

Members' Library Service Request Form

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Document Title	Response to Scottish Government consultation on a Section 36 application for a windfarm known as Aikengall 2A

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Additional information:

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REPORT TO: Member's Library Service

MEETING DATE:

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

SUBJECT: Response to consultation by the Scottish Government on a Section 36 application for the a windfarm comprising 27 no. wind turbines (8 within East Lothian) associated access tracks, crane hardstandings, 1 no. meteorological mast, substation, construction compound and 5 no. borrow pits, at land north of Nether Monynut Cottage, Cockburnspath (Aikengall 2A), straddling the East Lothian/Scottish Borders Council area boundary

1 PURPOSE

- 1.1 To advise Members that the Council has been consulted by the Scottish Government Energy Consents Unit (ECU) on an application made under Section 36 of the Electricity Act by Community Windpower Ltd for the above windfarm and of the response to the same.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Members note the terms of the response to Scottish Ministers on this application, annexed below. The response objected to the application on the grounds of adverse landscape and visual impacts, contrary to the East Lothian Local Plan (ELLP) Policy NRG3: Wind Turbines; NH4: Areas of Great Landscape value; Policy DP1: Landscape and Streetscape Character and DP2: Design. The response noted that the information provided on cultural heritage was inadequate for a proper assessment to be made and therefore an objection was made for this reason also.

3 BACKGROUND

Statutory Procedures

- 3.1 Community Windpower Limited has made application under Section 36 of the Electricity Act 1989 for a windfarm at land north of Nether Monynut Cottage, known as Aikengall 2A (A2A). Scottish Ministers are the decision makers for Section 36 applications, but are required to consult the Council for the area in which the site lies, in this case this Council and Scottish Borders Council. If either of these Councils objects and does not subsequently withdraw their objection, a Public Inquiry must be held; if they do not object, Scottish Ministers may at their discretion order a Public Inquiry but they are not obliged to do so. In either case, the ultimate decision on the project rests with Scottish Ministers. Consent under this Act allows Scottish Ministers to direct that planning permission for the project be deemed to be granted, subject to such conditions as they see fit.

The Proposed Development

- 3.2 The application is to develop a windfarm adjacent and generally to the south of the existing consented windfarm at Wester Dod, but with turbines also located to the west and east of this.
- 3.3 The site is centred on Heart Law Hill and is located some 12.5km south of Dunbar, 6km south of Innerwick, and will cover an area of approximately 1101 hectares.

- The proposal as described in the Environment Statement (ES) is to design, install, operate and decommission a 27 turbine windfarm with a typical capacity of around 97MW comprising: 19 turbines at 145m to blade tip, 4 within East Lothian located to the east of Monynut edge; 3 turbines at 125m to blade tip, all within SBC area; 5 turbines at 110m to blade tip, 3 within East Lothian; 2 on the eastern slopes of Wester Dod, 1 within forestry at Dod Hill; with rotor blade lengths of 40m – 55m.

The proposal also includes:

- On-site access tracks connecting the turbines to each other; the consented tracks at Wester Dod, and to that one of the proposed accesses that lies in SBC area (if chosen, this would form a continuous track from Aikengall in East Lothian over Monynut and into SBC area at Paits Hill/Ecclaw/Hoprig).
- control room buildings and compound located at the head of Ling Hope cleugh in East Lothian
- Underground cables to each turbine
- A 90m meteorological mast
- 33/132kv connection to a grid supply point (this will use the surplus available grid connection for the consented Wester Dod windfarm which in turn connects to the substation at Crystal Rig)
- Crane hard-standing areas

- Felling of 154 ha of forestry, originally in one stage but revised to overcome and objection by Forestry Commission Scotland).

In addition during construction there will be 5 borrow pits, 3 in SBC area and 2 in East Lothian, a temporary substation construction compound adjacent to the consented Wester Dod substation, and temporary construction and storage compound towards the summit of Heart Law. Construction will require delivery of large items of plant and equipment to the site. The proposed access route for all construction traffic will be via the A1 trunk road. Three access routes from this road have been identified. It is proposed to use two routes to access the windfarm, Route B following the existing route to Aikengall/Wester Dod, and Route A in Scottish Borders Council area. Route A(i) is similar and provides abnormal load access to the Corse Law area (in Borders). This would require new site access tracks south towards Dunglass Common. Route B uses the access previously used for Aikengall windfarm. It leads from the A1 junction at Thurston, routes south through Thurston Mains before entering the Aikengall valley road, leading to the only private farm at Aikengall. The site is then accessed via the existing track that leads to the Aikengall windfarm and consented Wester Dod windfarm. A third option, Route C, would follow the access route from the A1 trunk road junction south of Cockburnspath, along the old A1 and then the unclassified road towards Ecclaw. The route would continue along the unclassified road towards Paitshill and enter the Aikengall 2a site from the southeast of the development area at Corse Law, all in Borders. Route A is the preferred route.

- 3.4 The applicant has stated via email that the extension to the substation at Ling Hope will not be required. They have also submitted information to Scottish Borders Council stating that they are content to remove 5 turbines (17, 18, 23, 25 and 26, all within SBC area) as well as Borrow Pits A and D, along with supporting material. They informed this Council on 26.08.2014. The response is based on the original submission.

The site

The site is currently dominated by heather moorland and rough grassland, largely used as rough grazing, with commercial forestry around Dod Hill, with Monynut Forest flanking the site to the west. The landform is dominated by the ridges of Heart Law, dropping down to Ewelairs Hill in the south and Corse Law in the south east. Back Burn and Long Crib Burn transect the site and converge at Monynut Water. The site contains a right of way from West Steel in East Lothian to the minor road near Nether Monynut in Borders. The nearest residential property in East Lothian is at Aikengall, almost 2km distant. Within East Lothian, it is located within the Lammermuir Area of Great Landscape Value.

Findings of the ES submitted with the application

- 3.5 The main issues examined by the ES are landscape and visual impact assessment, ornithology, ecology, cultural heritage, hydrology, geology and hydrogeology, noise, transport, forestry, and other considerations.
- 3.6 **Landscape and visual impact** assessment was informed by Zone of Theoretical Visibility (ZTV) diagrams and a series of 34 viewpoints selected to represent visibility from landscape character areas, landscape planning designations and principal visual receptors around the study area. Further material including wireframes were submitted to East Lothian Council on the impact on Oldhamstocks Conservation Area.
- 3.7 The ZTV diagram shows that visibility within 10km is focussed within East Lothian on areas of higher ground, and areas to the east of the development, including rising ground to the east of Oldhamstocks main road and to some extent within the village itself. The development will also be visible from further afield, mainly beyond the A1, on the lower areas. There is wide visibility within SBC area within 10km.
- 3.8 The ES found that the proposed development would have significant effects locally on landscape character and views in the vicinity of the site resulting in material alteration to the localised landscape and visual resource. The ES assessed that in a broader context this is not significant. It was considered that the effects on all other receptors and viewpoints would not be significant. The assessment found that the addition of the proposed development will not give rise to any significant cumulative effects, as it will not be perceived as a 'new' windfarm in visual or perceived terms. The ES states that the uplands have capacity to accommodate wind energy development, being of large, simple scale patterns, and the proposed development has been located to avoid actual or perceived encroachment into the lower, more sensitive fringe landscapes. The upland setting also increases integration with adjacent windfarm development as the overall development of Aikengall and Crystal Rig forms a coherent and recognisable characteristic of this landscape, avoiding the blurring of distinction between landscape types and maintaining separation from other wind energy development in the lower fringe and coastal landscape.
- 3.9 **Ornithological** assessment was undertaken including bird surveys, paying particular attention to species of conservation importance that by the nature of their behaviour, are vulnerable to wind farm developments. It is considered that the development of the windfarm will not have an adverse effect on species of conservation interest significant in the surrounding area. No Annex 1 birds were confirmed to be breeding on the site though there is the potential for disturbance and displacement of some foraging raptors and also breeding and wintering waders. As a result of the bird species present, a Habitat Management Plan (HMP) will be put in place. An Ecological Clerk of Works will oversee all work. The overall residual impact of the development of a windfarm will not be significant if all mitigation is implemented.

- 3.10 **Ecological** surveys have been undertaken, including habitat and mammal surveys. There is the potential to disturb and displace various protected species including bats, otters, badgers and reptiles, especially during construction. The impact on bats is considered to be of low magnitude and low significance, with enhancements for them in some areas. The development is extremely unlikely to have a significant negative impact on other protected mammals, reptiles or fish. The cumulative effects are considered to be insignificant. Following mitigation, any potential negative impact on habitats will be of varying magnitudes, but generally low, possible even negligible, and not significant. Measures are described to minimise the impact on habitats and the HMP includes compensatory measures thus ensuring that the negative impacts are of low significance or negligible.
- 3.11 A **cultural heritage impact assessment** including **archaeology** was undertaken. This incorporated a desk based assessment, walkover survey and impact assessment. 33 sites were identified within the site boundary. 6 sites were deemed not to be either of negligible archaeological significance or undergoing a negligible impact. Dod Hill Cairn was assessed as receiving a Major direct impact arising from development, which was considered and mitigated during the design phase. The assessment of indirect (setting) impacts on receptors in East Lothian is not considered adequate. The ES did not provide a Zone of Theoretical Visibility (ZTV) diagram showing historic environment receptors, and did not provide sufficient assessment of these such as visuals showing views to, from and through the receptor. A ZTV diagram has subsequently been submitted by the developer but the assessments have not been carried out.
- 3.12 For **hydrology**, the ES notes potential impacts during the construction phase and to some extent during operation and decommissioning. It notes potential risks to surface water quality, modification to surface run off, erosion and sedimentation and impediments to flow from improper or poorly designed watercourse crossings and risks to fisheries and recreation from construction and operation. The ES states that it is unlikely that surface water runoff rates will be significantly greater than natural run off rates. The ES states described mitigation should prevent impacts. Impacts on the watercourse should likewise be prevented by mitigation though some risk remains. Private water supplies have been identified, and would be protected by measures in the Pollution Prevention Plan implemented as part of the Construction Method Statement.
- 3.13 **Noise** was assessed against guidelines for wind energy including PAN 45 and ETSU-R-97, as informed by the Institute of Acoustics Good Practice Guide on its application. No background noise surveys were conducted as the results could have been affected by noise from operational wind turbines. The noise limits applicable to the existing and consented wind energy developments were assumed to apply to the proposed extension and the cumulative case, in accordance with current guidance. Locations for the calculations of noise levels were selected

and correspond to the locations given in the Wester Dod planning conditions for noise control. The predicted worst case noise levels for various receptor locations were calculated and met the existing daytime noise limits at all locations, including cumulative noise levels.

- 3.14 The **transport assessment** concluded that the construction of the wind farm would result in a temporary increase in traffic levels on the A1 trunk road, and will also generate a slight increase in HGV and light vehicle movements using the local network of roads during construction. A Traffic Management Plan would be designed and implemented in conjunction with ELC and SBC to reduce any potential impacts on the highway network.
- 3.15 The proposed windfarm is partially located within privately owned and managed commercial **forestry** plantations of Ferneylea, Dunglass Common and Monynut Forest. The proposed development area covers 1101 ha, of which 248 ha comprises forestry, consisting of typical coniferous upland plantations. 9 turbines will be located within these areas of forestry, and it will be necessary to carry out commercial felling to accommodate the wind turbines and associated infrastructure. The majority of the required felling will be temporary forestry removal with re-stocking. 7.93 ha within the development boundary will be planted comprising sessile oak, which may be interspersed with other native species.
- 3.16 In terms of **aviation**, the MOD objected to Wester Dod but removed their objection due to an agreement to fund a radar upgrade. The ES states this will be capable of being extended to cover this scheme. They have also requested night lighting of the scheme. There are no communication links identified by the Joint Radio Company.
- 3.17 The ES does not anticipate any overall impact on **tourism or recreational visitors** to the area whilst the windfarm is under construction. During operation, the ES states visitors may be attracted to the windfarm, though others may be discouraged. The operation of the windfarm is not anticipated to adversely affect the number of tourists visiting the area. **Shadow flicker** is only predicted to affect one property, Upper Monynut, which is owned by the applicant. In terms of **public safety** precautions will be taken during construction and decommissioning, and the turbines will be manufactured in accordance with British and European Standards.
- 3.18 As to **benefits of the project**, during the construction phase, the windfarm would support over 100 jobs in the construction and supply industry. There would be some anticipated indirect benefits to local businesses such as accommodation providers and subcontractors such as electrical fitters, carpenters, painters and decorators and plumbers. In the operational phases there are expected to be 2 new permanent jobs in the area. Economic benefit in the form of rental payment to landowners and others are also identified.

- 3.19 Windfarms are generally expected to produce carbon savings. The ES states that there will be a carbon payback period of 1.4 years, with the windfarm displacing 127,882 tonnes of CO₂ per annum, as well as avoiding emissions of 2974 tonnes per annum of sulphur dioxide, and 892 tonnes of nitrogen oxides. However SEPA states there is insufficient confidence in the carbon payback figure for it to be used by Scottish Ministers as a material consideration in their decision making.

Planning History

- 3.20 The applicant received planning permission for the original Aikengall windfarm in 2007. This was followed by an application to the Scottish Ministers for a 30 turbine windfarm on the adjacent site at Wester Dod, straddling the boundary between ELC and SBC area in 2009. The scheme was reduced to 22 turbines following an objection by SBC. This Council did not object to the scheme however requested that Scottish Ministers give consideration to the removal, re-location or reduction in height of 3 turbines visible over a woodland shelter belt (outwith the applicants control) from Oldhamstocks Conservation Area, and a further 6 turbines which would be visible were the shelter belt felled. A Public Inquiry was held, with the revised Wester Dod wind farm receiving consent with the deletion of the 3 turbines visible above the woodland. These turbines are in the same broad location as T1 and T2 of the current scheme, though T1 and T2 are lower in height. Further consideration of a turbine due to the potential noise levels on a dwelling house were also requested (this house is now under the control of the applicant). This current scheme also re-introduces turbines in the location of the 8 turbines previously deleted following SBC objection from the original Wester Dod scheme.

Policy Context

- 3.21 The Climate Change (Scotland) Act requires public bodies, when exercising their functions, to act in the way best calculated to contribute to the Act's emissions reduction targets, and to do this in the way it considers most sustainable. Scotland's national targets include an 80% reduction on 1990 levels of emissions by 2050 and an interim target of 42% by 2020. The 2020 Renewable Energy Routemap sets a target of 100% of Scotland's electricity needs to come from renewable sources by 2020. In 2012 just over the equivalent of 40% of Scotland's electricity consumption was met by renewables. The Scottish Government are clear that the target should not be seen as a cap.
- 3.22 Scottish Planning Policy (SPP) reiterates the renewable energy target and states that the planning system should support the development of a diverse range of electricity generation from renewable energy technologies, including the expansion of renewable energy generation capacity, and guide development to appropriate locations. It also contains policy on protecting various aspects of the built and natural heritage. NPPF3 notes that "we want to capitalise on our wind resource",

and that “onshore wind will continue to make a significant contribution to diversification of energy supplies.”

- 3.23 The Scottish Government Policy Control of Woodland Removal is also relevant. Under this policy, woodland removal, with compensatory planting, is likely to be appropriate where it would contribute significantly to inter alia helping Scotland mitigate and adapt to climate change, including potentially the development of renewable energy projects. The Scottish Electricity Generation Policy Statement and various other national policy documents also support renewable energy. Other Scottish Government publications that are relevant are: Scottish Government online renewables advice; Circular 3/2011 Environmental Impact Assessment (Scotland) Regulations 2011; PAN60; Planning for the Natural Heritage; PAN51 Planning, Environmental Protection and Regulation; PAN2/2011 Planning and Archaeology; PAN1/2013 Environmental Impact Assessment. From Historic Scotland, Scottish Historic Environment Policy (2011) and the Managing Change in the Historic Environment. From SNH, Siting and Designing Windfarms in the Landscape (2014); Assessing the Cumulative Impact of Onshore Wind Energy Developments, and Constructed Tracks in the Scottish Uplands.
- 3.24 SESplan, the strategic part of the development plan, has as an aim “to conserve and enhance the natural and built environment” and to “contribute to the response to climate change through mitigation, and adaptation and promote high quality design/development”. Policy 10 states the Strategic Development Plan seeks to promote sustainable energy sources and gives direction to Local Development Plans to set a framework to encourage renewable energy proposals that aim to contribute to achieving national targets for electricity and heat. Policy 1B directs Local Plans to ensure there are no significant adverse impacts on the integrity of the international and national built or cultural heritage sites, as well as to contribute to the response to climate change through mitigation.
- 3.25 The East Lothian Local Plan 2008 (ELLP) applies to this site the site specific policies DC1: *Development in the Countryside and Undeveloped Coast*, which seeks to protect the countryside from inappropriate development, and Policy NH4: *Areas of Great Landscape Value (AGLV)*, which aims to prevent harm to the AGLV. Policy DC1 gives circumstances where new development is acceptable in principle, including infrastructure proposals where they have a clear operational requirement that cannot be met in an urban or allocated area, and any potential detrimental impact is outweighed by its social and economic benefits. The principle of use of windfarm development has previously been accepted under this policy. A very small part of the site boundary is within the Monynut Local Wildlife site and ELLP Policy NH3 also applies there: no built development is proposed for this area.
- 3.26 The following whole plan policies of the ELLP are also relevant:
- Policy NRG3: Wind Turbines.

- NH1a: Internationally Protected Areas, protecting Natura 2000 sites,
- NH2: Wildlife and Geological Areas
- NH3: Important Local Biodiversity Sites
- NH6: Watercourses and wetlands
- ENV3 Listed Buildings
- ENV7 Scheduled Monuments and archaeological sites
- ENV8: Gardens and Designed Landscapes
- T2 General transport impact
- C7 Core Paths and other Routes
- DP1 Landscape and Streetscape Character
- DP2 Design
- DP13: Biodiversity and Development Sites,
- DP16 Flooding
- DP 18 Transport Assessments and Travel Plans

3.27 Since the original application, the Council has approved Guidance for Wind Farms of 12MW or over (GWF12MW). This is not part of the development plan however it is a material consideration as a statement of Council policy. This guidance contains a Spatial Framework, as required by the Scottish Government, showing Areas of Search, Areas of Potential Constraint, and Areas of Significant Restraint for large windfarms. The five westmost turbines of this application located within East Lothian are within the Area of Potential Constraint as is one of the borrow pits. The substation and construction compound are within the Area of Search. The three easternmost turbines located in East Lothian, and one of the borrow pits, are located in the Area of Significant Restraint. The methodology behind this guidance has now been updated in SPP to remove cumulative impact as a consideration in defining respective areas, however planning authorities are still required to be clear about likely cumulative impacts, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development.

3.28 Policy NRG3 Wind Turbines states that proposals for windfarms will be supported subject to meeting criteria on landscape character, visual impact, noise, shadow flicker, hydrogeology or hydrology, and there are no unacceptable cumulative impacts. It further states that the recommendations of the Landscape Capacity Study for Wind Turbine Development in East Lothian 2005 (LCS) will be taken into account. The

LCS defines Landscape Character Areas across East Lothian. The application falls mainly within the East Lammermuir Plateau Character area, with one turbine on the boundary between this and the East Lammermuir Fringe. The LCS states that within the Eastern Lammermuir Plateau there is low capacity for development, and no capacity within the East Lammermuir Fringe. The LCS also gives advice on cumulative impacts. The LCS advised that wind farm development would have to be judged against proposed extensions to Crystal Rig wind farm proposed at that time. As there have been further extensions to the wind farm at Crystal Rig, and new wind farms constructed and approved, it is therefore appropriate to consider A2A in relation to existing and approved wind farms in the Lammermuirs and nearby areas. Relevant operational and consented wind turbine development includes: Crystal Rig Phases 1, 2, and 2a (85 turbines up to 125m around 1km from the proposal); Aikengall (16 turbines up to 125m under 1km from the proposal); Wester Dod (18 turbines up to 145m to tip adjacent to the proposal), Fallago Rig (around 12km south-west, 48 turbines to 125m to tip) Black Hill (22 turbines to 78m to tip around 8 km south of the proposal), Drone Hill (22 turbines, 76m to tip around 10km east of the proposal), Hoprigshiels (3 turbines 115m to tip around 1.3km east of the proposal), Ferneylea, around 15.km north east of the proposal and will consist of 2 turbines 71m to tip; Kinegar (2 turbines to 110m to tip), Penmanshiel (15 turbines to 100m to tip, adjacent to Drone Hill), Quixwood (13 turbines around 4.5 km south-east of the proposal), Woodhall, a single turbine around 3.7m generally north of the proposal at 106m. Further afield lies the group around Dun Law, Bowbeat, and at Methil, Little Raith and Earlseat in Fife. In addition Crystal Rig 3, currently with 7 turbines to 110m to the northern fringes of Crystal Rig is in planning. Offshore, Neart na Gaoithe and Inchcape windfarms are in planning. There are also a quantity of smaller scale wind development in the East Lothian lowland areas, and in Borders area.

Representations

- 3.29 Representations are made to Scottish Ministers and it is for them to take these into consideration. No representations have been made to this Council.
- 3.30 SNH note with regard to the River Tweed Special Area of Conservation (into which the proposal site partly drains) that if the proposal is carried out in accordance with the mitigation measures described in the ES, the proposal will not adversely affect the integrity of the site.
- 3.31 On landscape and visual issues, SNH consider there to be a range of key and adverse landscape and visual impacts, and highlight the following matters of cumulative impact:
- The adverse, dominant and widespread effects on the local landscape character and visual amenity arising from the proposal combined with the existing Crystal Rig and Aikengall windfarms, and the consented Wester Dod development

- The adverse effects on local landscape character and the potential for visual confusion arising from the combined effects of the proposal plus baseline with the nearby consented wind turbine developments at Hoprigshiels, Ferneylea and Neuk Farm
- The wider cumulative landscape and visual impact issues and the implications arising from the proposal in relation to strategic planning issues relevant to the Eastern Lammermuir Hills and Northern Berwickshire sub region.

SNH consequently advise that should the Scottish Government be minded to approve the application, the overall appearance of the development could be improved, with serious consideration given to the removal or re-positioning of low lying turbines, with particular focus on the effects of T17 and T18. SNH also request consideration of rationalisation of borrow pits with removal of Borrow Pit B on Sting Hill (in East Lothian) and Borrow Pit D on Heart Law (Borders).

- 3.32 SNH further note that they consider the Habitat Management Plan to be inadequate, though they are not seeking further information at this stage.
- 3.33 SEPA initially objected to the application due to lack of information relating to wetlands and peatland, but withdrawn their objection following provision of further information. SEPA also request conditions, firstly requiring a Construction Environmental Management Plan, secondly to protect the water environment, thirdly on restoration.
- 3.34 Historic Scotland identify some setting impacts at for example Ewieside Hill, fort (index no. 369) and Shannabank Hill, fort (Index No. 379) however do not object to the proposal. They also note the mitigation suggested (including planting at the receptor or a programme of archaeological works at the monuments to offset adverse impact would need the agreement of landowners and potentially Scheduled Monument consent. As such they do not consider the mitigation suggested to be suitable or potentially workable.
- 3.35 Visit Scotland do not object but suggest a Tourism Impact Assessment would be useful and recommend that any potential detrimental impact of the proposed development on tourism be identified and considered in full.
- 3.36 CH2M Hill, reviewing peat stability information on behalf of Scottish Ministers, request a further summary statement in the ES to the effect that conditions conducive to peat instability are unlikely to be present.
- 3.37 The Forestry Commission notes that no attempt has been made in the ES to calculate proportions of total forest area lost or align compensatory planting figures with net loss of forest. The felling plan proposed felling a significant proportion of the total forest area, 65%, in a 12 month period. This is beyond the UK Forestry standard and therefore raises serious concerns. In even-age forests, it is unacceptable to fell such significant

proportions in a single fell phase. The proposals do not comply with the Scottish Government's Policy on Control of Woodland Removal and therefore the FC objects to tree felling unless the scale of the first phase of felling is reduced, woodland loss minimised and progressive restructuring is implemented.

- 3.38 Transport Scotland require that once the entry port has been confirmed, that an assessment of the trunk road sections of the route in terms of suitability to accommodate the transportation of abnormal loads is made.
- 3.39 JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry, and do not object.
- 3.40 Marine Scotland do not object but recommend monitoring for fish in the River Tweed to include cumulative impacts.
- 3.41 The MOD state that the turbines will cause unacceptable interference to the AD radar at RAF Brizlee Wood. They also state that there will be unacceptable interference to low flying. If these issues can be overcome, the MOD request all cardinal turbines be fitted with 25 candela omnidirectional red lighting and infrared lighting with an optimised flash pattern of 60 flashes per minute, all other perimeter turbines should be fitted with 25 candela omnidirectional red lighting.
- 3.42 NATS (En Route) Public Limited Company ("NERL"), who consider en route air traffic do not object. Openreach BT do not object.
- 3.43 The Mountaineering Council of Scotland and RSPB, have no comment. Scotways object due to lack of information about the impact on a route brought to the attention of the applicant at Scoping, namely the route from West Steel to Nether Monynut.
- 3.44 East Lammermuir Community Council have objected to the application though recognise there is a wide range of views held by local residents from outright objection to strong support. The objections are characterised as primarily regarding the visual, audible and environmental impact of the proposal, or technical, ie. the carbon and energy efficiency arguments are not supported. They note that the Community Council heard of the proposal with dismay, in particular as regards the inclusion of sites for turbines very close to or identical to those rejected by the Reporter in his decision on the Aikengall 2 application, turbines which would be clearly visible from the main street of the Conservation Village of Oldhamstocks.
- 3.45 The views of Community Councillors were based on door to door surveys carried out; they are clear about local people's views where turbines impinge on the Oldhamstocks Conservation Area as shown by the photomontages. They object as
 - The turbines are too large for this location
 - The turbines would be visible from Oldhamstocks Conservation Village Area

- Cumulative impact of wind turbines throughout and around East Lammermuir, which would add to the sense they have of being surrounded by turbines in every direction, and the great impact on their visual and landscape amenity
 - Impact on residential amenity, due to visual, noise and psychological impacts.
 - In addition they strongly support the use of the route used for Aikengall for any extension of the windfarm, and express concern about the impact of construction and maintenance related traffic on Innerwick and related approach roads, and ask that issues of road damage and noise are addressed through conditions.
- 3.46 Abbey St Bathans, Bonkyl and Preston Community Council, and Cockburnspath Community Council object to the proposal.

Internal representation

- 3.47 The Team Leader, **Business Development** notes that it is essential that East Lothian retains and protects its landscape, visual character and natural environment, but also recognises there may be economic benefit to the area. He notes the turbines will be visible over a wide area of the county including Dunbar and villages and viewpoints in between. He does not anticipate an impact on accommodation providers, the nearest being Thurston Holiday Park. He expresses concern over the cumulative impact on scenic views for visitors taking part in activities such as walking, cycling, golf and wildlife watching. He notes the benefit to accommodation providers during construction and the limited economic benefit thereafter.
- 3.48 The **Environmental Health Officer** notes that the noise from Aikengall 2a as regards East Lothian will meet the existing daytime noise limits derived using ETSU-R-97 methodology, and will even in the worst case, meet night-time noise limits of 40dB (45dB for financially involved properties) or 5dB above background at all locations.
- 3.49 The **Biodiversity Officer** notes that the existing commercial forestry at Fernylea, Dunglass and Monynut has had a negative impact on the ecological value of the landscape by smothering heather moorland and watercourses, and as such it's removal is not a cause for concern. However, the applicant requires to restock the woodland, and he suggests this should be regulated by the Forestry Commission to ensure compliance with the relevant UK Forestry Standard Guidance. This guidance states that opportunities should be sought to reverse the negative impacts of previous forestry operations. He requests a condition to regulate forest design and management. He does not raise any concern on habitat grounds or impact on the River Tweed SAC or Monynut Wildlife Site.
- 3.50 He does not consider that the Habitat Management Plan as submitted is adequate and summarises his concerns as follows:

- The HMP states bold objectives but does not provide any detail of how they will be met.
- The HMP is limited to compensatory tree planting and monitoring / follow up action by an ECoW.
- The HMP does not include any compensatory tree planting in East Lothian, despite the permanent loss of woodland in East Lothian (around Turbine 27).
- The HMP does not extend across the whole of the development site, omitting part of the development footprint in East Lothian.
- Measures in the Aikengall 2 HMP relevant to the current application must be included in the Aikengall 2a HMP.
- Measures to enhance the wetland, either in the vicinity of Turbine 2 or elsewhere, need to be included.
- The HMP lacks any timetable for implementation. This must be included in order to monitor and ensure progress.
- In other wind farm developments a HMP has been required as a condition of planning permission. Any consent must include a condition requiring the completion and approval by the Planning Authority of a detailed HMP prior to any construction on-site. All of the above measures will need to be addressed in a revised HMP.

3.51 The **ELC Access Officer** notes that there is a cumulative impact of having windfarms across the Lammermuirs, cutting across old rights of way, and having a visual impact on recreational (and other) users of the hills. He observes that there has been fluctuating water levels in the burns running off the East Lammermuirs, leading to the loss of bridges and queries whether improved drainage from windfarm tracks may be the cause. He requests mitigation for the impact on hill walkers in the form of improved access around the windfarm should the proposal be approved.

3.52 The **ELC Transportation Officer** does not object to the proposal however would require conditions covering any damage to the roads and traffic and road safety provisions were it to be granted.

3.53 The **ELC Landscape Officer** considers there will be adverse landscape and visual impacts from the proposed scheme including the following:

- Increased prominence of development and bringing development forward towards the Lammermuir edge.
- Development on the skyline, viewed from all directions
- Siting of turbines on high ground contrary to the Landscape Capacity Study for Wind Turbine Development in East Lothian 2005 and Guidance for Windfarms of 12MW or over

- Recreational users will receive adverse cumulative landscape and visual impacts
- adverse effect on landscape character including on the AGLV; this includes the siting of Turbines 3 – 7 on an area of intact moorland
- an adverse effect on surrounding viewpoints
- Adverse cumulative impact
- Adverse impact from onsite of tracks and borrow pits
- Potential difficulties in re-instatement of the site
- Contradicts SNH guidance on Siting and Designing Windfarms in the Landscape.
- Adverse impact on Oldhamstocks Conservation Area

3.54 The officer makes the following comments on viewpoints:

Viewpoint (VP)1 Wester Dod

The VP is located to the northeast and is 0.39KM from the site. This VP has been included to represent the views of the proposed development that will be gained by recreational users of this area. From this VP there are 360 degree panoramic that afford beautiful view of East Lothian and the Berwickshire coastline to the north and the borders landscape to the south. T1, 2 and 27 are located in an Area of Significant Constraint in the GWF12MW, we therefore object to the siting of these turbines in this prominent location.

In the cumulative wire line view direction 118 – 208 0298 , clearly shows intensification of windfarm development to the east along the skyline, with the rotors seen above the blocks of forestry for T1, 2, 10, 8, 27, 21, 9, 24, 19, 26, 22, 15, 20, 17, 16, 23, 18 and 2 WT at Ferneylea (1.79Km). A total of 19 turbines are in this view creating the skyline effect having an adverse dominant and widespread effect on the local landscape character and visual amenity.

VP 7 Southern Upland Way

The VP is located to the NE and is 3.53KM from the site. This VP has been included to represent the views of the proposed development that will be gained by recreational users of this part of the Southern Upland Way. Approximately 50% of the skyline is filled with turbines, from this view and the development will be perceived to be spreading or spilling off the hills to the, east, south and north. T21, 18 and 22 add to a jumble and stacking effect of differing heights rotors diameter and speeds of turbines with the consented development which goes against SNH guidelines (see paragraph 4.29 of Guidance on siting and design WF 2009) and locally adopted guidance.

In the cumulative wireline view direction 316 – 46 – 136 – 226, clearly shows windfarm intensification to the east of the consented but not built Wester Dod. T13, 14, 12, 10, 11, 7, 17, 6, 8, 5, 15, 9, 4, 16 and 3 are perceived to be spreading/spilling off the hill to the south into a different

landscape character area. T24, 23, 2, 1, 25, 26 and 27 are perceived to be spreading/spilling off the hill to the north into a different landscape character area closing the gap between wind developments Ferneylea and Hoprigshiels.

VP 9 Blackcastle Hill

This VP is located to the north and is 2.98KM from the site. This VP has been included to represent the views of the proposed development that will be gained by recreational users of a core path. In the ES this view has been assessed as having a high value, with a medium high sensitivity as per (sect 6.8.135) and a significant effect of the proposed development on this view as per (section 6.8.140) and assessed that the cumulative effects on this view will not be significant. The proposed windfarm spreads along the ridgeline to the east and from this view the entire skyline will be dominated by wind turbine development. There are 12 turbines that extend the consented Wester Dod to the east and appear to be spilling off the ridge, these are T21, 19, 15, 24, 27, 20, 22, 16, 26, 25 and 23. From this VP T23 and 25 are detached from the eastern extension. The following nacelle and rotors sit above the ridgeline; T9, 3, 4, 1, 8, 2, 11, 13, 12, 9, 14, 21, 19, 15, 24, 27, 20, 22, 16, 26, 25 and 23. There is significant turbine overlap with the consented Wester Dod turbines which results in a discordant visual impact and could be avoided by either removing turbines reducing the height and or a combination of both.

The Wester Dod substation and control room and the access tracks are highly visible. The applicant confirmed during a site visit on 25.06.14 that there would be no security and or night lighting required to light up the substation and control room.

VP 8 Cockit Hat, Oldhamstocks

The VP is located to the NE and is 3.357KM from the site. From this VP, 19 turbines break the skyline. This VP has been included to represent the views of the proposed development from Oldhamstocks conservation area. There is cumulative adverse visual impact as the proposed development infill (with 17 turbines) the existing undeveloped skyline to the east visually linking Ferneylea (planning ref 10/00921/P). T23, 17 and 25 tower above the forestry plantation that provides a backdrop to the setting of Woollands House, which will have an adverse visual impact on its setting and appreciation from this view. T11, 27, 1 and 2, tower over the landscape, in order to retain the landscape setting of Oldhamstocks CA it is recommended that the aforementioned turbines are removed.

VP 11 Cockburnspath Old A1

The VP is located to the SE and is 5.35KM from the site. Windfarm development occupies approximately 70% of the skyline. From this VP the mature shelterbelt in the middle distance provides some screening for other wind developments to the north, Neuk farm, Ferneylea and Hoprigshiels which having a locally adverse cumulative impact, giving the viewer the impression that the WF extends north and eastwards. The windfarm extends eastwards with the perceived effect that turbines are spilling off the hill. The following nacelle and rotors are visible above the skyline, spilling off the hill; T26, 24, 21, 25, 8, 22, 19, 10, 9, 11, 13, 20, 15, 12, 13, 18, 14, 17 and 16, extending the effects of windfarm development eastwards from the consented Wester Dod.

The nacelle and rotors of T1, 2 and 27 tower above the skyline of Wester Dod and are seen in the context of other turbines associated with Wester Dod. As Wester Dod has not been constructed, we have no baseline to assess the likely adverse landscape and visual impacts in the field, however the Aikengall 1 (125m) is visible to the west and from this VP they diminish the vertical impact of the hill and dominate the skyline, therefore with a 20m increase in height, it is highly likely that the impacts will be locally adverse from this VP.

VP 14 Bilsdean

The visual impact of Aikengall 1 is slight from this VP. The proposed Aikengall 2 and 2a will result in the skyline between the farm buildings and pylons to the west having a backdrop of turbines, which will appear to be as high as the existing pylons. This is seen from the A1 through the infrastructure of the railway i.e. which dominates the foreground. We would recommend that T1 and 2 are removed from this prominent location.

VP 15 John Muir Way near Torness

The VP is located to the NE and is 6.5KM away from the site. The general orientation of views from this path is coastal and over the sea therefore there will most certainly be an adverse cumulative effect, in terms of the offshore developments (Near na Gaoithe and Inchcape). There is a perceived intensification of windfarm development eastwards along the skyline, which infills a long gap between the consented Wester Dod and Hoprigsheil, which will have an adverse cumulative visual impact locally. Blackcastle hill provides screening from this VP for Aikengall 1 and the western part of Wester Dod, however the following nacelles and rotors are above the skyline; T1, 2, 8, 27, 21, 9, 19, 24, 26, 22, 20, 25 and 23 which will have an adverse impact on the Landscape Character Area from this VP. On page 55 Section 6.8.186 of Volume I ES states: "*The visible wind energy development seen in the view is associated with three different settings; the eastern Lammermuir fringe skyline (Aikengall II – Wester Dod and Hoprigshiels), coastal farmland (Neuk Farm), and coastal moorland (Drone Hill and Penmanshiel). This inconsistency in the landscape types that are associated with wind energy development may lead to the perception of an uncoordinated approach to development*". Section 2.31 from the ELC adopted GWF12MW states; "Further development which makes existing development more visually prominent and brings turbines forward to the

Lammermuir edge, especially as viewed from the plain to the north would therefore have an unacceptable effect”.

VP 16 Brunt Hill

The VP is located to the NW and is 6.57KM from the site. The baseline photomontage looks at landscape character areas Lammermuirs with windfarm (Aikengall/Crystal Rig) and the Eastern Lammermuir Fringe, lying within the Lammermuirs Hills AGLV. The high point of Bransly Hill to the west is clear of turbines, which then gives way to clusters of wind turbines, associated with built Aikengall, and consented Wester Dod. The majority of the turbines are located along the ridgeline, with the exception of three that are coming off the edge into the Eastern Lammermuir Fringe Landscape Character Area. Consented (planning ref 11/00921/P) but not built Woodhall Farm in the foreground draws your eye up to the ridge where the proposed T3, 4 and 5 are snarled up in a turbine jumble of built and consented development. The result is an adverse visual and landscape impact due to inappropriately sited and sized turbines which will result in overdevelopment and leading to adverse landscape and visual impacts. To the east 18 turbines from the proposed development will be seen above the skyline, with T1 and 2 dominating the group in terms of dominance in the skyline. To the east T8, 1, 19, 21, 2, 24, 27, 26, 25 and 23 nacelle and rotors sit above the ridgeline. The aforementioned turbines would start to dominate the skyline and in fill where previously there was no windfarm development. This will lead to adverse landscape and visual issues and will be detrimental to the Landscape Character Area and the undeveloped skyline.

The Landscape Officer recommends the removal of T3, 4, 5, 1 and 2, and either the removal or reduction in height of WT 8, 25, 23, 26, 27, 22, 24, and 20 in terms of preserving the undeveloped skyline to the east. There will be an adverse cumulative visual impact from this VP in combination with the consented but not built single turbine, Woodhall (Planning reference 11/00921 Woodhall farm, for a single WT measuring 106m to blade tip, consented on appeal to the Scottish Government but not built) in the centre of this photomontage is located in the Upland Fringe landscape character area, above which the rotors of T3, 4 and 5 can be seen to break the skyline in a dense cluster behind the consented Aikengall and Wester Dod turbines) in terms of Aikengall 1 wind farm development perceived “spilling” over the ridge into a different LCA (Upland Fringe). The proposed development infills gaps of the consented Wester Dod and extends the windfarm development east along the ridge where previously there was none, this will further compound adverse landscape and visual impact on the VP, due to the intensification of the windfarm development and the inappropriately sited tall forms of development on the sensitive skyline of the undeveloped eastern part of the Lammermuir Hills.

VP 17 Edins Hall Broch

The VP is located to the south east and is 7.44km from the site. T6, 7, 5, 4, 13, 10 and 3 whose rotors are seen above the skyline is a discordant group that spreads the consented but not built AKII/WD to the south. A similar adverse visual effect is created by the addition of T22, 24, 27, 18, 26, 23 and 25 pushing the development further north.

VP 20 A6112 (North of Preston) due south east and 9.39Km from the site, illustrates the adverse effect of coalescence between Crystal Rig and the consented Wester Dod. T6, 7, 5, 13, 10 and 4 form a separate group

that is visually detached from T3, 11,12, 14 and 8. These additional WT have the adverse effect of the windfarm development spreading south and bridging the existing gap between Crystal Rig and Westerdod.

VP 18 Cockburn law, due south east and 7.42km from the site, illustrates the adverse effect of coalescence between Crystal Rig and the consented Wester Dod. T6, 5, 7 and 4 from a separate group that is visually detached from T3, 10 and 13. These two groups of turbines have the adverse effect of bridging the existing gap between Crystal Rig and Wester Dod.

VP 22 Wether Law

The VP is located to the south west and is 7.56KM from the site. The existing and predicted baseline photomontages include views of Crystal Rig and extensions to the west (with tips of rotors visible over the skyline) to the east Aikengall climbs out of the bowl and onto the ridge, with Wester Dod siting prominently on the ridgeline. The proposed development forms three distinct groups of turbines extending the windfarm development to the east. From this view we have concerns about the impact of T3, 4, 5, 6 and 7 on the southern edge of the East Lammermuir Plateau landscape character area and will be perceived to spill off the edge into the Dissected Plateau Moorland Landscape Character Area. The rotors will tower over the mature forestry (to be felled and restocked) There are issues of coalescence with multiple (Drone Hill, Quixwood and Penmanshiel) windfarm developments to the east. The intensification of windfarm development to the east, north and south will have an adverse landscape and visual impact from this VP. The LVIA states that the proposals would extend the influence of turbines "slightly" along the skyline. It is our view that this would in fact result in a major extension eastwards along the skyline of the Monymut Edge into unspoiled countryside.

VP 23 Moss Law

The VP is located to the south west and is 9.56KM from the site. This road connects Gifford with the Whiteadder reservoir, Cranshaws and on to Duns. The existing baseline Crystal Rig and Aikengall Windfarms dominate the skyline but are contained within an area north west of Spartleton Hill. This hill and its immediate surrounding are largely free of turbines and Spartleton provides a visual stop and visual containment for turbines at Crystal Rig. Wester Dod is to the west of Spartleton Hill which contains the windfarm development in the landscape. The proposed turbines (8, 11, 10, 17, 12, 14 and 13) will extend east of Spartleton Hill and will diminish the setting of this hill. The proposed turbines could also have a detrimental impact on views further down this road i.e. Spartleton Hill in its setting with the Whiteadder Reservoir within the area shown on the ZVI where the turbines will be visible

VP 28 Dunbar Harbour

The VP is located to the NW and is 11.41KM from the site. The proposed Wester Dod does not sit within an existing turbine grouping, but would be a further turbine group, extending the visibility of turbines further east along the skyline. If the existing forestry plantations along the horizon were to be felled, this would result in the turbines being more visible. The nacelle and rotor of T1 are above the skyline, extending the undesirable visual impact of Wester Dod east wards along the undeveloped skyline. One rotor extends above the ridgeline for T2 and 8 from this sensitive VP.

Combined with the consented Wester Dod and Aikengall the additional wind turbines will have cumulative adverse landscape and visual impacts on the landscape and the receptor.

VP 29 St Baldred's Cradle

The VP is located to the NW and is 14.94KM from the site. This view was selected as it is a popular with walkers. Aikengall and Wester Dod occupy a central location in the skyline. There is a jumble of turbine heights, and rotor diameters and speeds. Crystal Rig windfarm extends (with predominantly rotor tips visible above the skyline) to the west. The following A2A WT nacelle and rotors are above the ridge line T21, 1, 2 and 27, which only compound the adverse visual and landscape impact. The rotor tips of T25, 26, 27, 22 and 24 are above the skyline and visually contribute to the eastward extension of windfarm development where no development currently exists. There are issues of stacking.

On page 87 of the document titled; Landscape Capacity study for wind turbine Development in East Lothian 2005 states the following in relation to the skyline effect; *"It is important that the higher central section of the Lammermuir Plateau to be kept open in order to retain its dominance and integrity as it adds interest within the long, generally even skyline. If windfarm development were to be located on high points it would form a more prominent skyline feature; if it were located in close proximity it would diminish the focus of these higher points of the ridge. Additional development seen on the skyline would fragment the long and open profile of the hills seen against the sky and its smooth flow, decrease the geographical separation of windfarm developments and potentially increase the number of viewpoints where simultaneously visibility may occur."* This is the case for, VP 17 John Muir Country Park, VP 30 Whitekirk Golf Club and VP 31 Lammer Law

The landscape officer notes notes that upland habitats area often very slow to regenerate naturally, and that the Habitat Management Plan needs to specifically address an appropriate methodology, in particular in relation to re-instatement of tracks. Further information is required on decommissioning.

- 3.55 No information has been given about the likely impact of night lighting as requested by the MOD.

Discussion

- 3.56 The response to Scottish Ministers is appended to this report. The main planning policy issues are: landuse planning policy principle of use; economic benefits of the scheme; renewable energy generation; landscape and visual impacts including cumulative; cultural heritage; noise; biodiversity; road safety and traffic. It is for the Scottish Ministers to take a view on representations from consultees.
- 3.57 Maximising the generation of electricity from renewable sources is a national objective with sustainable economic growth the main purpose of the Scottish Government. 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. This scheme will produce renewable energy, with jobs being provided during construction, and to a minimal extent,

during operation, as detailed above. The benefits of the scheme, in particular the expected generation of just short of 100MW are recognised however this must be balanced against the likelihood of levels of environmental impact which may be unacceptable.

- 3.58 The ELLP 2008 provides policy on protection of aspects of the environment, as well as specific policy on wind development. The GWF12MW provides further guidance on wind development. Landscape and visual impacts, and potentially impacts on aspects of the cultural heritage are likely to be the greatest adverse impact of the scheme.
- 3.59 Regarding biodiversity, SNH do not expect an impact on the River Tweed SAC provided good practice is followed, however they warn that the Habitat Management Plan as it stands is inadequate, as does ELC Biodiversity Officer. SEPA objected on biodiversity grounds (lack of information on groundwater dependent terrestrial ecosystems) however it is understood that this has now been resolved. Compensatory planting for felling of coniferous forest is proposed within the cleughs, however the exact locations have not been specified as surveys for archaeology are required; remains from the Dark Ages have been found in the area and the cleugh bottoms are likely sites for further discoveries. It is for Scottish Ministers to decide if it is appropriate to treat this via conditions or if it should be included in the Environment Statement. SBC Biodiversity Officer noted that one of the turbines in SBC area is on an area of blanket bog. The response to Scottish Ministers objected on the grounds of the inadequacy of the Habitat Management Plan though stated ELC would accept a revised HMP as a condition on consent provided Scottish Ministers considered this approach compatible with the EIA regulations.
- 3.60 There are no noise sensitive properties where the usual noise condition would not be met.
- 3.61 The access has been agreed for the consented Wester Dod, and the impact of this new proposal would be to extend the time of use of the access were the route in East Lothian to be used, rather than any further physical changes. Conditions would be required to cover traffic, road safety and reinstatement of any damage to the road were the proposal to go ahead however there is no objection in principle. There will be an adverse impact on recreational users of the site and mitigation of this in the form of path improvements and signage would be requested as a condition were the development to be approved. The carbon balance of the development is addressed by SEPA.
- 3.62 The ES does not provide adequate information on the impact on the cultural heritage. The Council requested through its Scoping Response that "Using a ZTV the indirect impacts upon Historic Environment receptors should be assessed using montage and wireframe. Photomontages should be taken in good visibility and should be indicative of the view from the receptor. As appropriate the views from and through receptors should be assessed as intervisibility between

certain classes of monument is an important part of the Historic Environment.” It was suggested that viewpoints for the cultural heritage should be agreed with ELC. This work was not carried out for ELC receptors in the main, though receptors within SBC were covered. This means it cannot be certain that the development will not harm the setting of a listed building or archaeological site, which would be contrary to ELLP Policy ENV3 and ENV7 respectively. As a result the Council has objected to this application on lack of information on the cultural heritage.

3.63 The Council has accepted in previous windfarm applications that windfarm development is in principle acceptable within ELLP DC1 areas, and also within AGLV's, however this is subject to among other things, meeting visual and landscape requirements of these policies.

3.64 For this proposal, there are adverse landscape and visual impacts, including cumulative impacts. These include:

- The landscape impact on the receiving landscape character area including on the AGLV from the turbines and associated infrastructure
- The landscape impact on adjacent landscape character areas including the blurring of distinction between different character areas
- Visual impacts which are contrary to SNH guidance and guidance contained within the GWF12MW including prominence of wind turbines on the skyline; extent of wind turbines on the skyline; wind turbines apparently ‘spilling off’ the Lammermuir Plateau, complexity and spread of design due to number and location of turbines; reduction of the impression of Spartleton as a focal point in the landscape and in particular as an endstop to development as viewed from the B6355 (the main route across the Lammermuirs); poor containment of the development; impact on Oldhamstocks Conservation Area; dominance of turbines over some areas; visual impact of tracks
- Adverse effects experienced by users of the path network and rights of way including disruption of views from the right of way over Wester Dod
- Cumulative impact with other windfarm development including Aikengall, Crystal Rig, Wester Dod, Ferneylea, Hoprigshiel, Woodhall and others, including transition towards a windfarm dominated landscape; perception of scale and distance is distorted due to variable sizes of wind turbines; bridging of the gap between existing windfarms without adequate visual or actual separation exacerbated by lack of containment; impact on the Lammermuir AGLV; impact on Oldhamstocks Conservation Area

3.65 The proposal is contrary to ELLP Policy DC1 Part 5 in that it does not integrate into the landscape and reflect its character and quality of place,

due to its location on intact moorland (T3-7) and its spilling over the edge of the plateau (T1, 2 and 27). It does not minimise visual intrusion and landscape impact as some of the turbines (see Landscape Officers comments above) and borrow pit A are prominent from key viewpoints and areas, in particular in views from the site itself, from Oldhamstocks Conservation Area, the Brunt, the B6355, the John Muir Way, Moss Law, Wether Law, and Blackcastle Hill. Further views such as Lammer Law, Dunbar Harbour and North Berwick Law also receive adverse affects.

- 3.66 The proposal is contrary to ELLP NRG3(1). Wind Turbines as it changes the landscape character in an unacceptable way in regards to T3-7 as they are located on intact moorland, which is rare in the East Lothian, and due to spilling off the plateau towards the Lammermuir Fringe character area as regards T1, 2 and 27. Contrary to NRG3(2) there will be an unacceptable visual impact on landscape including distinctive public views over and from Oldhamstocks Conservation Area, from Wester Dod, Blackcastle Hill, from the John Muir Way, from the B6355 and others. Contrary to NRG3(7) there will be unacceptable cumulative impacts with existing development in the area in particular Aikengall/Wester Dod, Crystal Rig, Ferneylea and Woodhall, but also with other windfarm development to the east in SBC area (Drone Hill and others noted above and below). The proposal is not integrated into its surroundings contrary to ELLP Policy DP1(1). It is contrary to ELLP Policy DP2(1) as it is not appropriate to its location in terms of positioning, size, form, and scale.
- 3.67 The proposal is contrary to ELLP Policy NH4 in that it harms the Lammermuir Areas of Great Landscape Value due to the proportion of the area which would now be taken up by or dominated by windfarm development, as well as the landscape impacts noted above and below.
- 3.68 The GWF12MW is also relevant. T1, 2, and 27 and Borrow Pit A are within the Area of Significant Constraint in the GWF12MW, in that part which was identified for where the cumulative limits of development have been reached. Although the methodology for spatial frameworks is now outdated following review of SPP, the cumulative issues behind the identification of this area remain relevant. The GWF12MW generally supports the idea of 'cluster and space', as focussing wind development in clusters can allow it to use existing infrastructure and may give reduced impacts overall from a similar amount of development split into more than one area. However, achieving the highest yield could potentially result in harmful effects especially as this may lead to placing turbines on the higher, and therefore more visible, land. The GWF12MW notes in its principles for development in the Lammermuir Hills (para 3.13 onwards) the importance of: the skyline; retaining the backdrop of the Whiteadder and Faseney valleys; the landscape setting and character of Conservation Areas; the quality of views out from the Lammermuir Hills to the wider landscape; avoiding significant visual clutter.
- 3.69 The following examples illustrate the above concerns (see also comments of ELC Landscape Officer above). From VP1 Wester Dod, the

viewer is in a landscape characterised by wind turbines, and also in proximity to a wide range of wind development. A2A would result in the filling of undeveloped gaps in the landscape, and views of both East Lothian and SBC area would be interrupted. This effect would occur over much of the right of way across the site, from where some fine views can currently be obtained. Walkers and riders would experience increased landscape impacts over a wider area than at present. The impact of T1 and T2 in the coastal views is striking, and adverse. T1 and T2, in addition to consented development, would essentially mean that the trig point on Wester Dod is surrounded by wind turbines. The intact moorland visible from this area would be developed, impacting on the AGLV and landscape character of the area.

- 3.70 From some viewpoints in SBC area (e.g. VP6, by Ecclaw) some of the wind turbines appear as spilling off the plateau into the Lammermuir fringe. This has the effect of blurring the landscape character areas, which is not desirable and effects East Lothian Council area as well as SBC area. T16, 17 and 18 are especially noticeable, but the effect is also noticeable for T's 10, 12, 13, 14, 19, 22, 23, 24, 25 and 26.
- 3.71 From VP 9 Blackcastle Hill, the consented development appears as well spaced and has a simple relationship with the ridgeline, in accordance with SNH guidance. The addition of the proposed turbines disrupts this relationship, introducing a far more visually cluttered arrangement, as well as extending development considerably along the skyline (see Landscape officer's comments above).
- 3.72 From VP16 The Brunt there is adverse cumulative impact with the consented turbine at Woodhall, and the turbines dominate the skyline, as noted in the Landscape Officers comments above.
- 3.73 From VP23 Moss Law (on the B6355) there is a mass of turbines already visible. The A2A turbines would add turbines taller than those already built, and also further to the south. The 'endstop' currently provided by Spartleton, which helps give the totality of development in this area containment (also provided by Bransly Hill and Bleak Law and Rangely Kip to the east) would be lost. It is not clear which turbines are protruding beyond Spartleton to the south; it appears to be 13, 14, and 17 or 12 (or both). This would be further development on the skyline.
- 3.74 From VP 8 Cockit Hat (above Oldhamstocks, within the Conservation Area) the photomontages show clearly an adverse cumulative impact with Ferneylea, which although not in the uplands appear together with A2A, blurring the distinction between landscape character areas. The difference in scale could also lead to visual confusion. The turbines also dominate Woollands, a house within Oldhamstocks Conservation Area. Removal of some turbines and reduction in height of others would help avoid these effects. In addition T1 and T2 are coming forward from the existing development and reducing the simplicity of the existing relationship with the ridgeline. T's 8, 27, 21, and 19 also have this effect. T25 and T27 in addition are very prominent. The further wirelines

provided from the Oldhamstocks Conservation area show that the gap between Ferneylea, Hoprigshiels and A2A is bridged from many of these viewpoints, as well as further extending development along the skyline and increasing visibility from the village. The council has previously resisted development resulting in visibility of turbine development, especially hubs above the skyline from Oldhamstocks, especially within the core of the village. In the central core of the village there will be some increased visibility of blades and hubs, while on and on rising ground to the east, and from Woollands to the west, the extension along the skyline of the development is considerable, with both hubs and blades visible. Around 9 hubs are predicted to be visible over the skyline on arrival in Oldhamstocks from the east (without taking into account buildings – likely to be limited - or vegetation), considerably extending development along the skyline; giving distortion of scale and distance through different sizes of turbine (a cumulative impact with Ferneylea and Hoprigshiels, the effect of different turbine size within the proposal itself may also be noticeable) and introducing complexity through ‘clutter’. This effect is repeated from other viewpoints within the Oldhamstocks Conservation Area.

- 3.75 It is understood that the applicant has agreed on nightlighting of the turbines to meet an objection by the MOD however no landscape or visual information has been presented to assess the impact of this. In this area, which is currently dark at night, there could be impacts from night lighting which should be assessed.
- 3.76 On 26 August 2014 the applicant suggested amendments to the scheme, removing five turbines (T17, 18, 23, 25 and 26) from the SBC area, along with the two most prominent borrow pits from the scheme (A and D). Although there has not been time to give full consideration to this proposal, it is clear that it does not meet all of the concerns outlined above. The response is based on the scheme submitted to Scottish Ministers as this is what the Council has been consulted on. It is not considered that the amendments would meet the concerns such that a condition could be agreed accepting the scheme with these amendments accepted as mitigation.
- 3.77 The landscape and visual impacts and potential impacts on the cultural heritage are not outweighed by the desirability of generating renewable energy. The findings of the Reporter on the Barrell Law appeal, that there has been significant progress towards meeting the governments 2020 target, suggests that the weight that should be given to energy generation is not as great as it would be had there been a greater shortfall (though the Scottish Government notes that this target should not be seen as a cap). The response has therefore objected to the proposal on the grounds of landscape and visual impact, cumulative impact and lack of information on the impact on the cultural heritage.
- 3.78 It was further recommended that Scottish Ministers should consider whether some information provided during the consultation period constitutes further environmental information in terms of the

Environmental Impact Assessment regulations and would therefore require to be advertised.

4 POLICY IMPLICATIONS

4.1 None

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 – costs for participation in a Public Inquiry

6.2 Personnel - none directly; however staff time is likely to be required for preparing and appearing at a Public Inquiry

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Application and Environment Statement for Aikengall 2a windfarm submitted to Scottish Ministers, with additional material as submitted to this Council

7.2 Representations made by consultees on this project as forwarded to this council by the Energy Consents Unit

7.3 SESplan Strategic Development Plan, June 2013

7.4 The East Lothian Local Plan 2008

7.5 Landscape Capacity Study for Wind Turbine Development in East Lothian

7.6 Scottish Planning Policy, National Planning Framework 3 and Planning Advice Notes 60 (Planning for the Natural Heritage), 1/2011 (Planning and Noise) 2/2011 (Planning and Archaeology), 1/2013 Environmental Impact Assessment

7.7 Scottish Governments Energy Generation Policy Statement

7.8 Scottish Government Policy on Control of Woodland Removal

7.9 2020 Renewable Energy Routemap

7.10 Guidance for Windfarms of 12MW or over

7.11 SNH publications Siting and Designing Windfarms in the Landscape and Assessing the Cumulative Impact of Onshore Wind Energy Developments.

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APPENDIX 1: Response to Scottish Ministers

Our Ref: CONS/SG/A2A

Your Ref: None given

Date: 5 September 2014

Sent electronically only to EconsentsAdmin@scotland.gsi.gov.uk

Dear Sir/Madam,

**ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2000
SECTION 36 APPLICATION FOR PROPOSED AIKENGALL IIa
COMMUNITY WIND FARM**

I refer to your consultation on the above, and have the following comments.

This Council **objects** to the approval of this application on the following grounds:

1. Adverse landscape and visual impact including:
 - The landscape impact on the receiving landscape character area including on the AGLV from the turbines and associated infrastructure
 - The landscape impact on adjacent landscape character areas including the blurring of distinction between different character areas
 - Visual impacts which are contrary to SNH guidance and guidance contained within the Councils windfarm spatial framework (Guidance for Windfarms of 12MW or over) including prominence of wind turbines on the skyline; extent of wind turbines on the skyline; wind turbines apparently ‘spilling off’ the Lammermuir Plateau; complexity and spread of design due to number and location of turbines; reduction of the impression of Spartleton as a focal point in the landscape and in particular as an endstop to development as viewed from the B6355 (the main route across the Lammermuirs); poor containment of the development; impact on Oldhamstocks Conservation Area; dominance of turbines over some areas; visual impact of tracks
 - Adverse effects experienced by users of the path network and rights of way including disruption of views from the right of way over Wester Dod
 - Cumulative impact with other windfarm development including Aikengall, Crystal Rig, Wester Dod, Ferneylea, Hoprigshiel, Woodhall and others, including transition towards a windfarm dominated landscape; perception of scale and distance is distorted due to variable sizes of wind turbines; bridging of the gap between existing windfarms without adequate visual or actual separation exacerbated by lack of containment; impact on the Lammermuir AGLV; impact on Oldhamstocks Conservation Area

This is contrary to East Lothian Local Plan Policies NRG3 Wind Turbines; NH4 Areas of Great Landscape Value; DP1 Landscape and Streetscape Character; DP2 Design

2. Lack of sufficient information on cultural heritage for a proper assessment of the impacts to be made.
3. Inadequacy of the Habitat Management plan (if Scottish Ministers consider it compatible with regulations on Environmental Impact Assessment this could be covered by condition on consent).

The reasons for the objection are detailed further in the Members Library Report appended.

If Scottish Ministers are minded to grant the application, the Council would request that conditions be placed on the application covering decommissioning (including provision of a financial bond), roads and traffic management, habitat management, construction management, archaeology, appointment of an ecological clerk of works, public access and design and siting and other matters. The Council would wish to discuss this were consented to be granted.

It is for Scottish Ministers to determine whether or not the Environment Statement is adequate and whether any of the information provided since the ES was submitted constitutes Further Environmental Information. In particular this Council would recommend that careful consideration is given to: alterations to the scheme as regards forestry; whether or not archaeological surveys of the cleughs to identify locations for replacement forestry planting can be covered after consent given the potential for impacts on undiscovered archaeology; the provision of information on the cultural heritage; the provision of further wirelines exploring the impact on Oldhamstocks; material provided to meet SEPA's objection on lack of information on ground water dependent terrestrial ecosystems; any alterations to the Habitat Management Plan; landscape and visual information and assessment of the impacts of any visible nightlighting agreed to meet objection by the MOD.

Yours sincerely,

J Squires

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