

APPEAL STATEMENT ON BEHALF OF AW & A MIDDLEMASS

Against the decision by East Lothian Council to refuse detailed planning permission for the erection of one wind turbine on land (47.1m to tip) at Markle Mains Farm, Markle, East Linton.

Planning Application Reference Number: 11/0234/P

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Appendix 1 – Key Viewpoints Locations

Appendix 2 – Comparable Zone of Theoretical Visibility Map's

Appendix 3 – Noise Survey

Appendix 4 – Letter withdrawing objection from Dunpender Community Council

The following document demonstrates through the grounds of appeal, the accompanying photomontages, and the supporting document in the appendices that the potential landscape impact is limited and the anticipated noise from the proposed turbine is limited to an area very close to the turbine.

Executive Summary

1.1 East Lothian Council (The Council) determined to refuse planning permission for the development of a single wind turbine at Markle Mains Farm in essence for the following reasons:

Reason 1. The development would have a harmful impact on the landscape which is contrary to development plan policies and guidance. Locations where the turbine would be seen were identified as being:

- a) From Markle. Hopetoun Monument, Brownrigg
- b) From the junction of B1377 and the unclassified road to the east of the site
- c) At a point on the B1377 public road between East Linton and Waughton
- d) From East Fortune Airfield

Reason 2. The development would have a harmful impact on nearby residents because of the potential noise from the proposed turbine, which is contrary to development plan policies and guidance. The Council assumes that it would have an adverse impact because it contests that the appellants failed to demonstrate that it does not.

Landscape Impact – Landscape Architect Assessment

1.2 In response to the landscape impact, a chartered landscape architect from OPEN Environments, specialising in the landscape and visual effects of wind turbines, has assessed the site and the surroundings. Their overall conclusions are summarised below:

“Contrary to the Officer Report, we do not consider that the turbine would have a “harmful impact” on the landscape or views, including those examples cited in the Officer Report as justification for this stance. The reasons for this are described in full below in the grounds of appeal and can be summarised as follows:

- At 47.15m high, the turbine would appear as a minor component in views from distances beyond one or two kilometres away, dependent on the level of visibility, and even if it is visible from further away, it would not be a very readily apparent feature;
- In many views, the turbine would be contained completely or partially below the skyline and would therefore have no or very little vertical impact on the skyline;
- There is extensive screening of the turbine by hedgerow and woodland vegetation;
- The turbine would consistently be seen in the context of open landform, which prevents the occurrence of uncomfortable scale comparisons;
- The turbine is not seen in direct relation to buildings, and potential scale comparisons with domestic features would therefore not arise;
- The buildings of Markle Mains Farm are surrounded by trees and woodland, and do not appear as individual domestic-scale buildings but rather as a single feature, and this prevents the occurrence of uncomfortable scale comparisons;
- A single turbine forms a narrow feature in views, unlike a wind farm of more than one turbine, and this ensures that the turbine would not block or screen any of the open views that are available across the lowlands;
- The turbine would not interrupt key views of landscape features such as the Garleton Hills or Traprain Law; and

- The location of the turbine ensures that it is seen at right angles from local travel routes, and would not lie in the direct orientation of travellers.

- 1.3 The council's approach to assessing landscape impact appears to be that if the proposed turbine can be seen from a road or public place, then it is unacceptable. This is not the correct approach to assess the potential impact a wind turbine development would have in the wider landscape. All wind turbines are likely to be visible owing to their height and the necessity to have a clear area around it to obtain the necessary wind speed. The main consideration in assessing landscape impact is the impact the proposed development would have on the landscape setting of the site, the landscape character of the surrounding area and the visual prominence the turbine would have.
- 1.4 It should also be noted that the applicant has not known what the council's opinion was in relation to the landscape impact and the concerns from the identified viewpoints until the Officers Report was issued. He has had no opportunity of responding to these observations, other than through this appeal process. The appellant applied for planning permission some 8 months prior to the publication of the guidance on wind turbines for smaller wind turbines in lowland areas. He is aggrieved at the perception that the determination of the application was deliberately delayed so that they can refusal of the application could appear be justified on the basis of some form of landscape appraisal.
- 1.5 To demonstrate that the potential landscape impact of a single wind turbine on the site would have, photomontages have been prepared with views to the site from each of the key locations East Lothian Council have identified as being of concern.
- 1.6 The Council's reasons for refusal are based on the Zone of Theoretical Visibility (ZTV) submitted with the application. A ZTV is a map showing where any part of the turbine might be seen from. As part of the consideration of the proposal, the Officer Report fails to acknowledge that the ZTV represents a worst case scenario. As already stated in the supporting statement submitted with the application, it takes no account of the position, orientation, or height of any buildings, areas of woodland, or hedgerows. It is therefore incorrect to automatically assume that the proposed turbine can be seen from a particular location.
- 1.7 The decision also states that the development of a 47.1m high turbine would be contrary to the guidance set out in the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines. The guidance identifies the site as being within Agricultural Plain: Sub Area 2 – North landscape type. The guidance states that in this landscape type there is some scope to *"locate Typology C {turbines}, with single and small clusters of turbines between 20m and up to and including 42m height, as turbines of this size would be less likely to dominate existing settlement. Turbines should be sited below small hill tops and ridgelines which would reduce their prominence."*
- 1.8 It also states that the guidance has limitations, paragraph 2.21 of the guidance states that *"It is not possible within a strategic capacity study to consider every development permutation in terms of*

turbine height/number. The assessment principally gauges sensitivity in relation to height. Where a greater number of turbines could be accommodated than is indicated in the development typology, this is stated in the assessment.”

- 1.9 The appeal site is sited below small hill tops and ridgelines, and suitable for a turbine up to 42m in height. There is no reference in the Officer Report which considers the difference between the height of turbine that is generally permissible in principle in the guidance (42 metres) and the height of the proposed turbine (47.1m). The difference of 5.1m, between the two heights would have a negligible impact on the wider landscape. A ZTV showing the difference between the two heights is appended to this statement at Appendix 2.
- 1.10 The Board should also note by that as part of the Officers Report which considers the merits of the proposal, it confirms that *“There are no existing wind turbines in the locality of the application site and thus the proposed wind turbine would not have a cumulative impact”* [on the landscape setting].

Noise and Amenity

- 1.11 In relation to noise, it should be noted that the appellant was not made aware what was submitted did not allow the applicant to demonstrate that the proposed turbine would not have an adverse impact on neighbouring amenity due to the potential noise. He had no opportunity to respond other than through this appeal process. A professional assessment has been made of the background noise level and the anticipated noise from the proposed turbine in respect of noise sensitive properties. It is appended to this appeal statement (Appendix 3).
- 1.12 The noise assessment concludes, *“The significance of the noise impact is considered neutral given that the noise from the wind turbine would not be audible within any of the noise sensitive residential properties.”* It also states, *“the noise produced by the wind turbine is likely to be less than the noise produced by other noise sources in the area, such as the A1 and A199, Markle Mains Quarry and the East Coast Main Line.”*
- 1.13 The decision to refuse planning permission has failed to take account of the detail of Policy NRG3 of the adopted East Lothian Local Plan 2008. It states that only “nearby properties” should have been taken into account when considering noise form wind turbines. The distance to the nearest residential property, not owned by the appellant is 900 metres from the site. A property located 900 metres from the appeal site is not a nearby property, as previously explained to East Lothian Council, and now demonstrated through a noise survey.
- 1.14 The Officer Report also confirms in relation of amenity that “Due to its height and distance from the nearest residential properties the proposed wind turbine would not be physically over bearing on any of them or in the outlook from them, On this count the proposed wind turbine would not harm the amenity of those residents.” The proposed turbine would have no harmful impact on the amenity of any residential properties.

1.15 In conclusion, owing to limited impact the development would have on the surrounding landscape (as shown on the attached photomontages) and as explained in detail below, and the fact that the proposed turbine would have no impact on any of the surrounding residential properties in relation to noise, the appellant respectfully requests that the appeal be allowed.

2.0 Policy Context

2.1 The Council's decision to refuse planning permission is based on the development plan policies set out in the adopted East Lothian Local Plan 2008 and the Edinburgh and the Lothians Structure Plan 2015. Material to the determination of the application is the guidance set out in East Lothian's Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

2.2 The policies relevant to the determination of this appeal are:-

The adopted East Lothian Local Plan 2008 - Policies

DC1 – Development in the Countryside

NRG3 – Wind Turbines

The approved Edinburgh and the Lothians Structure Plan 2015 – Policies

ENV6 – Renewable Energy

3.0 Grounds of Appeal

A. **Landscape Impact**

- 3.1a The Officer Report states that *“Due to the **harmful impact** it would have on the landscape the proposed wind turbine is contrary to Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008 and the key considerations of landscape impact and impact on public views to and from landmark features of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.”*
- 3.2a The Officer Report provides the following justification that the proposed turbine would have a *“harmful impact on the landscape”*:
- 3.3a *“On the matter of landscape impact the Policy and Projects Manager advises that although, on its site the proposed wind turbine would in views of it from the north have the backdrop of the higher ground of the Markle Heights, it would in the open landscape views of it from the east and west be highly visible. In those views the proposed wind turbine would be exposed and dominating in its landscape setting. It would be dominant in its relationship with the smaller scale of the buildings in the area, including the large agricultural buildings of Markle Mains Farm. It would appear as a harmfully intrusive feature in the landscape. In this its greatest visual impact would be:*
- (i) in views of it from VP1, 2 & 3 of Zone of Theoretical Visibility (ZVT) submitted with the application i.e. from Markle, the Hopetoun Monument on the Garleton Hills and Brownrigg, respectively;*
 - (ii) when viewed in a westerly direction from the junction of the B1377 public road with the unclassified road to Markle (i.e. north of East Linton);*
 - (iii) when viewed westwards from the B1377 public road between East Linton and Waughton;*
 - (iv) travelling eastbound or westbound along the B1377 public road between East Fortune and Waughton; and*
 - (v) from the East Fortune airfield.*
- 3.4a He further advises that, *“from an analysis of the Zone of Theoretical Visibility submitted by the applicant, it is clear that there are would be views of the hub and blades of the proposed turbine from many places within the wider lowland landscape.”*
- 3.5a A landscape architect from OPEN Environments who specialises in the effects wind turbines would have on the landscape consider that “There are a number of issues raised in Officer Report which provides justification that are erroneous. These issues are of particular importance as they have led to the conclusion that the turbine would have a ‘harmful impact on the landscape.’” These issues have been considered by them and are assessed in more detail below.

3.6a Issues 1: “...it would in the open landscape views...from the east and west be highly visible. In those views the proposed wind turbine would be exposed and dominating in its landscape setting.”

3.7a The proposed turbine would not “*be exposed and dominating in its landscape setting*” when seen from the east and west, for the following reasons:

- At 47.15m high, the turbine would appear as a minor component in views from distances beyond one or two kilometres away, dependent on the level of visibility, and even if it is visible from further away, would not be a very readily apparent feature;
- There is extensive hedgerow screening of views from public roads to the west and east of the site, and they, along with woodland belts, severely limits visibility of the site;
- The turbine is seen in the context of open, relatively level landform, which prevents the occurrence of uncomfortable scale comparisons;
- The scale and location of the turbine ensures that it would be very rarely seen in direct relation to the landform features of Traprain Law and the Garleton Hills and would therefore not disrupt or interrupt these important features;
- In many views, the turbine is partially or completely enclosed below the skyline, and this helps to reduce its visibility and influence as it would not be seen on the skyline; and
- A single turbine forms a narrow feature in views, unlike a wind farm of more than one turbine, this ensures that the turbine would not block or screen any of the open views that are available across the lowlands.

3.8a Issue 2: “It would be dominant in its relationship with the smaller scale of the buildings in the area, including the large agricultural buildings of Markle Mains Farm.”

3.9a The proposed turbine would not “*be dominant in its relationship with the smaller scale of the buildings in the area, including the large agricultural buildings of Markle Mains Farm*”. This is for the following reasons:

- The turbine is located within an expansive field and is not seen in direct relation to any buildings;

- The closest buildings are those at Markle Mains Farm, which are surrounded by dense woodland, so that there is limited visibility of buildings at the farm in views from the south, west and east;
- This setting also ensures that the farm buildings and their wooded setting appear in views from the south, east and west as a single feature in the landscape rather than a group of individual buildings; and
- Views of the farm from the north are limited to the views that can be gained from the minor road that runs directly to the north of the farm; here, some individual cottages and some agricultural buildings are seen along the road but the turbine would not be visible due to intervening woodland.

3.10a Issue3: “its greatest visual impact would be...in views of it from VP1, 2 & 3 of Zone of Theoretical Visibility (ZVT) submitted with the application i.e. from Markle, the Hopetoun Monument on the Garleton Hills and Brownrigg, respectively”

3.11a The proposal would not “*appear as a harmfully intrusive feature in the landscape*” when seen from the three viewpoints illustrated in the application. This is for the following reasons, (in association with the associated photomontages).

Viewpoint 1: Markle

- At a distance of 1.635km away, the single turbine with a tip height of 47.15m constitutes an apparent but not intrusive or dominant component of the landscape;
- The turbine is seen in a dip in the landform, enclosed to the left and right by higher landform, and would not in any way dominate or appear to be intrusive in the landscape;
- The turbine does not interfere with or disrupt the landform feature of the Garleton Hills, which are seen on the skyline to the right, and these hills would remain as a focal point in the view;
- The turbine is seen in the context of an open, flat landscape with which uncomfortable scale comparisons would not arise; and
- The turbine is not seen in direct relation to any buildings (Markle Mains Farm being enclosed by woodland) and therefore would not be “*dominant in its relationship with the smaller scale of the buildings in the area*”.

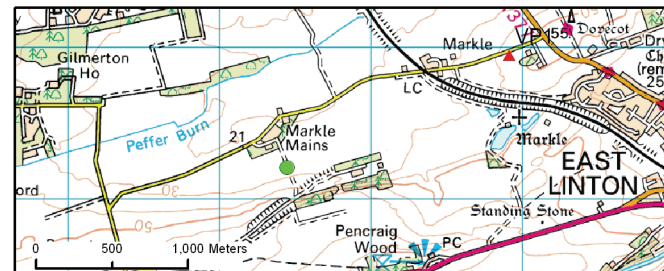
Please see the photomontage on the following [page](#)

VP1 from Markle: Photomontage of proposed 100kW turbine at Markle Mains, East Lothian



Viewpoint description and direction: Looking South West from Markle
Distance to turbine: 1.635 km
Height of camera: ~1.5m
Location of camera: 357910 E 677953 N

- ▲ VP1 camera location
- Proposed turbine



Ref: LMLS / MM02 / VP1
Analysis: 11th February 2011
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Viewpoint 2: Hopetoun Monument

- At a distance of 6.410km away, the single turbine with a tip height of 47.15m constitutes a minor feature in the landscape;
- The turbine is fully enclosed below the skyline and would have no vertical impact in the view;
- The turbine would not be seen in direct relation to any landform of the Garleton Hills and would not affect the way that this natural feature is perceived or experienced;
- The turbine is seen in the context of an open, flat landscape with which uncomfortable scale comparisons would not arise; and
- The turbine is not seen in direct relation to any buildings and would not therefore be “*dominant in its relationship with the smaller scale of the buildings in the area*”.
- Permission has already been granted for a turbine much closer to Hopetoun Monument than the proposed turbine. The development of a turbine at Alderston Mains, to the south-west of Hopetoun Monument It has already been constructed (Reference 10/00585/P). The Officer Report states that “*The proposed wind turbine would be sufficiently far away from and at a lower land level than the Hopetoun Monument so as not to have a harmful visual impact...*” Albeit, the proposed turbine is larger, but the consideration is no different. The site is at a much lower land level and much further away (6.3Km away instead of 920m) than the approved turbine.

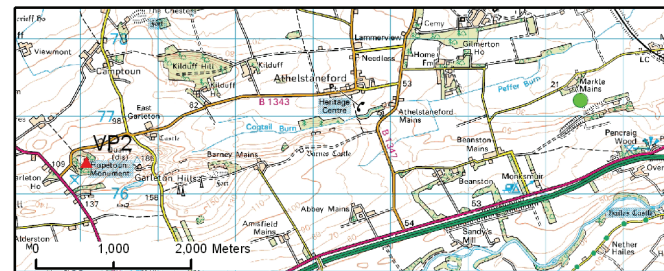
Please see the photomontage on the following page

VP2 from Hopetoun Monument: Photomontage of proposed 100kW turbine at Markle Mains, East Lothian



Viewpoint description and direction: Looking East from Hopetoun Monument
Distance to turbine: 6.410 km
Height of camera: ~29m
Location of camera: 350079 E 676416 N

- ▲ VP2 camera location
- Proposed turbine



Ref: LMLS / MM04 / VP2
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