action Plan priorities. This outlines priority species and habitats. Applications affecting priority habitats are likely to require appropriate mitigation. ELLP Policy NH3 protects sites containing a priority habitat or a significant population of a priority species, while ELLP Policy DP13 has provision for where mitigation may be required. The areas of ELBAP Priority Habitats are shown on Map 9.
- 6.142 Birds that may be affected by windfarm development include raptors such as hen harrier or peregrine, game birds including the Black Grouse, and geese such the pink-footed goose. The RSPB and SNH have produced maps showing which areas would pose a medium to high risk to important bird populations in Scotland. The map uses the most up to date information on threatened species. The mapping has been done to a 2 square kilometre level to protect the locations of some sensitive species. Bird sensitivity is shown on Map 17: *RSPB Bird Sensitivity Zones*.
- 6.143 Black grouse are a particular concern in the Lammermuir areas, which have been under development pressure for windfarm development. Across Scotland, black grouse numbers have suffered a decline of nearly 30% since 1995. In south east Scotland the population decline was even more marked, with a 69% fall in numbers in

the Lothian and Borders area. In the Lammermuirs black grouse are almost extinct, with small leks surviving around Watch Water (in the Scottish Borders) and a single lek in the western Lammermuirs. As a result, black grouse are listed in the Scottish Government's Species Action Framework and it is a UKBAP priority species. Urgent action is required to safeguard populations of this bird.

- 6.144 Black grouse are considered to be clumsy fliers, making them more at risk from collision with turbine blades. Black grouse are also shy birds and are displaced by construction activity and continuous maintenance traffic in wind farms. In effect, wind farms appear to displace black grouse permanently from sites where the previously occurred.
- 6.145 Map 10: *Natural Environment*, highlights the main areas of sensitivity for black grouse, based on landscape requirements. These are: moorland, moorland – farmland fringe, grassland, woodland fringe. Black grouse leks have been recorded within the last 5 years in the west of the Lammermuirs and in the central Lammermuirs in the Scottish Borders area. Black grouse, therefore, do currently occur in the Lammermuirs, albeit in small numbers. Some of the locations do not currently support black grouse but they offer the best potential for the expansion from existing populations elsewhere in the Lammermuirs or from the Moorfoots. Wind farm construction in the areas shown would further compromise the ability of black grouse to survive in the Lammermuirs. The areas are not intended to delineate 'in or out' boundaries. Some of the areas are close to existing wind farms where extensions may be proposed. Modest expansion of existing wind farms on the edge of the marked areas (with the exception of the western area) is not a threat to black grouse, but construction of a new wind farm, or major expansion of an existing wind farm into a significant portion of a marked area would create a conflict with black grouse conservation.
- 6.146 A black grouse conservation project, funded by the Crystal Rig II development, has operated extremely successfully and a similar model of mitigation would be considered as part of any wind farm proposal.

The key characteristics of this constraint are the need to have regard to conserving biodiversity. Some effects are more significant than others.

To enable wind farm development to take place the following factors must be satisfactorily addressed:

- **That statutory requirements are met**
- **That there is no net loss of biodiversity resource and the potential for improving biodiversity value has been considered, and where necessary mitigation is carried out (see ELLP Policy DP13)**
- **That any harm to an ELBAP Priority Habitat or where a significant population of an ELBAP Priority Species would be affected, the public benefits of the development outweigh the loss (ELLP Policy NH3)**

Flooding and Watercourses

- 6.147 Some parts of East Lothian are prone to fluvial flooding including Haddington from the Tyne and West Barns from the Biel. Removal of woodland from water catchment areas and development of tracks with associated drainage ditches may lead to faster

run-off, and therefore a greater likelihood of flooding in downstream areas. The effect could be for flooding to occur more frequently.

- 6.148 The Water Framework Directive aims to enhance the status and prevent the further deterioration of aquatic ecosystems and associated wetlands. There is a requirement for nearly all inland and coastal water to achieve 'good' status by 2015. SEPA will be consulted on all relevant applications and may suggest conditions or alterations to a scheme to take this constraint into account.

The key characteristics of this constraint are the need to avoid increasing the severity or frequency of flooding. To enable windfarm development to take place the provisions of ELLP Policies DP15 and DP16 should be met.

Area of Search

- 6.149 SPP states that *"having identified areas requiring significant protection and other potential constraints on wind farm development, planning authorities should identify areas of search where there are no significant constraints on development"*. Identification of Areas of Search is challenging in an East Lothian context as there has been significant development already, meaning both that many of the suitable areas have already been developed, and that many cumulative limits have been reached. Much of the area is covered by some level of designation, which reflects its rich natural and built heritage. In addition, there are few areas where dwellings would not be adversely affected, as individual houses as well as small groups are spread through much of the area. This means that Areas of Search are necessarily limited.
- 6.150 The initial work on constraints mapping followed the methodology in PAN45 Annex 2 (which preceded the current web-based guidance) and identified the designated areas specifically mentioned in that guidance. Initially this exercise did not exclude areas that were shown as sensitive in the LCS or areas where cumulative limits had been reached (which was partly dependent on the outcome of the Fallago Rig Inquiry) or the Lammermuir AGLV which the Council had previously accepted could potentially be compatible with wind turbine development. This exercise showed three possible potential areas of search. None of these were particularly large. The potential areas were
- a. The area of Plateau Grassland in the Lammermuirs to the north of Dun Law wind farm.
 - b. The area around Monynut edge to the south of Aikengall
 - c. The area of the Lammermuir plateau north and east of Crystal Rig

These areas are shown on Map 18. The other areas which remained after applying the constraints listed were considered too small to accommodate such large scale development.

A: Plateau Grassland

- 6.151 Two windfarms have now been consented in the Plateau Grassland, Pogbie (where work has commenced) and Keith Hill. Following these consents there is no further

capacity for large scale wind development in the Plateau Grassland and little if any capacity for any further wind development.

6.152 The Plateau Grassland was considered in the LCS as an area of low sensitivity to windfarm development and was not affected by other designations (other than the Local Biodiversity Site at Linn Dean at the edge of the area). The baseline for the LCS did not include the Dun Law extension, Pogbie or Keith Hill windfarms. The original LCS stated that there was some scope to “*accommodate additional wind turbines within a low lying shallow basin with a fragmented character*”. It concluded that turbines should be located away from the rim of the scarp to avoid intrusion on extensive views from the A68 over East Lothian, and to minimise impacts on the North Lammermuir Platform. The capacity within East Lothian has now been taken up by the Pogbie and Keith Hill windfarms. The Supplementary LCS finds that there is now no scope for further wind development within this character area. This is due to cumulative landscape and visual effects likely to occur in association with existing and consented windfarm develop; and the highly visible steep scarp slopes of the Lammermuir Hills and the rim of slightly higher ground formed by Blegbie Hill and West Hill which is important in providing the setting to the existing windfarm of Dun Law and allowing dramatic views for the A68 across East Lothian. The approach of guiding development away from the rim of the scarp in this area was upheld by Scottish Ministers through an appeal against refusal of planning permission for a larger proposal at Keith Hill. This area is now therefore ruled out as an area of search.

Monynut Area

6.153 Shortly after the initial constraints mapping had been started, a Section 36 application was made to Scottish Ministers for windfarm development at Wester Dod, covering most of the area at Monynut Edge which was under consideration as an Area of Search. This application forced an early consideration of the suitability of this area for windfarm development. Although this area was identified in the LCS as having low capacity for wind farm development, the approval of Aikengall wind farm within this area had considerably altered the baseline. This development altered the association of windfarm development with slacker landform, and also was located on the outwards, east facing slope of the plateau rather than in a ‘bowl’ within the plateau area as Crystal Rig had been. In particular, the presence of Aikengall altered the landscape characteristics of the area against those criteria that led to the conclusion of the LCS that the area was medium-highly sensitive, with low capacity. The existence of the Aikengall windfarm alters the degree of remoteness/modification, landscape context and industrial and infrastructure elements, all of which had pointed to the conclusion of the LCS that this landscape character area had low capacity. Larger scale development had been assessed by the LCS as fitting with the scale and simple landform of the area. East Lothian Council did not therefore object to the Wester Dod windfarm application (though made representations regarding the modification of the proposals).

6.154 The Wester Dod application is at Inquiry at the time of writing. While not objecting, East Lothian Council raised concerns on issues of design at the Inquiry, in particular the landscape and visual impacts on Oldhamstocks Conservation Area and noise impact on two dwellings in Scottish Borders Council area. If this application is granted it is considered that there will be no further capacity for a windfarm of over 12MW or

more. If the application is refused the Council will examine the reasons for refusal to establish whether this area should continue to be allocated as an Area of Search.

6.155 The main considerations for design in this area are that development should:

- Follow the pattern of development established at Aikengall namely placing turbines on ridges;
- Avoid locating on summits including Heart Law and Wightman Hill and the three tops at Wester Dod,;
- choose a similar specification of turbines to those at Aikengall
- avoid a significant adverse impact on Oldhamstocks community and conservation area
- Avoid a significant adverse impact on views from the A1, the Southern Upland Way and the John Muir Way, including cumulative impact; and also
- Avoid significant landscape and visual impacts on receptors in the Scottish Borders area.
- Avoid or mitigate harm to the Monynut Water wildlife site.

C: Lammermuir Plateau

6.156 The Aikengall decision does not affect the remainder of the Eastern Lammermuir Plateau area in the same way as the Monynut area. The area around Bransly Hill is close to Aikengall. However in this area existing windfarm development is contained in the 'bowl' of Crystal Rig, with the ridge development of Aikengall visually separated by the minor road and orientation of the plateau edge; further development on the ridges here risks unbalancing the Crystal Rig development and could also appear visually intrusive on the Lammermuir Edge from the area to the north, which the Council has sought to minimise. It is also considered that while some large scale development can fit with the large scale of the AGLV (as has been accepted at Crystal Rig) further development would damage it due to cumulative impacts. Development within this character area to the east of the existing Crystal Rig would also disrupt the containment of that development.

6.157 The original LCS found that the Central Lammermuir Plateau area has high sensitivity to wind development, and low capacity. Following the construction of Crystal Rig Phase 2a and Fallago Rig it is considered that the cumulative limits of development in this area have been reached as outlined above and therefore this area is considered to merit significant protection. The Supplementary LCS found that there is no scope for the larger development typologies (turbines between 65-120m high and single turbines more than 42m but less than 65m high). This is because "*capacity is considered to have been reached in terms of the degree of large scale windfarm development which already characterises this landscape and the significant cumulative effects that would be associated with any further development of larger turbines*" The conclusion is therefore considered to apply equally to larger turbines. This area was therefore not allocated as an Area of Search and instead considered to merit significant protection.

7. Off shore Development

- 7.1 At present, there is no offshore development around East Lothian. The Crown Estate controls almost all the seabed within Scottish Territorial Waters (to 22km from the shore), and also has the rights to explore and exploit the wind energy potential of the UK continental shelf. Four separate licensing rounds have been undertaken, Rounds 1 and 2, Scottish Territorial Waters, and Round 3. As part of Round 3, the Crown Estate chose development partners for the Firth of Forth (Zone 2). Firth of Forth has a target capacity of 3.5GW, while the Round 3 projects as a whole have a combined generating capacity target of 32GW, more or less a quarter of the UK's electricity demand³⁸.
- 7.2 Immediately inshore from Zone 2, and within Scottish Territorial Waters, the Crown Estate granted exclusivity agreements at Inch Cape (905MW potential capacity), Neart na Gaoithe (410 MW potential capacity), the Forth Array (415MW potential capacity) and Bell Rock (700MW potential capacity). Bell Rock is not now being taken further due to insoluble radar issues, and the potential developer at Forth Array is no longer taking the site forward. Marine Scotland will decide on applications at the remaining two sites. Turbines from Neart na Gaoithe and Inchcape will, if consented, be visible from parts East Lothian, in particular higher and northeastern coastal areas.
- 7.3 Development offshore could have an impact on the land-based interests of East Lothian. The quality of the coast is important for tourism. This includes its scenic qualities, as well as its wildlife interest. Views across the Forth to the road and rail bridges, as well as over the sea to Fife and the Forth Islands from the beaches, villages and golf courses of the northern coast, as well as North Berwick Law are important for their scenic qualities for residents and tourists alike.
- 7.4 The biodiversity interest of the coastal areas is important in its own right, but is also important for the enjoyment and attraction of tourists. Water sports, including sailing, have increased in popularity in recent years, and this is of value both to residents and to the tourist economy. Fishing operates from some East Lothian harbours, and this is valued for employment as well increasing the attraction of the harbours for tourists.
- 7.5 Impacts on these interests are among those East Lothian Council takes into account in commenting on off-shore applications.
- 7.6 Landfall for the cables to bring the electricity from these sites ashore is likely to be at least partly in East Lothian, with a current application for cabling running to Crystal Rig from the Neart na Gaoithe proposal under consideration by the Council.

8. Developer Contributions

- 8.1 It is UK and Scottish Government policy that renewable energy should be supported where there are no unacceptable impacts. East Lothian Council supports this approach. As with any other development, where a wind farm has potential impacts which it is necessary to avoid this will be done through use of conditions or planning agreement at the time of the approval of planning permission. Scottish Government guidance states that conditions should only be imposed where this would make a development which is otherwise unacceptable, acceptable. Conditions must be

³⁸ Scottish Enterprise "Offshore Wind Key Facts brochure" January 2010

necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable.

- 8.2 Developer contributions will be sought where this is necessary to mitigate an impact that would otherwise mean the development should not go ahead. This might include creation or replacement of habitat where there is biodiversity loss, creation of alternative recreational routes where these are affected, or implementation of measures to reduce noise. The need for and level of developer contributions will be assessed on a case-by-case basis. In addition the Council will require to be satisfied that finance is secure for restoration of the site. This will usually be done by means of a bond.
- 8.3 It is not uncommon for a wind developer to set up a fund which benefits the local community. Where the benefits are not related to planning, this is entirely voluntary. Any benefits which are not material in planning terms will not be taken into account in assessing a proposal.