

**REPORT TO:** Cabinet

**MEETING DATE:** 10 March 2015

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Response to consultation by the Scottish Government on two sets of Further Environmental Information (FEI) relating to the Section 36 application for a windfarm known as Aikengall 2A: (1) containing changes including a revised windfarm layout comprising 19 wind turbines, 5 within East Lothian and the remainder within Scottish Borders Council area, and associated infrastructure at land north of Nether Monynut Cottage, Cockburnspath; and (2) updating visual information relating to a viewpoint at Crichness

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## **1 PURPOSE**

- 1.1 To advise Cabinet that Scottish Ministers have asked the Council for its views on the above proposal and to recommend the position the Council should take.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Members object to the application due to its adverse landscape and visual impact, which is contrary to East Lothian Local Plan 2008 policies DC1 Development in the Countryside and Coast, NRG3 Wind Turbines; NH4 Areas of Great Landscape Value; DP1 Landscape and Streetscape Character and DP2 Design; and also its impact on Oldhamstocks Conservation Area, a site of historic interest.
- 2.2 Should Members wish to approve the application it is recommended that they request conditions be placed on the consent, with the response to be treated as an objection if these or similar conditions are not included. The conditions would be based on the Scottish Government's model conditions for windfarms with due consideration of specific requirements as highlighted in this report.
- 2.3 It is recommended that drafting of the response to Scottish Ministers including proposed conditions be delegated to officers in the terms decided by Members.

- 2.4 It is recommended that Members make no comment on the Further Environmental Information (2) submitted in relation to the viewpoint at Crichness in the Scottish Borders.

### **3 BACKGROUND**

#### *Statutory Procedures and History*

- 3.1 Community Windpower Limited has applied under Section 36 of the Electricity Act 1989 for a windfarm at land north of Nether Monynut Cottage and referred to 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 East Lothian 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.
- 3.2 There is no set format for a response. The Council may, instead of objecting or not, respond with advice or comments for Scottish Ministers, such as considering the removal of particular turbines. As a statutory consultee, it is expected that Scottish Ministers would have regard to the Councils' advice, however the advice may not be reflected in full or at all in the final decision.
- 3.3 The application requires Environmental Impact Assessment. It is for Scottish Ministers to decide if they consider the Environment Statement (ES) that accompanies the application is adequate.
- 3.4 The Council and Scottish Borders Council were previously consulted on a larger scheme, including 3 further turbines within East Lothian (see Members Library Report 9 September 2014). A response was given to Scottish Ministers objecting to the proposal on the grounds of (1) adverse landscape and visual impacts, contrary to East Lothian Local Plan 2008 (ELLP) Policies NRG3 Wind Turbines; NH4 Areas of Great Landscape Value; DP1 Landscape and Streetscape Character and DP2 Design; (2) lack of information provided on cultural heritage for a proper assessment to be made; and (3) inadequacy of the Habitat Management Plan. Scottish Borders Council also objected to the proposal.

#### *Further Environmental Information*

- 3.5 Revisions to the scheme have been presented as Further Environmental Information. The revised scheme proposes the development of a windfarm adjacent and generally to the south of the existing consented windfarm at Wester Dod, but with turbines also located to the west of this. The site is centred on Heart Law Hill and is located some 12.5km

south of Dunbar and some 6km south of Innerwick. The site area is some around 869 hectares (reduced from some 1101 hectares). The proposal is for the installation, operation and decommissioning of a 19 turbine windfarm. Five of the proposed turbines would be located in East Lothian, with the remainder in SBC area. The windfarm would have a typical capacity of around 75.5MW comprising 18 turbines at 145m to blade tip and 1 at 125m to blade tip (which is in SBC area), with crane pads, and associated infrastructure including:

- On-site access tracks connecting the turbines to each other; and to consented tracks at Wester Dod;
- 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);
- Forestry felling and replacement planting;

In addition during construction there would be two borrow pits, both in SBC area, a temporary substation construction compound at the head of Ling Hope in East Lothian and a temporary construction and storage compound towards the summit of Heart Law in SBC area.

- 3.6 Construction would require delivery of large items of plant and equipment to the site. The proposed access route for all construction traffic is via the A1 trunk road, to then follow the existing route to Aikengall/Wester Dod, leading from the A1 junction at Thurston, south through Thurston Mains, before entering the Aikengall valley road. The site is then accessed via the existing track that leads to the Aikengall windfarm and consented Wester Dod windfarm.
- 3.7 Alterations from the original proposal are that Turbines 1, 2, and 27 in ELC area and 17, 18, 23, 25, 26 in SBC area are removed and others relocated, with other related changes including: removal of Borrow Pits A, B and D leaving no borrow pits in East Lothian and removal of 2 construction compounds in SBC area; revised site boundaries; alterations to proposed forestry felling; and finalisation of the access route on Access Route B through East Lothian, which is now the only access.
- 3.8 The carbon calculation shows a carbon cost of 125,761 tonnes CO<sub>2</sub>, with a carbon reduction of 99,538 tonnes per annum, giving a payback time of 14.4 months. 2,314 tonnes of sulphur dioxide and 694 tonnes of nitrogen dioxide are also expected to be displaced per year.

*Updated Socio-economic information*

- 3.9 An update to the economic benefits of the scheme is included to reflect its reduced scale with annual investment of around £10 million

anticipated, including rate payments, rental payments to landowners, electrical, turbine and general site maintenance. In terms of job creation 100 jobs are anticipated in the construction phase and the ES states there will be 2 permanent jobs in the operational phase.

- 3.10 The FEI provides an update on community benefits. A community turbine and capital trust fund will no longer be provided (Scottish Planning Policy paragraph 83 notes that decision-making should generally support community-owned energy): the other community benefits are not a planning consideration.

*Landscape and visual*

- 3.11 The revised layout was undertaken with the stated aim of avoiding perceived encroachment into the lower Lammermuir fringe landscapes, increasing visual and physical separation between this and other windfarms. It would increase integration with Aikengall and Crystal Rig windfarms, reinforcing the location of the proposed development in the upland landscape, reducing the prominence and level of visibility on the skyline and simplifying the appearance of the development.
- 3.12 A revised Landscape and Visual Impact Assessment has been carried out. The findings (not the assessment of ELC Landscape Officer) are below.
- 3.13 For cumulative assessment, changes in the baseline since the original application are identified. These are: Blackhouse Cottage and Ferneylea are now operational with Penmanshiel under construction; Brunta and Rowantree have been refused at appeal, and Clockmill refused; Crystal Rig 3 and Girthgate have reduced layouts; Crystal Rig 4 is at Scoping stage, Hoprigshiels, Moorhouse, Neart Na Gaoithe (offshore) have been consented (the latter is subject to legal challenge) and application has been made at Muircleugh.
- 3.14 The impact of physical effects on rough grassland and moorland remains assessed as not significant. The effect on coniferous forestry is judged significant but temporary due to re-stocking.
- 3.15 The impact on Landscape Character was assessed in the ES/FEI. The ES identifies a landscape character sub-unit, Lammermuir Uplands with Windfarm, on the basis that “wind farms provide a defining influence on the landscape character so that while other characteristics are still apparent, wind farms provide a strong overlying influence that unifies those two areas and distinguishes them from other areas of Lammermuir Plateau. The two areas of Lammermuir uplands with wind farm include areas of dissected plateau moorland, central Lammermuir Plateau and East Lammermuir Plateau. The ES states that for the purpose of assessment the variations in the characteristics of these landscape types are considered to be relatively minor in comparison to the unifying and overlying influence of wind farm development. This character sub-unit is considered to cover the application site as well as the existing and consented windfarms. The ES assessed the impact as significant in the

south-eastern part of the sub-unit but not significant elsewhere. The FEI notes a reduction in the magnitude of change. For the Eastern Lammermuir Fringe, there is an increase in the distance of the receptor to the nearest turbine (now 600m), and reduction in visibility from some areas. The magnitude of change will reduce slightly but overall the assessment remains the same (significant adjacent to the site and on elevated ground on Blackcastle/Cocklaw hills; not significant elsewhere in the character area). From the remaining assessed character areas (in SBC area), the overall assessment remains the same, though the magnitude of change in many cases reduces. Turbines 3 – 7 impact directly on the Lammermuir AGLV.

- 3.16 Viewpoints within East Lothian were re-assessed as follows. From VP1, Wester Dod, a high point on the Monymut edge and within the footprint of the consented windfarm Aikengall 2, the impact remains significant. The magnitude of change reduces to medium. The removal of T1 and T2 ensures that views to the coast to the east/north east remains open. Removal of T25, T26 and T27 opens up views to the east/south east and ensures that the gap between Penmanshiel and Quixwood is no longer bridged, and other changes. From VP8, Cockit Hat, Oldhamstocks, the impact remains significant though the magnitude of change is judged to have been reduced. The turbines which are predicted to extend the spread of windfarm development on the horizon from this point are T16, T20, T22, T15 T19, T24, T9, T11 and T21.
- 3.17 From VP9, Blackcastle Hill, the impact remains significant, though the magnitude of change is judged to have reduced. There was no change of assessment at VP14, Bilsdean, judged to be unable to receive a significant impact. The assessment of VP15, John Muir Way near Torness states that there will be a reduction in effects of the proposed development, but overall the assessment remains the same (not significant, as being of medium sensitivity and receiving a medium-low impact). VP16, Brunt Hill, the assessment remains the same (not having the potential to undergo a significant effect). VP23, Moss Law (on the B6355 Gifford to Whiteadder Road) was again assessed as not having the potential to undergo a significant effect (including cumulatively). From this point, T8, T9, T10, T11, T12, T13 and T14 appear beyond and to the south of Spartleton Hill from the B6355 road from Gifford to Duns.
- 3.18 For VP28 Dunbar Harbour, VP29 St Baldreds Cradle, VP30 Whitekirk Golf Club, VP31 Lammer Law, and VP34 North Berwick Law, the assessment remains the same (not having the potential to undergo a significant effect).
- 3.19 Viewpoints within SBC are also assessed; some of these contain views of turbines within East Lothian, or views into East Lothian, or affect users which may be linked to East Lothian. Of note are VP7, Southern Upland Way where overall assessment remains the same, namely a significant effect; VP11, Cockburnspath Old A1 where the magnitude of change reduces slightly and overall the effect remains insignificant; VP18 Cockburn Law where the sensitivity of the view is Medium-high, the

impact medium low, therefore not significant, as per the original ES although the magnitude of change reduces slightly; and VP22 Wether Law where assessment remains as not significant.

- 3.20 In summary, for all viewpoints, overall the assessment has remained the same, though in some cases the magnitude of change has reduced. The effect remains significant at VP1 Wester Dod, VP8 Cockit Hat Oldhamstocks and VP9 Blackcastle Hill.
- 3.21 For local paths, the overall assessment remains, namely that significant effects occur where paths gains a clear, open and high visibility view of the proposed development, but not significant elsewhere.
- 3.22 The second FEI, submitted in January, was the replacement of the visual information from the VP 2 Crichness in Scottish Borders Council area.

*Residential amenity (visual)*

- 3.23 The FEI includes updated information on the impact on residential properties within 2km of the site, of which there are none within East Lothian.

*Ecology*

- 3.24 Further information was submitted with an updated National Vegetation Classification survey covering a wider area as requested by SEPA. Mitigation has taken place to remove and relocate turbines within areas of Groundwater Dependent Terrestrial Ecosystems. T14 (within SBC area) remains within the buffer distance, with pollution prevention measures detailed as further mitigation. A revised draft Habitat Management Plan was also submitted.

*Cultural Heritage*

- 3.25 The original ES did not include a satisfactory assessment of impacts on cultural heritage within East Lothian. This has now been included in the FEI. The approach was discussed with ELC heritage officers and included Zone of Theoretical Visibility Diagrams with cultural heritage interests overlaid (Scheduled Monuments, ELC heritage sites, Listed Buildings, Inventory of Gardens and Designed Landscapes).
- 3.26 The FEI identifies Low impacts on the following: Kae Heughs, Traprain Law, Bass Castle, French Camp, Blackcastle Hill, Seacliff Tower, Kingston Hill, Whitekirk Parish Church, Tantallon Castle. 'Negligible' impacts are predicted to occur on other cultural heritage receptors, sometimes due to taking into account the impact of the existing consented turbines.

### *Peat*

- 3.27 Further information on peat including a depth survey has been included at SEPA's request. The maximum peat depth found was 38cm, with an average of 22.8cm across the site.

### *Noise*

- 3.28 Updated noise information has been provided. The East Lothian properties included in the assessment were at Stottencleugh, Aikengall and Wester Aikengall. The FEI states that the noise limits set for Aikengall 2 would be met comfortably at all neighbouring dwellings. Some of these are properties where the owner has a financial interest in one or more of the neighbouring windfarms.

### *Forestry*

- 3.29 Further details in respect of felling phases, restocking and species composition have been supplied.

### *Other considerations*

- 3.30 Further information is given on the impact of users of the path through the site from Monynut to SBC area. This includes that this route is not currently well used, and that improvements to the path network are under discussion. The FEI states that recreational use of the existing Aikengall windfarm area has increased since the construction of the windfarm. It is envisaged that proposals to improve accessibility will be incorporated into a detailed Habitat and Land Management Plan, to be included as a condition of planning consent.
- 3.31 The impact on tourism is briefly considered. There are gains, from windfarm workers using local facilities. There are potential losses, if there is an adverse landscape and visual impact, from deterrence of visitors; this is cross referenced to preceding information on access, which may encourage visitors.
- 3.32 For aviation lighting, it is expected (not certain) that only infrared lighting will be required.

### *Representations*

- 3.33 Representations are made to Scottish Ministers and it is for them to take these into consideration.
- 3.34 As of 20 February, Scottish Ministers had received 6 objections and 52 letters of support from members of the public for the scheme.
- 3.35 **Scottish Natural Heritage (SNH)** do not object however on landscape and visual issues they consider there to be a range of key and adverse landscape and visual impacts, as advised for the previous scheme. They highlight:

- The adverse, dominant and widespread effects on the local landscape character and visual amenity arising from the proposal combined with the existing Crystal Rig Wind Farm (all constructed phases) and Aikengall windfarm, and the consented Aikengall 2 development
  - The adverse effects on local landscape character and the potential for visual confusion arising from the combined effects of the proposal (plus the baseline of existing Crystal Rig and Aikengall sites) 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.
- 3.36 SNH consider the layout and appearance to be improved with regard to the original scheme however re-iterate the message of their previous response.
- 3.37 SNH do not comment on the revised draft Habitat Management Plan at this stage. They consider the proposal could affect the River Tweed Special Area of Conservation (into which the proposal site partly drains) however 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.
- 3.38 **Scottish Environment Protection Agency (SEPA)** have no objection provided their suggested conditions on environmental management and pollution prevention, restoration and protection of the water environment are attached to any consent.
- 3.39 **Historic Scotland** note some setting impacts, however, no objection is made.
- 3.40 **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.
- 3.41 The **Forestry Commission** are content with the approach outlined in the ES, and that it meets the Scottish Government's Policy on Control of Woodland Removal. They request a role in the Habitat Management Plan process.
- 3.42 Aviation safeguarding and radio communications network interests: **NERL Safeguarding, Civil Aviation Authority, NATS en route** make no objection, nor does **BT radio network**.
- 3.43 **CH2M Hill** (advising on peat slide risk) are content that peat is generally absent so further assessment is not required.



- 3.44 The **Ministry of Defence** objects due to interference with radar at Brizlee Wood, pending assessment of proposed mitigation. If this is overcome, they will request 25 candela omni-directional or infrared flashing lighting.
- 3.45 **East Lammermuir Community Council** recognise a range of views within the community, however, they are clear about local people's views where turbines impinge on Oldhamstocks Conservation Area as 'the FEI clearly indicates they will'. They object on the grounds of the precedent set by the construction of the proposed turbines at Aikengall 2a, as it contravenes the ELC planning guidance on wind turbines which are too large for this location. As the turbines would be clearly visible from many points within the Oldhamstocks Conservation Village Area, the visual and landscape impact of this proposal on the Conservation village is unacceptable. There would be cumulative impact – the proposed turbines above Oldhamstocks would add to the sense of being surrounded by turbines in every direction, and would impact on visual and landscape amenity. Residential amenity would be affected due to visual, noise and psychological impacts. They also raise concerns about re-instatement of the access road and impact of construction and maintenance related traffic as well as some non-planning matters. **Cockburnspath and Cove Community Council** (in SBC area) also object on landscape and visual grounds.
- 3.46 The **RSPB** responded and did not object but make comment on the draft Habitat Management Plan. The **Mountaineering Council of Scotland** made no further comment. **Scotways** raise concerns over turbine proximity to a recreational route, and object on grounds of impact on recreational amenity.

*Internal consultations*

- 3.47 The Team Leader, **Business Development** commented on the original application 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. No further comments have been received on the FEI.
- 3.48 The **Environmental Health Officer** noted on the original application that the predicted 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. No further comments have been made on the FEI.
- 3.49 The **Biodiversity Officer** noted on the original application 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 its removal is not a cause for concern. He further commented that the restocking of

the woodland should be regulated by the Forestry Commission to ensure compliance with the relevant UK Forestry Standard Guidance

- 3.50 He comments on the FEI that, notwithstanding the removal of the objection by the Forestry Commission, the restocking proposal does not meet current UK Forestry Standards and does not account for other environmental issues in the area. With regard to the Dunglass plantation, proposed sitka spruce planting at 85% is higher than the UK Forestry Standard which allows a maximum of 75% of a single species. There is a lack of open space in the Monynut restocking plan. He advises there is also a missed opportunity to feather edges of woodland to support declining Black Grouse, to introduce wider public benefits as may be expected through delivery of green networks and for multi-functional land use principles.
- 3.51 The Biodiversity Officer previously stated he did not consider the draft Habitat Management Plan (HMP) to be adequate. He still considers it is not adequate. A completed woodland plan should form part of the submitted HMP; areas and methods of reducing grazing pressure including fence marking are not shown; the proposed Farmland Wader Plan and Moorland Management Plan is not included; petty whin planting areas are not shown; pond locations are not shown; and measures of success are ill-defined. He considers that these matters could be managed by use of conditions.
- 3.52 The **Access Officer** commented on the original proposal 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 requests mitigation for the impact on hill walkers in the form of improved access around the windfarm should the proposal be approved. For the FEI he reiterates the requirement for mitigation in the form of improvements to the local path network.
- 3.53 The **Heritage Officer** now considers the information in the FEI sufficient to make an assessment. He considers that the proposal will have a significant adverse impact on the Oldhamstocks Conservation Area, which contains a number of listed buildings, having an unacceptable impact upon its essential character due to the further cluttering of the skyline and the extension of the turbines across the skyline. Although the turbines fall outside the Conservation Area they will be visible either as part of a wider group of turbines or in individual 'glimpses' from a variety of locations with the area. As the outlook of the village is acknowledged as an essential part of the conservation area in the Conservation Area Statement there is a high potential for adverse impacts to arise from these turbines.
- 3.54 He identifies the following other main impacts on cultural heritage:
- 3.55 The view from the Scheduled Monument, listed Building and designed Garden and Landscape at the French Fort, Dunglass will be further cluttered to the south east. Although there are consented turbines for this view point (Aikengall 2, Ferneylea and Hoprigsheil) the turbines from

Aikengall 2a will fill in the gaps between the turbines which will change the 'open feel' of the vista. The relationship between the surrounding landscape and the Fort as well as the Listed Gazebo and the elements of the designed landscape on the fort is important to understanding these monuments and landscape.

- 3.56 The view from the scheduled Monument of Spartleton Cairn\_south west will be further cluttered and the impact of turbines extended along the skyline. Although there are a number of consented wind turbines within this view (Aikengall and Aikengall 2) the introduction of Aikengall 2a will fill in gaps in the skyline and extend to view of the turbines virtually across the whole of the skyline. The cairn was presumably located in its position to be a marker and was likely designed to be located from a distance or to serve as a waypoint. As such the relationship with the landscape views and in particular the skyline were likely important to this monument. The introduction of turbines from Aikengall 2a will give the site an almost 'enclosed' feel.
- 3.57 Long distance views to Hill Forts (North Berwick Law, Traprain Law, Kae Heughs etc), the views from these Scheduled Monuments will be impacted upon by a further cluttering of the skyline. Although Aikengall 2a will be seen in relation to a number of other consented windfarms, the addition of these extra turbines will create a layering effect which will further impact upon the setting of these monuments. It is considered that in particular hill forts were located in at least part for their all round views and the so the relationship with the skyline and surrounding landscape is key to not only understanding these monuments but also to the modern visitor experience.
- 3.58 The **Road Service Officer** did not object to the original proposal, however, he requires conditions covering any damage to the roads and traffic and road safety provisions were it to be granted. No further comment is made in respect of the subsequent revisions to the proposals.
- 3.59 The **Landscape Officer** commented on the original scheme stating there would 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, including 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; and
- Adverse impact on Oldhamstocks Conservation Area

3.60 The Landscape Officer, having reviewed the information in the FEI states that her previous advice still applies to this application. She considers that the proposal would have a detrimental visual and landscape impact on natural features, distinctive public views and would harm the landscape character and appearance of this part of the Lammermuir AGLV.

3.61 Night lighting has not yet been finalised.

*Discussion*

3.62 The previous response to Scottish Ministers objected to this proposal for the reasons detailed in the Members Library Report of 9 September 2014. These issues were, briefly, the adverse landscape and visual impact (including cumulative impact), impact on Oldhamstocks Conservation Area and the Lammermuir Area of Great Landscape Value, all contrary to East Lothian Local Plan 2008 policies DC1 Development in the Countryside and Coast, NRG3 Wind Turbines, NH4 Areas of Great Landscape Value, DP1 Landscape and Streetscape Character and DP2 Design; and lack of information on cultural heritage and the inadequacy of the Habitat Management Plan.

3.63 The issue of the lack of information and, therefore, potential adverse impact on aspects of cultural heritage, has been resolved.

3.64 The recommendation is to continue to object to the proposal on landscape and visual grounds in the same terms as previously, and also to object on grounds of the impact on Oldhamstocks Conservation area. This follows advice from the Landscape Officer that previous concerns over the scheme remain and is in line with SNH concerns over landscape and visual impact and the views of the Heritage Officer following the provision of information on cultural heritage that there will be a significant adverse impact on Oldhamstocks Conservation Area.

3.65 Concerns remain over the Habitat Management Plan, however, these can be dealt with by condition.

- 3.66 Maximising the generation of electricity from renewable sources is a national objective with sustainable economic growth the main purpose of the Scottish Government. The Scottish Government has made this clear through strong policy support including in Scottish Planning Policy, and decisions following public inquiries.
- 3.67 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.
- 3.68 For this proposal, taking into account the changes, adverse landscape and visual impacts, including cumulative impacts, remain. 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 Guidance for Windfarms of 12MW 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
- 3.69 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). It does not minimise visual intrusion and landscape impact as some of the turbines (see Landscape Officers comments above) are prominent from key viewpoints and areas

(though Borrow Pit A has been removed from the scheme), 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, as do views from SBC area.

- 3.70 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 apparent spilling off the Lammermuir plateau towards other character areas. 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.
- 3.71 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.
- 3.72 The Guidance for Windfarms of 12MW is also relevant. T1, 2, and 27 and Borrow Pit A were within the Area of Significant Constraint in that Guidance and have now been removed from the scheme, which is welcomed. The methodology for spatial frameworks in this guidance is now outdated following review of Scottish Planning Policy, however, the cumulative issues identified remain relevant. The Guidance for Windfarms of 12MW 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, here achieving the highest yield could result in harmful effects especially as this results in placing turbines on the higher, and therefore more visible, land. The Guidance 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 Faseny valleys, the landscape setting and character of Conservation Areas, the quality of views out from the Lammermuir Hills to the wider landscape and avoiding significant visual clutter.
- 3.73 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. The proposals would

result in the filling of undeveloped gaps in the landscape and views from the site would be interrupted. This effect would occur over much of the existing path across the site, from where some fine views can currently be obtained (and will still be obtained with the construction of the consented development). Walkers and riders would experience increased landscape impacts over a wider area than at present. T1 and T2 have been removed from the scheme, improving its impact on the fine coastal views which are obtained from the Wester Dod viewpoint. However, the impact on views to SBC area which are obtained on reaching the tops from the East Lothian side, which are also fine, remain. The intact moorland visible from this area would be developed, impacting on the AGLV and landscape character of the area.

- 3.74 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.
- 3.75 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 more visually cluttered arrangement, as well as extending development considerably along the skyline (see Landscape Officer's comments above). The revised scheme does not eliminate the cluttering effect, and in addition introduces a gap between T20, T22, T16 and T24 which makes these turbines appear separate from the remainder of windfarm development further unbalancing its appearance.
- 3.76 From VP23 Moss Law (on the B6355) there is a mass of turbines already visible. The proposed 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. This is also further development on the skyline.
- 3.77 From VP 8 Cockit Hat (above Oldhamstocks, within the Conservation Area), 9 turbines are predicted to be visible. The proposal extends development along the existing undeveloped skyline and considerably reduces the gap between the smaller Ferneylea wind turbines and larger scale development. This effect is repeated from other viewpoints within the Oldhamstocks Conservation Area.
- 3.78 The ZTV shows that visibility across the Oldhamstocks Conservation Area is not restricted to this particular viewpoint but is reasonably widespread from the north and east. 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. This would have an adverse visual impact on Oldhamstocks Conservation Area.

- 3.79 Infra-red night lighting is expected to be agreed by the MOD but this has not been confirmed. In this area, which is currently dark at night, there could be impacts from night lighting if it is red lighting.
- 3.80 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 route, rather than any further physical changes. Conditions could be requested to cover traffic impact, 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 could be requested as a condition if the development were to be approved. A programme of archaeological work could be requested by condition were the proposal to be approved. The carbon balance of the development is addressed by SEPA.

#### *Conclusion*

- 3.81 The landscape and visual impacts and impacts on Oldhamstocks Conservation Area historic site are not considered to be outweighed by the desirability of generating renewable energy.

## **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 2 sets of Further Environmental Information 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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