

REPORT TO: Planning Committee

MEETING DATE: Tuesday 1 October 2013

BY: Depute Chief Executive
(Partnership and Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Veitch for the following reason: the local community has concerns over the impact the turbines would have on the village and surrounding environment.

Application No. **13/00568/P**

Proposal Erection of 2 wind turbines and associated works

Location **Limekilns
Phantassie Farm
Traprain
East Linton
East Lothian
EH40 3DF**

Applicant Hamilton Farmers Ltd

Per Life Long Energy

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Through the determination of an application (ref: 13/00174/P) made to the Council by Hamilton Farmers, planning permission was refused in May 2013 for the erection of two wind turbines on agricultural land some 270 to 310 metres southwest of the farm buildings of Phantassie Farm. Those wind turbines were to be positioned within a field some 300 metres to the west of Phantassie Farm House on elevated land close to an existing telecommunications mast. The wind turbines were each to be of a supporting column type measuring 14.9 metres in height from the ground to the centre of the rotor hub, with triple blades, each of a length of 6.6 metres and thus with a ground to blade tip height of 21.5 metres and a diameter of rotating blades of 13.2 metres.

The reasons for the refusal to grant planning permission for those wind turbines are:

1. The proposed two wind turbines are contrary to the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December

2011) which states that a Typology C wind turbine cannot be accommodated within this part of the 'Agricultural Plain - Sub Area 1, East' landscape character area;

2. Due to the harmful impact they would have on the landscape of this part of the countryside of East Lothian the proposed wind turbines are contrary to Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the key considerations of landscape impact of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 and the findings of East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

Planning permission is now again sought by Hamilton Farmers for the erection of two identical wind turbines on different pieces of agricultural land at Phantassie Farm to that previously proposed in application 13/00174/P.

The proposed two wind turbines would be sited in a field, one some 85 metres west of the farm buildings of Phantassie Farm and the other some 50 metres south of those buildings. In such positions they would be some 270 to 370 metres northwest of Phantassie Farm House.

Each of the proposed two wind turbines would consist of a supporting column measuring 14.9 metres in height from the ground to the centre of the rotor hub. The triple blades of their rotors would each have a length of 6.6 metres. Each of the proposed two wind turbines would therefore have a height of 21.5 metres from ground level to blade tip. The diameter of their rotating blades would be 13.2 metres.

It is proposed to excavate the land of the site of each wind turbine by 1.5 metres so that they would both sit on a lower ground level than the farmland around them, giving each of them a perceived height of 20 metres to blade tip.

To access the proposed wind turbines it is proposed to form a hardcore access track around the south side of the site of the proposed wind turbines.

To the west of the group of agricultural buildings of Phantassie Farm is the building of Phantassie limekiln that is listed as being of special architectural or historic interest (Category B).

As the proposal is for the erection of only two wind turbines with hub heights that do not exceed 15 metres, it does not fall into a category of a Schedule of Development that may require the submission of an Environmental Impact Assessment (EIA) under the provisions of The Environmental Impact Assessment (Scotland) Regulations 2011.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESPlan) and the adopted East Lothian Local Plan 2008.

Policies 1B (The Spatial Strategy: Development Principles) and 10 (Sustainable Energy Technologies) of the approved South East Scotland Strategic Development Plan (SESPlan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP13 (Biodiversity and Development Sites), NRG3 (Wind Turbines), ENV3 (Listed Buildings), ENV7 (Scheduled Monuments and Archaeological Sites) and T2

(General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are:

1. The Scottish Government's policy on renewable energy given in Scottish Planning Policy: February 2010;
2. The Scottish Government web based renewables advice entitled "Onshore Wind Turbines", which has replaced Planning Advice Note 45: Renewable Energy Technologies;
3. The East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011);
4. The Council's Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010;
5. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: February 2010.

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. In this, there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning authorities should support the development of a diverse range of renewable energy technologies whilst guiding development to appropriate locations. Factors relevant to the consideration of applications for planning permission will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise. When granting planning permission planning authorities should include conditions for the decommissioning of renewable energy developments including, where applicable ancillary infrastructure and site restoration.

The advice entitled "Onshore Wind Turbines" forms one section of the web based renewables advice that the Scottish Government have introduced to replace Planning Advice Note 45: Renewable energy technologies. It provides advice on, amongst other things, matters relating to landscape impact, wildlife and habitat, ecosystems and biodiversity, shadow flicker, noise, road traffic impacts, aviation, and cumulative effects. In relation to landscape impact, the advice is that wind turbines can impact upon the landscape by virtue of their number, size or layout, how they impact on the skyline, their design and colour, any land form change, access tracks and ancillary components anemometers, substations and power lines. The ability of the landscape to absorb development often depends largely on features of landscape character such as landform, ridges, hills, valleys, and vegetation. Selecting an appropriate route for access, considering landform change, surfacing and vegetation can also influence to what extent proposals are integrated into the landscape setting. In relation to landscape impact, a cautious approach is necessary in relation to particular landscapes which are rare or valued. In assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant considerations. It will also be necessary to consider the significance of the landscape and views, proximity and inter-visibility and the sensitivity of visual

receptors. Planning authorities are more frequently having to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed.

Policy 10 of the approved South East Scotland Strategic Development Plan (SESPan) seeks to promote sustainable energy sources.

It is stated in paragraph 9.6 of the adopted East Lothian Local Plan 2008 that the Council is supportive of Government policy to secure greater energy generation from renewable sources. The benefits will be weighed against the impact on the local environment and features of interest. With regard to wind turbines it is stated in paragraph 9.7 that because of the need for turbines to catch the wind it is not possible to hide them. The visual and landscape impact, both of the turbines themselves and associated infrastructure, is usually the main concern. In paragraph 9.8 it is stated that the Council wishes to protect valued landscape features, including North Berwick Law.

Policy NRG3 of the adopted East Lothian Local Plan 2008 states that subject to consistency with other plan policies, proposals for individual turbines or wind farms and associated access tracks and transmission lines will be supported where (i) they would not change the existing landscape character in an unacceptable way; (ii) they would not have an unacceptable visual impact on landscape or townscape including the impact on distinctive public views, landmark buildings or natural features, or routes; (iii) they would not have an unacceptable impact from noise at any noise sensitive property including the gardens of such properties however large; (iv) there would be no demonstrable nuisance from a shadow flicker effect; (v) they would have no unacceptable adverse impacts on hydrogeology or hydrology; (vi) alternative, better, sites are not available; and (vii) there are no unacceptable cumulative impacts. Policy NRG3 also requires that in assessing all proposals the Council will have regard to the findings and recommendations of the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005).

The Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) is also relevant to the determination of this application. This Supplementary Landscape Capacity Study determines the capacity of the East Lothian lowland landscapes and the Lammermuir fringe to accommodate various scales of wind turbine development smaller than those considered in the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005). In this regard four principal development typologies are considered in the study, namely, (i) Typology A: wind turbines between 65m and 120m high, (ii) Typology B: Single wind turbines between >42m and <65m high, (iii) typology C: wind turbines between 20m and up to and including 42m high, and (iv) typology D: wind turbines between 12m and <20m high, with all wind turbine heights being from ground level to blade tip.

The Council's Planning Guidance for Lowland Wind Turbines: June 2013 is relevant to the determination of this application. In setting out the policy framework, key considerations and capacity assessments for wind turbine development the purpose of this supplementary planning guidance is (i) to provide potential applicants for planning permission for smaller and medium sized turbines with guidance on the range of issue which they should consider when preparing wind turbine proposals, (ii) to indicate the matters which will be considered by the Council when assessing these applications, (iii) to set out the recommendations of the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011). It is focused primarily on turbines with a height to blade tip ranging from between 20 to 120 metres

but is also applicable to single and small groups of turbines in excess of 120 metres to blade tip where the same design and policy issues would be relevant.

The Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005) is not material to the determination of this application as its findings are not based on an assessment of the effect on the landscape of East Lothian of a wind turbine(s) lower than 42 metres high.

A total of 20 written objections have been received in respect of this planning application. Most of the written objections take the form of pro-forma letters. The main grounds of the objection to the application are:

- * the proposed two wind turbines are contrary to the findings of the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011); and

- * the proposed two wind turbines would harm the setting of the Category B listed Phantassie limekiln.

Due to its positioning within the local landform and that it would be a ground surface feature, the proposed access track would not be harmful to the landscape character and appearance of this part of the East Lothian countryside.

The National Air Traffic Services (NATS) and the Ministry of Defence (MOD) have been consulted on the application and neither of these bodies raise objection to the proposed wind turbines on grounds of aircraft safety. The Civil Aviation Authority (CAA) have no comment to make on the application.

It is stated in Part 1(a) of Policy DC1 of the adopted East Lothian Local Plan 2008 that infrastructure type development will be acceptable in principle in the countryside of East Lothian provided it has a clear operational requirement for a countryside location that cannot reasonably be accommodated within an existing urban or allocated area. Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 states that development in the countryside will be allowed where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose.

With its purpose to generate and supply electricity a proposed wind turbine can reasonably be defined as being an infrastructure type development. A countryside location where wind power can be harnessed to generate electricity is a basis upon which the requirement to operate a wind turbine infrastructure type development in the countryside can in principle be justified.

The application site is in a countryside location where wind power can be harnessed to generate electricity and thus by their siting and operation in relation to the business use of Phantassie Farm the proposed two wind turbines can, as a form of new build infrastructure development in the countryside of East Lothian, be justified. The proposed two wind turbines are capable of providing the farm with a renewable energy source. On this consideration the proposed two wind turbines are consistent with Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

Moreover, in their countryside location the proposed two wind turbines would not involve any permanent development and furthermore would not preclude the reversal of the use of the land of the application site to agricultural use. On this consideration

also the principle of the proposed development is consistent with Policy DC1 of the Local Plan and Policy ENV3 of the Structure Plan.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not have an unacceptable impact from noise at any noise sensitive property and Part 5 of Policy DC1 requires there to be no significant adverse impact on nearby uses.

Paragraph 5.20 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that the proximity of noise sensitive receptors (e.g. residential properties) will be a significant factor in the requirement for an assessment of the affect of noise from the turbine on such noise sensitive receptors. Paragraph 5.22 states that for single turbines in low noise environments the day time level measured as LA(10min) should be 35 DB at nearest noise sensitive dwellings, up to wind speeds of 10m/s at 10 metres in height.

In this regard the Council's Senior Environmental & Consumer Services Manager is satisfied that the external free-field noise levels associated with the operation of the proposed two wind turbines would not exceed 35dBLA90 10min at any wind speed up to 10m/s at any nearby residential property. Subject to such control the proposed two wind turbines would not have a harmful noise impact on the nearest residential properties.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not demonstrably give rise to nuisance from a shadow flicker effect and Part 5 of Policy DC1 requires there to be no significant adverse impact on nearby uses.

The Scottish Government web based renewables advice entitled "Onshore Wind Turbines" advises that as a general rule the shadow flicker effect of an operating turbine should not be a problem where the distance between the turbine and a dwellinghouse exceeds 10 times the diameter of the rotor blades of the turbine.

In the case of each of the proposed two wind turbines 10 times the diameter of its rotor blades would be 132 metres. The nearest dwelling, being Phantassie Farm House to the southeast, is some 270 to 370 metres away from where the proposed two wind turbines would be sited. Thus, the proposed two wind turbines pass the Scottish Government's general rule of shadow flicker effect.

Due to their height and distance from the nearest residential properties the proposed two wind turbines would not be physically overbearing on any of them or in the outlook from them. On this count the proposed two wind turbines would not harm the amenity of those residential properties.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not have an unacceptable adverse impact on hydrogeology or hydrology.

There is no evidence on which to say that the proposed two wind turbines would have an unacceptable adverse impact on the hydrogeology or hydrology of the area.

On these tests of noise and shadow flicker effect and considerations of dominance, outlook and impact on hydrology the proposed wind turbine is consistent with Policies NRG3 and DC1 (Part 5) of the adopted East Lothian Local Plan 2008, Policy 10 of the approved South East Scotland Strategic Development Plan (SESPlan), The Scottish

Government web based renewables advice entitled “Onshore Wind Turbines” and Planning Guidance for Lowland Wind Turbines: June 2013.

On the matter of safety, paragraph 5.15 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that although wind turbines erected in accordance with best engineering practice should be stable structures, it is desirable to achieve a set back from roads, railways and public footpaths. The Scottish Government web based renewables advice entitled “Onshore Wind Turbines” gives advice on the siting of wind turbines in proximity to roads and railways and states that it may be advisable to achieve a set back from roads and railways of at least the height of the turbine proposed.

Each of the proposed two wind turbines would achieve such a set back distance in its relationship with the public road to the east. The Council’s Transportation service has been consulted on the application and raises no objection to the proposed two wind turbines, being satisfied that due to their distance away from the public road they would have no significant adverse consequences for road safety.

On this consideration the proposed two wind turbines are consistent with Policy T2 of the adopted East Lothian Local Plan 2008, The Scottish Government web based renewables advice entitled “Onshore Wind Turbines” and Planning Guidance for Lowland Wind Turbines: June 2013.

Policy DP13 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area. One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that sites or species designated or protected for their biodiversity or nature conservation interest will be protected in accordance with development plan policy. Proposals for wind turbines must have regard to both their site specific and wider impacts.

The Council's Biodiversity Officer is satisfied that the proposed two wind turbines would not have any adverse biodiversity impacts.

Accordingly, the proposed two wind turbines are not contrary to Policy DP13 of the adopted East Lothian Local Plan 2008 or Planning Guidance for Lowland Wind Turbines: June 2013.

It is stated in Scottish Planning Policy that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

As stipulated in Policy ENV7 of the adopted East Lothian Local Plan 2008, new development that would harm a site of archaeological interest or its setting will not be permitted. One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that wind turbine development that would harm an archaeological site or its setting, will not normally be permitted.

The Council's Archaeology Officer advises that the proposed development would be situated in an area which has a good potential to contain archaeological remains and contains cropmarks of a possible prehistoric enclosure. Because of this the Archaeology Officer recommends that a programme of archaeological works be carried out prior to the commencement of development. This can be secured through a condition attached to a grant of planning permission for the proposed wind turbines. This approach is consistent with Scottish Planning Policy: February 2010 and Planning Advice Note 2/2011: Planning and Archaeology.

On this consideration the proposed two wind turbines are not contrary to Policy ENV7 of the adopted East Lothian Local Plan 2008 or Planning Guidance for Lowland Wind Turbines: June 2013.

As stipulated in Policy ENV3 of the adopted East Lothian Local Plan 2008, new development that harms the setting of a listed building will not be permitted. One of the key considerations set out in Planning Guidance for Lowland Wind Turbines: June 2013 is that any proposal for wind turbine development near or within the curtilage of a listed building must ensure that the listed building remains the focus of its setting and is not harmed by the presence of the proposed turbine(s).

The proposed two wind turbines would be sited some 125 and 245 metres, respectively to the southwest of the listed building of Phantassie limekiln. However, between that listed building and the site of the proposed two wind turbines is a strip of mature trees. Moreover the existing modern agricultural buildings of Phantassie Farm are already a prominent feature within the setting of the limekiln. The presence of the mature trees and the existing modern agricultural buildings would prevent a direct visual relationship between the proposed two wind turbines and the limekiln. In such circumstance and due to the relatively low height and limited massing of them, the proposed two wind turbines would not have a harmfully prominent or imposing visual relationship with and would not harmfully impose themselves on the setting of the listed Phantassie limekiln.

Accordingly, the proposed two wind turbines are consistent with Policy ENV3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010 and Planning Guidance for Lowland Wind Turbines: June 2013.

Notwithstanding these foregoing conclusions it now has to be established whether or not the proposed two wind turbines would be acceptable in terms of their landscape and visual impact.

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

The land of the application site is within the 'Agricultural Plain – Sub Area 1, East' landscape character area of the Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011). The Study classifies this landscape character area as being a rolling landform with pronounced ridges and occasional landmark features, with a relatively high proportion of woodland which increases containment and reduces scale. The Study further classifies this landscape character area as being of high sensitivity to Typology of wind turbine A and B, of medium-high sensitivity to Typology of wind turbine C and low sensitivity for Typology D.

The Study states that within the 'Agricultural Plain – Sub Area 1, East' landscape character area: (i) there are no opportunities to locate wind turbines of Typology A (between 65 metres and 120 metres high) or of Typology B (single wind turbines between more than 42 metres and less than 65 metres high); (ii) there are very limited opportunities to accommodate wind turbines of Typology C, being wind turbines between 20 metres high and up to and including 42 metres high (subject to impact on key views) and that any such wind turbines should be towards the lower height band of Typology C, being below 30 metres high from ground level to blade tip in order to attain a better scale relationship to small buildings in this well settled area and minimise effects on views of landmark features; (iii) there are opportunities to locate wind turbines of Typology D, being wind turbines between 12 metres and less than 20 metres high, if visually associated with farms and buildings.

Although the Study advises that within the 'Agricultural Plain – Sub Area 1, East' landscape character area there are some opportunities to accommodate Typology C wind turbines, it particularly states that the part of the Agricultural Plain – Sub Area 1, East' landscape character area in which the site of the proposed two wind turbines is located cannot accommodate any Typology C wind turbines.

Each of the proposed wind turbines, at a height of 21.5 metres from ground level to blade tip, is a Typology C wind turbine that the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) advises cannot be accommodated within the 'Agricultural Plain – Sub Area 1, East' landscape character area.

However it is proposed to excavate the land of the site of each wind turbine by 1.5 metres so that they would both sit on a lower ground level than the farmland around them. This would result in each proposed wind turbine having a perceived height of 20 metres to blade tip, only a fraction higher than a Typology D wind turbine, being one between 12 metres and less than 20 metres high which the Study states can generally be accommodated within this landscape character area.

In light of this it is necessary to determine, though a specific landscape and visual impact appraisal of their likely impact whether or not the proposed two wind turbines would be acceptable to their place. In this due regard has to be paid to the terms of Structure Plan Policy ENV3, Local Plan Policies DC1 and NRG3, Scottish Planning Policy: February 2010 and Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008 stipulates that new development must be sited so as to minimise visual intrusion and landscape impact within the open countryside. With regard to its nature and scale new development must be integrated into the landscape, reflect its character and quality of place, and be compatible with its surroundings.

As stipulated in Policy NRG3 of the adopted East Lothian Local Plan 2008 a proposed wind turbine(s) should not change the existing landscape character in an unacceptable way and should not have an unacceptable visual impact on landscape or townscape including the impact on distinctive public views, landmark buildings or natural features.

On the key considerations of landscape impact and impact on public views to and from landmark features Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states:

(i) wind turbine development will only be supported where the overall integrity and setting of key public views to and from landmark features, both natural and man-made, will not be compromised. Developments which would harm the character, appearance and setting of significant natural landscape features, landmark buildings and structures will be resisted;

(ii) wind turbines must be sited and designed so that they relate to their setting; that any adverse effects on visual amenity and landscape are minimised and that areas which are valued for their landscapes and scenery are protected;

(iii) wind turbines must be acceptable in terms of scale and character for their proposed location and must be well integrated into the landscape, reflect its character and quality of place and be compatible with its surroundings;

(iv) wind turbines must not appear incongruous or dominate the local landscape when viewed from a range of public places. They must be capable of being accommodated within an open landscape without detriment to landscape character. They must not result in a change of landscape character from a predominantly agricultural landscape to one that is a landscape dominated by wind turbines: cumulative impact will be a particular issue here;

In relation to cumulative impact paragraph 4.34 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that individual wind turbine proposals must not be looked at in isolation. Cumulative visual impact, viz. the impact of the proposed turbine/s when viewed in association with other turbines already erected or in the planning process needs to be taken into account. A balance must be retained, so that wind turbines are integrated into their landscape setting and do not merge with other turbines to change the character of the landscape into a predominantly wind farm landscape where other significant landscape characteristics of an area become visually subservient to wind turbines. On this matter Policy NRG3 of the local plan stipulates there should be no cumulative impacts from a proposed wind turbine(s).

There is an existing wind turbine at Scotsraig some 840 metres to the northwest of where the proposed two wind turbines would be positioned. Due to the separation distance there would be between it and the proposed two wind turbines and the rolling form of the intervening landform there would be no resultant harmful cumulative visual impact.

On the matter of landscape impact the Council's Policy & Projects Manager advises that the proposed two wind turbines would be positioned at the foot of a hill and thus down off the skyline. They would be positioned in relatively close proximity to the existing large agricultural buildings of Phantassie Farm. In this the specific landscape appraisal of the impact of the proposed two wind turbines undertaken by the Policy & Projects Manager finds that the proposed two wind turbines would be viewed in the context of the farm buildings of Phantassie Farm. The turbines would have a functional relationship with those buildings, the height and massing of which would allow a visual relationship which would mitigate the visual impact of the turbines. Moreover there are areas of mature woodland to the north, east and south of the location of the proposed turbines which provide a degree of screening of the sites in views from the surrounding area and in longer views towards the site from East Linton. The excavation of the land of the site of each wind turbine by 1.5 metres would also further reduce the visibility of each of them.

In overall conclusion, the proposed two wind turbines due to their positioning, form, height and scale would not appear as prominently intrusive features in their particular landscape setting. They would not change the existing landscape character of the area in a harmful way. They would not have a harmful visual impact on any key views of valued landscape, historic or natural heritage features.

From these specific findings of the detailed landscape assessment of their likely visual impacts it is demonstrated that the proposed two wind turbines can be successfully accommodated in this particular location within the 'Agricultural Plain – Sub Area 1, East' landscape character area. In this they are consistent with Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the Scottish Government web based renewables advice entitled "Onshore Wind Turbines" and the key considerations of landscape impact of Planning Guidance for Lowland Wind Turbines: June 2013.

These specific findings outweigh, in the particular circumstances of this case, the statement in the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) that the part of the Agricultural Plain – Sub Area 1, East' landscape character area in which the site of the proposed two wind turbines is located cannot accommodate any Typology C wind turbines.

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

CONDITIONS:

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

Reason:

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

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

Reason:

In the interests of the visual amenity of the area.

- 3 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work (Archive Assessment and Monitored Strip) on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

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

Reason:

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