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REPORT TO: Members' Library Service

MEETING DATE:

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Response to consultation by the Scottish Government on a (1) an application to vary the operational time limits for a windfarm at Fallago Rig under Section 36C of the Electricity Act (FR1) (2) an application for an extension within Scottish Borders Council area of the generating capacity of a windfarm at Fallago Rig through the construction of 12 turbines and associated works under Section 36 of the Electricity Acts (FR2)

1 PURPOSE

1.1 To advise Members that the Council has been consulted by the Scottish Government Energy Consents Unit (ECU) on two applications made by EDF Energy Renewables (1) to vary the operational time limits for a windfarm at Fallago Rig under Section 36C of the Electricity Act and (2) for an extension within Scottish Borders Council area of the generating capacity of a windfarm at Fallago Rig through the construction for 12 turbines and associated works under Section 36 of the Electricity Acts, and of East Lothian Council's response to these applications.

2 RECOMMENDATIONS

2.1 It is recommended that the Members note the terms of the response to Scottish Ministers on this application, annexed below. To the application for an extension to generating capacity, ELC objected to the extension of due to the landscape and visual impacts of turbines 49 and 50. However this objection would be removed if those turbines were omitted from the scheme. To the application for extension of time, ELC did not object providing that lack of objection was not taken as accepting the suitability of that part of the site containing turbines 22, 26, 34, 37, 46 and 48 for use in perpetuity, due to their adverse landscape and visual impact.

3 BACKGROUND

Statutory Procedures

- 3.1 EDF Energy Renewables has made two applications under Section 36 of the Electricity Act 1989 as above. 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 Scottish Borders Council. If Scottish Borders Council 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.
- 3.2 Scottish Ministers have also requested views from East Lothian Council, however this Council is not the relevant planning authority, and Scottish Ministers are not required to hold a public inquiry were ELC to object to the proposal, though they may do so if they deem it would be useful to explore fully the issues raised by the proposal. The views of ELC will be provided to the Energy Consents and Deployment Unit at Scottish Government (ECDU). The application is required to be determined via Section 36 because as the output of the windfarm as a whole would have an output of more than 50MW, and the proposal for new turbines is considered to be an extension rather than a new, standalone windfarm.
- 3.3 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. If permission is granted, Scottish Borders Council would be the enforcement authority for monitoring compliance with planning conditions.

The Site

- 3.4 The site of the existing Fallago Rig windfarm is centrally located within the Lammermuir Hills, centred at grid reference NT58030 59600, to the south of Meikle Says Law. It is generally moorland and rough grazing, with a 400kV pylon line and its associated track crossing the site. It is located in a topographic dip, though some of the turbines tops are higher than the low hills which form the edge of the bowl. The surrounding land uses on the East Lothian side of the boundary are grouse moor and sheep grazing. It is within the Dissected Plateau Moorland landscape character type, as described SNH landscape character assessment.
- 3.5 Core Path 25 runs to Little Says Law, adjacent to the proposal site, and continues into Scottish Borders Council area. In addition there is a track from Faseny Cottage to Meikle Says Law, also adjacent to the site, as well as the pylon track from Faseny Water into SBC area.
- 3.6 The closest residential properties in East Lothian to the proposal are West Hopes, Faseny Cottage and Killpallet.

- 3.7 It consists of 48 x 3MW turbines, and associated infrastructure including tracks, a substation and control building, plant and pylon to allow grid connection and 2 meteorological masts. The 7 turbines in the northern part of the site are 65m to the hub, 100m to blade tip, with the remainder being 80m to hub and 125m to blade tip. Access is taken through Scottish Borders Council area.

Planning history

- 3.8 The application for the existing Fallago Rig windfarm was made under Section 36 of the Electricity Act in 2005 to which this Council, SBC, SNH and the MOD objected. The reasons for ELC's objection to the scheme were: impact on landscape character; impacts on the experience of walking in the Lammermuir Hills, visual impact and cumulative landscape and visual impact. Following a Public Local Inquiry, the scheme was initially refused in 2007 due to a detrimental impact on national security. Following apparent resolution of the security issues, the PLI was re-opened. Further information was submitted on this, as well as updated cumulative information. The scheme was consented in July 2010, with conditions.

The proposals

- 3.9 The proposals are described in the Environment Statement and other information dated December 2015, and given the ELC reference number 16/00001/SGC.
- 3.10 The existing Fallago Rig windfarm became operational in July 2013. A condition of its consent states that the consent is for a period of 25 years, therefore until July 2038. The proposal for an extension of operational time for the existing windfarm is for this windfarm to be concurrent with timescales for Fallago Rig 2, i.e. for 25 years from the commissioning of Fallago Rig 2. The proposed end date would thus be indeterminate, depending on when Fallago 2 was consented and commissioned.
- 3.11 The proposal for extension in generating capacity (FR2) consists of a further 12 turbines all in SBC area, to a maximum tip height of 126.5m, to the south and east of the existing windfarm. The southern group consists of 10 turbines running from North Hart Law to Meikel Namels Cleugh, around 2-3 km from the SBC/ELC boundary. The pair of turbines to the east are around 300m from that boundary. The proposal includes associated infrastructure, namely access tracks, hard standing, borrow pits, water crossings, temporary working areas, and transformer and control building extension, and electrical cabling, all in SBC area.

Findings of the ES submitted with the application

- 3.12 The ES is submitted to Scottish Ministers as the decision maker, and it is for them to ascertain whether or not it is acceptable. At Scoping, or prior to the Gatecheck, ELC requested viewpoints which were not included, and an adjustment to the position of a further viewpoint. These were at Winton Walks and Bangley Road junction. Visual information has been

submitted for us to use in assessment. ELC also requested that information on micro-climate issues was included, which was not done. It is considered that despite this, and with the provision of the extra information, ELC can come to a satisfactory response. It is for Scottish Ministers to decide if this information should have been included in the assessment.

- 3.13 The main issues examined by the ES are renewable energy policy, carbon balance, landscape and visual, historic environment, ecology, ornithology, geology, hydrology, noise, traffic and transport, shadow flicker, socio-economics and infrastructure, telecommunications and aviation. Some of these issues are commented on by other consultees while others do not affect East Lothian.
- 3.14 Renewable energy policy is relevant to East Lothian as policy support for renewable energy generation affects the planning balance against which other relevant impacts should be weighed. The ES notes EU renewable energy targets of increasing the proportion of final EU energy consumption from renewable sources to 20%. This target is split between member states. For the UK, 15% of all energy consumed in the UK (including heat and transport, not just electricity) is to come from renewable sources by 2020. Renewables met 7.0% of energy demand in 2014, meeting the interim target set by the Renewable Energy Directive (see UK Government 3rd Progress Report, below). In the EU renewable Energy progress report, of June 2015, the UK was anticipated to fall short of its 2020 target.
- 3.15 Energy policy is reserved to Westminster. The UK Renewable Energy Strategy 2009 set out how the UK could meet its target. A 'lead scenario is that more than 30% of electricity should be generated from renewable sources by 2020. The Scottish Government has devolved powers over planning, which gives it a role in consenting development. It has also published documents on energy including the 2020 Routemap for Renewable Energy in Scotland (2011), including an update, and the Electricity Generation Policy Statement 2013. These documents include a Scottish target of meeting an equivalent of 100% demand for electricity consumption from renewable sources by 2020. Scottish Government statistics show that in 2014 the equivalent of 49.8% of gross electricity consumption was from renewables.
- 3.16 In terms of **carbon balance**, it is predicted that the low in developing Fallago Rig 2 would be paid back in between 0.5 and 1.9 years. SEPA will comment on this. The output of FR2 has been estimated at 95,090MW per year, and will save between 35,867 and 45,224 tonnes of CO₂ per year, over conventional power stations using a range of fuel sources. Fallago 1 has the potential to save between 124,756 and 157,302 tonnes of CO₂ for each extra year of operation.

- 3.17 The ES **landscape and visual impact** showed the impact of the existing and new proposals. Zone of Theoretical Visibility (ZTV) diagrams were provided as well as photomontage information from series of viewpoints, which following discussion with ELC, SNH and SBC. For the most part, the viewpoints within ELC were as requested however viewpoints were requested from the Winton Walks at Pencaitland (344838 669214) and Bengley Road junction on the Haddington to Aberlady Road. These were not supplied for the ES, though some visual information on these viewpoints was submitted separately.
- 3.18 The ES states the design strategy for the proposed FR2, was to appear visually consistent with Fallago Rig 1. The ES states there would be little change to the existing landscape character of the Lammermuir Plateau Landscape Character Area as a result of the proposed development, with the effects of FR2 extension overlapping with the effects of the existing Fallago Rig 1, and that beyond this there would be no significant effects on landscape character within 10km, or on designated landscapes within the Lammermuir Hills including the AGLV in East Lothian.
- 3.19 The ES states that in terms of visual effects there would be no significant visual effects on view from settlements, individual residential properties or recreational/tourist destinations. There would be significant effects on Core Paths and Other Paths in the Lammermuirs.
- 3.20 In terms of cumulative impact the ES states the proposed development would maintain the current pattern and distribution of windfarm development in the Lammermuir Hills, and the addition of Fallago 2 would not lead to a further significant detrimental effect as it is integrated with Fallago 1, such that they will appear as one wind farm. The Landscape Officers comments on Landscape and Visual Impact, including cumulative impact, are below.
- 3.21 Lighting was scoped out of the assessment.
- 3.22 The ES states that in terms of **cultural heritage** all assets within 15km were initially considered, leading to list of 11 designated assets for further consideration. Of these, three Scheduled Monuments were in East Lothian, namely SM740, Kingside Hill, SM4423, Nine Stone Rig and SM5921, Whitestone Cairn. No non-designated assets in East Lothian were looked at further.
- 3.23 The effect on Whitestone Cairn, 1.5km to the west of Fallago Rig 1, was considered in the ES for the original application to have a significant effect resulting from a high adverse effect as a result of the wide arc of visibility occupied by the turbines and the sensitivity of the asset as occupying a high point in the landscape, though the effect would be offset to a degree as key views from the asset to related monuments would not be affected. In this ES, the effect is described as significant as the magnitude of change is medium, resulting in a substantial/moderate adverse effect. The proposed FR2 turbines would not appear in any views in which the FR1 turbines were not already present. Though this would increase the density of turbines, it would not increase the arc of

the view in which turbines were visible or the composition. This would therefore not be a significant effect. The proposals together would therefore extend the period of time of the significant adverse effect, but not increase it.

- 3.24 On Kingside Hill, the original ES described the magnitude of change as low, with four FR1 blades theoretically visible. They are currently screened by established woodland planting, so cannot be seen from the asset. The ES states that even without screening, views would not be intrusive so the effect is not significant. The ES states the extension of time would not give rise to any additional effects, and so the impact would remain not significant. FR2 would give theoretical visibility, without screening, of one further blade (T49). Neither the appreciation of the asset nor its setting would be affected, and the ES therefore considers the effect to be not significant.
- 3.25 For Nine Stone Rig the effect was considered to be Low, due to topography and screening. Again, as with nearby Kingside Hill, the turbines are in the same visual arc as FR1, and screened by planting.
- 3.26 On **ecology**, the ES states there will be no direct effects on East Lothian as the application site is in SBC area. Lammer Law SSSI was considered in the ES but no pathway for an effect was considered to exist. Vegetation surveys were carried out, along with surveys for otter, water vole and bats. The potential for effects on badgers, reptiles and great crested newt was scoped out. Signs of otter were recorded in the Dye Water (in SBC area), but no evidence of badgers or water vole.
- 3.27 The ES states **bird** surveys were carried out according to SNH guidance. A schedule 1 breeding bird was found around 500m from the nearest FR2 turbine location. Moorland breeding waders were also found. Monitoring data from FR1 shows that impacts from the operation of the windfarm have been minor and indeed breeding waders have increased. The main potential impact from FR2 is displacement of breeding waders. This would be affect SBC area. No significant effects on birds are predicted as a result of the proposed development.
- 3.28 **Geological, hydrological and hydrogeological** effects were reported in the ES and where they are direct effects or impact downstream, would not impact on East Lothian as the site is on the SBC side of the water shed. There is the potential for peat de-watering during construction. Failure to protect peat during construction can lead to peat erosion and degradation. The FR2 layout has been refined to minimise extraction but it was not possible to avoid it entirely. The ES states peat hydrology is of medium sensitivity, and the effect low in magnitude, therefore not significant. The peat is expected to recover during operation of the proposal. It is not clear if this could affect any peat in East Lothian.
- 3.29 **Noise** was assessed against guidelines in ETSU-R-97; The Assessment of Rating of Noise from Windfarms, and informed by the Institute of Acoustics Good Practice Guide on its application. The ES states noise limits were set at 10dB below the noise limits set in the consent for FR1,

and were found to be at least 5dB below this for predicted noise levels for FR2. Cumulative, noise emissions were predicted to be 7.5dB below the noise limits for FR1. No properties were stated to be close enough to any turbine to experience **shadow flicker**.

- 3.30 **For traffic and transport**, no residual effects were reported.
- 3.31 In terms of **socio-economics** the ES stated that FR2 would support 18 full time equivalent jobs in SBC and East Lothian, with up to 24.6 within Scotland. During construction, around 43 local jobs and 131 Scottish jobs were predicted. There would be a community benefit fund of £207,000 per annum, as well as the extension of the FR1 community benefit fund for extra time.
- 3.32 For **infrastructure, Telecoms and Aviation**, the ES states there is no utility infrastructure within the site. The turbines of FR2 would be visible to MOD air defence radar at Brizlee Wood, and the ES states the MOD consider the proposed technical solution for mitigation is acceptable.

Consultation

- 3.33 External consultation is undertaken by the Scottish Government. No responses have been forwarded to the Council prior to the writing of this report.
- 3.34 Internally, consultation was undertaken with the Team Manager, Assets and Regulatory Services, Economic Development, Environmental Health/Trading Standards, Landscape, Countryside Manager, Biodiversity Officer and the Heritage Officer.
- 3.35 Comments were received from the **Heritage Officer** stating that he did not have any comments in terms of indirect impacts on East Lothian from the new turbines, but did not comment on the extension of time.
- 3.36 The **Principal Environmental Health Officer** commented that he was satisfied that noise impacts from Fallago 2 will meet limits set at 10dB below those within Condition 25 for the existing Fallago Rig, and gave suggested conditions for noise as detailed in the letter appended. Historic Scotland will comment directly to the ECDU on matters within their remit.
- 3.37 The **Biodiversity Officer** stated that there are no implications for habitats or designated sites in East Lothian as the application is entirely within SBC. SNH will comment on any impacts on Natura 2000 sites and other matters within their remit.
- 3.38 The comments of **Landscape Officer** are appended at Appendix 2, below. She stated that for the extension of generating capacity, due to the detrimental landscape and visual impact of turbines 49 and 50 these should be omitted from the scheme. Turbine 60 should be reduced in height to bring its hub below the skyline, and if this is not possible, removed from the scheme. On the proposed extension of time, she states that turbines 22, 26, 34, 37, 46 and 48 have a consistently

detrimental impact on the landscape character of the Lammermuir skyline and views within the Lammermuir plateau, and that these locations are not suitable for turbines in perpetuity.

Legislative and Policy Context

- 3.39 The Electricity Act requires Scottish Ministers to have regard to the desirability of preserving natural beauty, of conserving flora and fauna, and geological or physiographical features of special interest, and protecting sites, buildings and objects of architectural, historic or archaeological interest, and the extent of compliance with the duty of the applicant to mitigate the effects which the proposals would have on the natural beauty of the countryside, or on any such flora, fauna, features, sites, buildings or objects.
- 3.40 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.
- 3.41 The 2020 Renewable Energy Routemap sets a target of 100% of Scotland's electricity needs to come from renewable sources by 2020, though energy policy is not devolved. This target depends both on generation and energy efficiency changes, but is expected to require 14-16GW of installed capacity, as estimated by the Scottish Governments Energy Generation Policy Statement. The Scottish Government are clear that the target should not be seen as a cap.
- 3.42 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" and is clear planning must facilitate the transition to a low carbon economy.
- 3.43 Scottish Planning Policy (SPP) reiterates this, as well as 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. SPP also states that sites identified for windfarms should be suitable for use in perpetuity, which is a significant change from the position when FR1 was consent. SPP also contains policy on protecting various aspects of the built and natural heritage.
- 3.44 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; Planning, Environmental Protection and Regulation; PAN1/2013 Environmental Impact Assessment. From SNH, Siting and Designing Windfarms in the

Landscape (2014); Assessing the Cumulative Impact of Onshore Wind Energy Developments.

- 3.45 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.
- 3.46 The East Lothian Local Plan 2008 (ELLP) does not apply to this site as it is within SBC area. However, its policies do provide some guidance on important interests in its area that the Council would seek to protect. These include the character of the countryside, safeguarded by DC1: *Development in the Countryside and Undeveloped Coast*, which seeks to protect the countryside from inappropriate development, Areas of Great Landscape Value, protected under ELLP Policy NH4: *Areas of Great Landscape Value* (AGLV). ELLP Policy NRG3: Wind Turbines sets out the issues such as that turbines should not change the landscape character in an unacceptable way, have an unacceptable visual impact on landscape or townscape including distinctive public views or natural features, or routes, and that there are no unacceptable cumulative impacts.
- 3.47 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 document contains some guidance on considerations for windfarm development in the Lammermuirs which are relevant considerations for East Lothian whichever side of the boundary a proposal may fall on.
- 3.48 East Lothian commissioned a landscape capacity study in 2005 (LCS) and its findings are also relevant. The LCS considers areas outwith East Lothain, and also gives advice on cumulative impacts.

Representations

- 3.49 Representations are made to Scottish Ministers and it is for them to take these into consideration. No representations have been made to this Council.

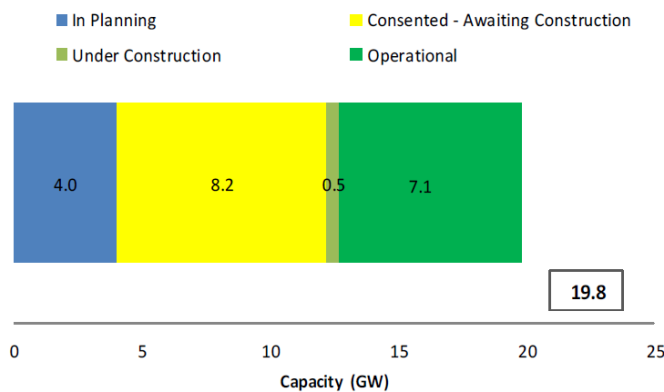
Discussion

- 3.50 The response to Scottish Ministers is appended to this report. The main planning policy issues are: renewable energy generation benefits of the scheme and landscape and visual impacts including cumulative impacts.

Noise is unlikely to be an issue and can be dealt with by condition. Lighting has been scoped out of the assessment however ELC would request a condition that this is kept to the minimum required. It is important that once generation has ceased the development is removed so that any impacts that there are do not persist long beyond the beneficial aspects of the scheme. Conditions to secure decommissioning are normal practice and ELC request this be included with any consent.

3.51 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 also during operation, as detailed above.

3.52 Figure 1 below shows renewable capacity in Scotland by Planning Stage, September 2014. In 2014, 49.8% of electricity consumption came from renewable sources. Slightly more capacity is at the consented stage than was operational in 2014. Probably not all of this will be built, but if all consented development were built, or even around 2/3 of that consented or in planning, the Scottish target would be reached.



3.53 UK wide, renewable energy generated almost 1/5 of total electricity generation renewables in 2014, and the interim target for the Renewable Energy Directive was met. The 3rd Progress Report states that based on existing plans the UK is set to meet its objective of 30% of electricity from renewables in 2020. The UK government is cutting subsidies to wind, with Amber Rudd stating that there is enough onshore wind in the pipeline to meet 2020 expectations.

3.54 Landscape and visual impact of some turbines of both schemes are considered to be detrimental and are detailed in the Landscape Officers Report at Appendix 2.

Fallago Rig 1 extension of time

- 3.55 Fallago 1 has consent to operate until 2038. Generally, this site is a good one, with containment in a topographic bowl, and little visibility of much of the development from settled areas. For the majority of the turbines, the benefits of generating renewable energy is considered to outweigh the impacts they have on East Lothian, and the site is considered in principle suitable for use in perpetuity.
- 3.56 However, as detailed in the response from the Landscape Officer, there are some turbines which do cause concern, with both hubs and blades appearing over the Lammermuir skyline across much of lowland East Lothian as well as in views within the Lammermuir Plateau. In responding to the original application for Fallago Rig, this Council objected to the scheme as a whole, due to its landscape and visual impact and recreational impact, partly in principle due to its central location in the Lammermuirs, but also due to the impact on views from lowland East Lothian and the Lammermuir plateau. ELC now accepts the Reporters judgement on the principle of the scheme and that for the most part of the scheme, the desirability of generating renewable energy outweighs the environmental impacts.
- 3.57 However, the landscape and visual impacts to which we objected remain. With experience of the scheme as built, and the evidence of the ES, it is clear that the main adverse impacts not arising from the principle of placing a windfarm in this part of the central Lammermuirs, in particular the impact on views from lowland East Lothian as well as in the Lammermuir themselves, come from turbines 22, 26, 34, 37, 46 and 48 as detailed in the Landscape Officers report. These turbines have a landscape and visual impact out of proportion with their generating capacity in comparison with the rest of the scheme. The landscape and visual impact adversely affects the natural beauty of the area, and is contrary to SPP in particular that it does not maintain or enhance distinctive landscape character (paragraph 194), and is contrary to SNH guidance on the Siting and Design of Windfarms in the Landscape, and ELC Guidance on Windfarms of Over 12MW. Were the development in East Lothian, it would be contrary to East Lothian Plan Policy DC1 Part 5 as it is not integrated into the landscape, and does not minimise visual intrusion or landscape impact. It would also be contrary to Policy NH4 as harming the Lammermuir AGLV. It would also be contrary to NRG3 as it would have an unacceptable visual impact on landscape including its impact on distinctive public views. For these turbines, ELC does not consider the benefits outweigh the landscape and visual impact.
- 3.58 Despite this, removing these turbines separately i.e. at the end of the existing consent, and leaving the rest of the scheme in place is not desirable as it would be inefficient to remove them while they are still working, and in addition to bring two periods of disruption to the area while decommissioning.
- 3.59 The views of the Reporter on the original application on the suitability of the site in perpetuity cannot be known. He stated that the visual and landscape impacts of the development alone would be acceptable, and

that the cumulative impacts would be significant but outweighed by the generation of renewable energy. However the visual and landscape impacts identified were only temporary, and this may have factored into his view.

- 3.60 It is ELC's view that the part of the site on which turbines 22, 26, 34, 37, 46 and 48 sit is not suitable for wind turbines, and in particular not considered suitable for turbines in perpetuity. Although the ES has only considered the precise locations of these turbines, due to the height of the land and surrounding topography, it is highly likely that turbines on any of the site north of a line connecting T22, T26, T34 and T48 which is both higher and further forward to the Lammermuir edge, would give rise to similar impacts. It is this area that ELC requests Scottish Ministers to remove from the stipulation that windfarm sites should be considered suitable for use in perpetuity.
- 3.61 The response to the ECDU has therefore not objected to the granting of the extension of time provided that this does not imply that the site is suitable in perpetuity.
- 3.62 The Principal Environmental Health Officer has requested conditions on noise. No other issues were raised during consultation and there are no other issues on which the Council would raise an objection.

Fallago Rig 2

- 3.63 The application for FR2 is for 12 turbines. While all of the turbines will be visible from some parts of East Lothian, mostly they do not have an unacceptable landscape or visual impact. However, as detailed in the Landscape Officers Report, turbines 49 and 50 do have a detrimental landscape and visual impact and should be omitted from the scheme. Turbine 60 should be reduced in height to bring its hub below the skyline from key viewpoints, and if that is not possible, removed from the scheme. Again, the landscape and visual guidance is contrary to the guidance and policy detailed in paragraph 3.55 above.
- 3.64 The Principal Environmental Health Officer has requested conditions on noise, but does not expect limits to be breached. There are no other issues on which the Council would raise an objection.
- 3.65 For both this and the previous application, the Council would request conditions on decommissioning and lighting.

Conclusion

- 3.66 With the changes to FR2 suggested, and the removal of the stipulation that a site approved for windfarm development should be suitable in perpetuity for that part of the FR1 scheme described above, the scheme in total would still allow for the generation of a considerable amount of renewable energy. It is recognised that despite progress towards targets these should not be seen as a cap. The changes to the scheme requested would however provide for a much improved scheme in landscape and visual terms.

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 may be required for preparing and appearing at a Public Inquiry

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Application and Environment Statement for Fallago Rig 2 Windfarm and Wind farm extension of time, plus supporting documents dated December 2015, and additional information attached to email from Sue Birnie dated 7 April 2015.

7.2 SESplan Strategic Development Plan, June 2013

7.3 The East Lothian Local Plan 2008

7.4 Landscape Capacity Study for Wind Turbine Development in East Lothian, 2005

7.5 Scottish Planning Policy

7.6 Scottish Governments 'Energy Generation Policy Statement', 'Energy in Scotland 2015', '2020 Routemap for Renewable Energy in Scotland', plus 2015 update.

7.7 ELC's Guidance for Windfarms of 12MW or over

7.8 SNH publications 'Siting and Designing Windfarms in the Landscape', 'Assessing the Cumulative Impact of Onshore Wind Energy Developments' and SNH Review 112: The Borders landscape character assessment.

7.9 UK government 'Third Progress Report on the Promotion and Use of Energy from Renewable Sources for the United Kingdom'

7.10 Amber Rudd Statement

<https://www.gov.uk/government/speeches/amber-rudds-speech-on-a-new-direction-for-uk-energy-policy>

AUTHOR'S NAME	Jean Squires
DESIGNATION	Planner
CONTACT INFO	01620 827370 jsquires@eastlothian.gov.uk
DATE	7 April 2016

APPENDIX 1: Response to ECDU

Our Ref: 16/00001/SGC

Your Ref: None given

Date: as email

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

Dear Sir/Madam,

ELECTRICITY ACT 1989

APPLICATION 1 - SECTION 36C OF THE ELECTRICITY ACT 1989

THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT)

SCOTLAND REGULATIONS 2013

– Fallago Rig Wind Farm, Scottish Borders.

APPLICATION 2 - SECTION 36 OF THE ELECTRICITY ACT 1989.

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000.

- Fallago Rig Wind Farm 2 (an extension) Scottish Borders.

I refer to your consultation on the above, and have the following comments. I have attached our Members Library Report to the covering email, and this should be read along with this letter.

Application 1: Extension of time

ELC considers that turbines 22, 26, 34, 37, 46 and 48 have adverse landscape and visual impacts which are not outweighed by their renewable energy generating capacity. Retaining these turbines will affect the natural beauty of the area, and we consider it contrary to policy and guidance as detailed in the Members Library Report.

However, we recognise the undesirability of removing turbines which are still functioning, and of having two periods of disruption were these turbines to be decommissioned separately. For this reason, provided it is stipulated that granting of this consent that in the particular circumstances of this application that Scottish Planning Policy paragraph 170 stating that areas identified for windfarms should be suitable for use in perpetuity does not apply to the area on which turbines 22, 26, 34, 37, 46 and 48 sit, we do not object to the granting of consent for this application. This area to which the removal of suitability for wind turbine development in perpetuity would apply is considered to be broadly the area within the site north of a line connecting turbines 22, 26, 34 and 48.

ELC has no other objection to the granting of the application subject to conditions as detailed below.

Application 2: extension of generating capacity.

ELC **objects** to the approval of this application due to the adverse landscape and visual impact of turbines 49, 50 and 60.

We would remove our objection with;

- (1) the omission of Turbine 49 and 50 from the scheme, and
- (2) the lowering in height of Turbine 60 to bring the hub and in some cases blades below the skyline from key views; or, if this is not possible, the omission of turbine 60 from the scheme.

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

We have no objection to the granting of consent for the remainder of the scheme, subject to conditions as detailed below.

Conditions

If the proposals are consented we would request that conditions be placed on the consent to ensure that decommissioning is secured. This is in the interests of the landscape and visual amenity of the area, to make sure that effects do not persist long beyond energy generation ceasing. For the same reason, we would request a condition that any lighting during construction, operation or decommissioning is kept to the minimum required. We would also request a condition to secure decommissioning to ensure the adverse impacts of the scheme do not continue much beyond its benefits.

We request noise conditions be placed on the consent. Our Principal Environmental Health Officer suggests suitably worded conditions would be as follows:

“For Fallago Rig 2 alone:

Noise levels at any Noise Sensitive Premises from the effect of the wind turbine development known as Fallago 2 where the proprietor or the occupier of the property has no financial interest in the Development shall not exceed an external free-field LA90, 10 min level of the greater of 30dB(A) or 5dB at any 10 metre height wind speed up to 12m/s above the prevailing background noise level from 07:00-23:00, and the greater of 33dB(A) or 5 dB at any 10 metre wind speed height up to 12 m/s above the prevailing background noise level from 23:00-0:700. The data provided in the noise assessment presented in the Environmental Statement provides the prevailing background noise level at various wind speeds.

For Fallago Rig 1 and 2

Noise levels at any Noise Sensitive Premises from the cumulative effects of the wind turbines at Fallago 1 and 2 where the proprietor or the occupier of the property has no financial interest in the Development shall not exceed an external free-field LA90, 10 min level of the greater of 40dB(A) or 5dB at any 10 metre height wind speed up to 12m/s above the prevailing background noise level from 07:00-23:00, and the greater of 43dB(A) or 5 dB at any 10 metre wind speed height up to 12 m/s above the

prevailing background noise level from 23:00-0:700. The data provided in the noise assessment presented in the Environmental Statement provides the prevailing background noise level at various wind speeds.”

The Council would wish to discuss conditions 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.

If you have any questions about the content of this letter please could you call Jean Squires on 01620 827370 or email jsquires@eastlothian.gov.uk

Yours sincerely,

Mr D Proudfoot
Head of Development
East Lothian Council

APPENDIX 2: Landscape Officers Comments

EAST LoTHIAN COUNCIL

Partnerships and Services for Communities

INTERNAL MEMORANDUM

From: Landscape
Per: Sarah Cheyne
Ref: S36(LAN57460)

To: Policy and Projects
Per: Jean Squires
Ref: 16/00001/SCG

Date: 6 April 2016

Subject: Section 36 - Permission to extend the operational 48 turbine (Fallago Rig Rig 1) by constructing and operating an additional 12 turbines (up to 41.4MW) (Fallago Rig Rig 2)

Location: Fallago Rig Rig 1 site

Introduction

1. I write in response to your consultation on the above application. The proposal includes an extension of time to operate the existing 48 turbines at Fallago Rig and the erection of an additional 12 turbines at Fallago Rig. We have split the assessment of the landscape impact of the proposal into the two separate sections – assessment of proposed additional 12 turbines and assessment of the extended life of existing wind farm.
2. This site lies wholly within the Scottish Borders Council area, however it is on the border with East Lothian and therefore has both a landscape and visual impact on East Lothian.
3. East Lothian Council objected to the original wind farm application on grounds of significant and adverse landscape and visual impacts on:
 - the landscape character of the central Lammermuir Hills,
 - the experience of walking in the Lammermuir Hills,
 - the views from East Lothian
 - cumulative landscape and visual impacts
4. No comment was made on the detailed design of the proposed Fallago Rig Rig Windfarm due to the prime concerns being the principle of windfarm development in this location. However this application was granted on appeal and 48 turbines installed.

Assessment of the proposed additional ten turbines

5. The existing wind farm generally sits within a bowl formation within the hills, limiting visibility of the majority of the turbines. There are however a number of turbines that do not sit within the bowl and cause the windfarm to appear visually imbalanced in relation to the underlying and surrounding landform. Paragraph 3.26 of SNH Siting and Designing Wind Farms in the Landscape notes that it is important to site and design a windfarm so that it appears visually balanced in relation to the underlying and surrounding landform and that it is also important that the scale and extent of a windfarm do not seem to overwhelm the distinctive character and scale of a landform.
6. The existing turbines have 90 metre diameter blades on hub heights of 80 metres with six turbines to the northwest set on 65 metre high hubs. The additional turbines are proposed with blade diameters of 105m and hub heights of 74m, with two located to the east of the existing site and ten located to the south as indicated in Figure 4.1 Proposed Development Site Layout. These are all proposed to be 126.5m high. The turbines numbered 55-60 to the south appear to still be located within the bowl landscape although at higher elevations than the existing. The turbines numbered 51-54 appear to be located on ridge lines to the east of the general bowl formation with turbine 52 sitting separate to the east of the others on lower landform. Turbines 49 and 50 are located on the north side of Meikle Law beyond the Burn Betwixt the Laws and separate from the bowl formation.
7. Several viewpoints have been assessed for the level of visual effect of the proposed extension. These were agreed between the applicant and East Lothian Council, although two viewpoints requested several times at pre-application stage by East Lothian Council to give a full picture of the existing and proposed turbines with regard to the extension of time section of the application, have not been supplied. This makes a full assessment of

the extension of time part of the application more difficult to determine. We have asked for numbered wrielines from these locations, which would help to assess the impact.

8. All visuals have been produced with the blades facing the viewer. The applicant notes that this is for maximum visibility, however the turbines with hubs visible above the Lammermuir skyline from the plains of East Lothian including viewpoints 12, 14 and 17 create more of a disruption to the view when facing sideways to the viewer (their general location with the prevailing wind) and the full depth of the nacelle is visible as a solid mass above the horizon.
9. Viewpoint 1 Meikle Says Law (Fig. 7.19)
 - 9.1. This is the highest point within the Lammermuir Hills. At 535m it is a relative hill and therefore a well visited viewpoint. It is located with the Lammermuir Area of Great Landscape Value. This viewpoint is located 500m from the nearest turbine which is turbine 22 (110m to blade tip) of the existing Fallago Rig wind farm.
 - 9.2. The applicant has identified this viewpoint as having high sensitivity with the existing wind farm creating a high magnitude of change and therefore an existing substantial level of effect with the additional turbines giving a low additional magnitude and therefore moderate additional level of effect. This provides a substantial cumulative level of effect for the existing and proposed development (see Table 7.5 Summary of Viewpoint Analysis of the ES). We agree with this assessment due to the proximity of the wind farm to this viewpoint.
 - 9.3. The submitted visuals show the existing turbines 46, 37 and 48 forming a separate group to the east in this view. The proposed turbine 49 is located alone between this group and the remaining wind farm. Rather than linking the turbines together to form a cohesive group, the proposed height of this turbine causes it to intrude into the wider landscape views to the southeast over the Lammermuirs and into the Scottish Borders. A reduction in height of this turbine so that it reads within the landscape with turbines 47 and 48 could help to reduce this intrusiveness. This group of turbines also has the effect of linking the wind farms of Black Hill to the southeast and the proposed Inchmoor to the south with Fallago Rig in this view, giving the effect of a wind farm landscape rather than windfarms set within the landscape.
 - 9.4. The submitted visuals also indicate the increased height of the turbines up the hill slope to the south, in particular turbines 55, 56 and 59.
10. Viewpoint 2 Harestone Hill (Fig. 7.19)
 - 10.1. This viewpoint was used in the original Fallago Rig application. It is located within the Lammermuir Area of Great Landscape Value. Receptors would be mainly hill walkers.
 - 10.2. The applicant has identified this viewpoint as having high sensitivity with the existing wind farm creating a high magnitude of change and therefore an existing substantial level of effect with the additional turbines giving a low additional magnitude and therefore moderate additional level of effect. This provides a substantial cumulative level of effect for the existing and proposed development (see Table 7.5 Summary of Viewpoint Analysis of the ES).
 - 10.3. The eastern proposed turbines of 49 and 50 are only visible as blade tips within this view and sit between other turbines having little influence in this view. However due to the proposed height of the southern group of turbines they have an increased impact on this view. They increase visibility of turbines and increase clutter due to the increased number of turbines. Their height has the illusionary effect of bringing the turbines closer to the viewpoint. Turbine 60 sits high and alone in this view neither sitting within an existing group nor having the effect of linking groups. Turbine 60

also has the effect in this view of overlapping with the existing pylon increasing the clutter in this view.

11. Viewpoint 3 Redstone Rig (Fig. 7.20)

- 11.1. This viewpoint was also used in the original Fallago Rig application. This high viewpoint from the minor but well used road to Longformacus offers panoramic views across the Lammermuir Moorland and Area of Great Landscape Value with its extensive areas of plateau landform with managed heather moorland.
- 11.2. The existing turbines of Fallago Rig are highly visible sitting on the skyline to the southwest. The applicant has identified this viewpoint as having medium sensitivity, with the existing wind farm creating a high magnitude of change leading to an existing substantial / moderate level of effect. We agree with this. It identifies the additional turbines as having a medium additional magnitude leading to an additional moderate level of effect leading to a cumulative substantial / moderate effect (see Table 7.5 Summary of Viewpoint Analysis of the ES).
- 11.3. We would argue that the proposed turbines in this view extend the wind farm significantly to the south, spreading it across the hill slopes. Seven turbines are visible beyond the existing wind farm to the south in this view. Of these turbines 49 and 50 sit much higher in the view, thereby having the effect of pulling the turbines towards you in this view. Turbine 52 sits alone, separated from the general group, further to the south.
- 11.4. The existing turbines step down in this view to the south end and only partially overlap with a single visible pylon. The proposed turbines sit up in this view and overlap with four pylons. This has the effect of creating a discordant clutter of static and rotating structures – a key principle to avoid, as noted paragraph 3.43 in East Lothian Council's Guidance for Wind Farms of or over 12 Megawatts. The wind turbines dominate this view.
- 11.5. To reduce the significant detrimental visual impact of the proposed turbines in this view consideration should be given to reducing the height of turbines 49 and 50. Six turbines within the original Fallago Rig were provided with 15m lower hub heights to reduce their impact. Consideration should also be given to resiting turbine 52 to sit within the group of turbines or omitting this altogether.

12. Viewpoint 5 Lammer Law (Fig. 7.22)

- 12.1. This hill top with associated cairn is the highest forward peak of the Lammermuirs and is a highly visited viewpoint by tourists and hillwalkers. It offers panoramic views across the Lammermuir Moorland and Area of Great Landscape Value with its extensive areas of plateau landform with man-managed heather moorland, as well as views to the north over the plains of East Lothian. The applicant has identified it as having a high sensitivity with the existing wind farm creating a medium magnitude of change leading to a substantial / moderate existing level of effect, with the additional turbines giving a low additional magnitude and moderate level of effect and therefore substantial / moderate cumulative level of effect (see Table 7.5 Summary of Viewpoint Analysis of the ES).
- 12.2. With reference to the locations of turbines 49, 50 and 51-55 in this view we agree that these turbines sit with existing groups and are no higher in this view than the existing and therefore have low additional magnitude. However the turbines 56-60 form a small overlapping group to the south in this view significantly spreading the extent of the wind farm over the moorland to the south in this view with turbines 59 and 60 sitting higher on the skyline than the adjacent proposed and existing turbines.

13. Viewpoint 7 Priestlaw Hill (Fig 7.24)

- 13.1. This viewpoint is located on the summit of Priestlaw Hill with panoramic views both of the Lammermuirs as well as to the Cheviot Hills to the south. The existing wind farm forms a generally coherent group of turbines in this view with turbine 22 sitting on its own to the north and a straggly group of turbines 39, 29, 43, 31, 20 and 38 extending haphazardly to the south. Turbines 46 and 48 sit forward and high in this view.
- 13.2. The applicant has identified this viewpoint as having high sensitivity with the existing wind farm creating a medium magnitude of change leading to an existing substantial / moderate level of effect. We agree with this. It identifies the additional turbines as having a medium to low additional magnitude leading to an additional substantial / moderate to moderate level of effect leading to a cumulative substantial / moderate effect (see Table 7.5 Summary of Viewpoint Analysis of the ES).
- 13.3. Turbines 59, 60, 58 and 57 are of a scale, height and location to knit the existing turbines together, pulling in the existing straggly group to the south to read as one wind farm.
- 13.4. Turbines 50 and 49 however sit forward and high in this view, as with viewpoint 3, thereby having the effect of pulling the turbines towards you in this view.
- 13.5. Turbines 51 and 56 step down and would form a coherent edge to the wind farm in this view, enclosing turbine 39.
- 13.6. Turbines 52-55 sit high on the ridge to the south. In this view they sit directly above the valley and settlement of Killpallet significantly affecting the unspoilt and rural nature of this view. They appear incongruous and out of scale in this view. Although only one view it is a significant walkers viewpoint. These turbines are creeping further over the hills, further eroding the sense of remoteness and wildness and impacting more on the Lammermuir Area of Great Landscape Value within East Lothian.
- 13.7. To reduce the significant detrimental visual impact of the proposed turbines in this view consideration should be given to reducing the height of turbines 49 and 50. Six turbines within the original Fallago Rig were provided with 15m lower hub heights to reduce their impact. Consideration should also be given to omitting turbines 52, 53, 54 and 55 altogether, but particularly 52 and 53.

14. Viewpoint 8 Gifford (Fig. 7.25)

- 14.1. The applicant has identified this viewpoint as having a medium sensitivity with the existing wind farm creating a negligible magnitude of change leading to a slight / negligible existing level of effect. They have identified that there is no additional magnitude as there is no visibility of the additional proposed turbines therefore no change to the level of effect (see Table 7.5 Summary of Viewpoint Analysis of the ES). The submitted wireline indicates no visibility of the proposed turbines in this view and we agree with this assessment.

15. Viewpoint 12 Traprain Law

- 15.1. Traprain Law is an important landmark and tourist attraction within East Lothian. It offers panoramic 360° views across the plains of East Lothian to both the coast and the hills.
- 15.2. The applicant has identified this viewpoint as having a high sensitivity with the existing wind farm creating a low magnitude of change leading to a moderate existing level of effect, with the additional turbines giving a negligible to zero additional magnitude and slight to no view level of effect and therefore moderate cumulative level of effect (see Table 7.5 Summary of Viewpoint Analysis of the ES).

- 15.3. We agree that this viewpoint has high sensitivity. However we disagree with the assessment that the existing Fallago Rig wind farm creates a low magnitude of change. Table 7A.2 of the applicants Appendix 7A: Methodology and Glossary defines a low magnitude as “a small level of change, affecting a small part of the view that may be viewed obliquely or partly screened and/or appearing in the background landscape”.
 - 15.4. East Lothian Council’s objection to the original Fallago Rig application was due in part to the significant and adverse landscape and visual impacts on the landscape character of the central Lammermuir Hills and the views from East Lothian. This view clearly shows the impact that the development has had on breaking the Lammermuir Hills skyline. Paragraph 3.19 of East Lothian Council’s Guidance for Wind Farms of or over 12 Megawatts discusses the importance of the pencil sharp skyline of the Lammermuir Hills in providing a simple uncluttered backdrop for the agricultural plain, settlements and volcanic outcrops of East Lothian.
 - 15.5. Given the importance of the skyline we would argue that the magnitude of change from this viewpoint is high to medium. As defined in the applicant’s submission in table 7A.2 examples of high magnitude include “a major change or obstruction of a view that may be directly visible, appearing as the dominant and contrasting feature appearing in the foreground”. The breaking of the skyline with turbines is directly visible, and both a dominant and contrasting element, however as the applicant’s example specifically mentions foreground under high magnitude of change we have to assess this as high to medium. This, in our assessment, would give a substantial / moderate existing level of effect.
 - 15.6. The submitted wireline and photomontages clearly show the proposed turbines 49 and 50 visible on the skyline, spreading the extent of the wind farm to the east along the skyline, further disrupting this important landscape feature, with additional tips of turbines 55, 59 and 60 visible set within the existing spread of the wind farm. We therefore also disagree with the applicant’s assessment that the additional magnitude is negligible to zero. We assess the additional magnitude is medium to low with a “new element within the view that may be readily noticeable, directly or obliquely visible”. This would therefore give, in our assessment, a cumulative substantial / moderate level of effect.
 - 15.7. Paragraph 3.22 of East Lothian Council’s Guidance for Wind Farms of or over 12 Megawatts notes that any further wind turbine development should avoid the spread of turbines along the Lammermuir skyline. To reduce this spread and retain more of the simple uncluttered backdrop for the agricultural plain, settlements and volcanic outcrops of East Lothian, consideration should be given to reducing the height of turbines 49 and 50 to bring their tips to below the skyline in this significant view. However given the reduction in height required to achieve this it may be a better option to omit these two turbines altogether.
16. Viewpoint 14 Nisbet Loanhead (Fig. 7.31)
 - 16.1. This viewpoint along the A6093 is representative of sequential views along the entire length of the A6093 from Haddington to Pencaitland. These views are to the south oblique to the direction of travel. As with Traprain Law this view point shows the breaking of the Lammermuir skyline by the turbines. This lower elevation view reduces the height of the turbines visible from this viewpoint showing several hubs just visible on the skyline.
 - 16.2. The applicant has identified this viewpoint as having a medium sensitivity with the existing wind farm creating a negligible magnitude of change leading to a slight / negligible existing level of effect, with the additional turbines giving a negligible to

zero additional magnitude and slight / negligible to no view level of effect and therefore slight / negligible cumulative level of effect (see Table 7.5 Summary of Viewpoint Analysis of the ES).

- 16.3. There are long range views along the Lammermuir hills sequentially along the A6093 with the turbines of Fallago Rig breaking the horizon in the middle of the Lammermuir hills skyline. We agree with the assessment of the original wind farm that this viewpoint has medium sensitivity due to its location on a busy transport corridor, but assess the landscape magnitude of change as low where there is “a small level of change, affecting a small part of the view that may be viewed obliquely or partly screened and/or appearing in the background landscape”. This gives an existing moderate / slight level of effect.
 - 16.4. The wireline submitted indicates the tips of turbine 59 and the hub of turbine 60 visible above the skyline, with turbine 60 to the west of the existing turbines, thereby spreading the extent of the wind farm to the west, towards the side slopes of Lammer Law. This extends the spread of the wind farm across the skyline. We would assess this additional magnitude also as low rather than negligible as identified in the applicant’s assessment. Giving a cumulative level of effect as moderate to slight.
 - 16.5. A reduction in height of turbine 60 to bring the hub and preferably blades to below the skyline would be supported to reduce the proposed spread of the wind farm across the Lammermuir skyline and retain more of the simple uncluttered backdrop for the agricultural plain, settlements and volcanic outcrops of East Lothian in this view, which is representative of the sequential views along the entire length of the A6093 from Haddington to Pencaitland.
17. Viewpoint 16 Pencaitland (Fig. 7.33)
- 17.1. The applicant has identified this viewpoint as having a high sensitivity with the existing wind farm creating a negligible magnitude of change leading to a slight existing level of effect. They have identified that there is no additional magnitude as there is no visibility of the additional proposed turbines therefore no change to the level of effect (see Table 7.5 Summary of Viewpoint Analysis of the ES). The submitted wireline indicates no visibility of the proposed turbines in this view and we agree with this assessment.
18. Viewpoint 17 Oaktree Junction (Fig. 7.34)
- 18.1. The supplied viewpoint is taken from the entrance to Haddington on the B6471, the main route into Haddington from Edinburgh. It is also representative of residents of the western part of Haddington. It has a high frequency of use.
 - 18.2. The applicant has identified this viewpoint as having a medium sensitivity with the existing wind farm creating a low to negligible magnitude of change leading to a moderate to slight existing level of effect. They have identified a negligible to zero additional magnitude thereby providing a cumulative moderate to slight level of effect (see Table 7.5 Summary of Viewpoint Analysis of the ES).
 - 18.3. However as this viewpoint is representative of both residents of Haddington and a highly used road network we would argue that this gives this viewpoint a high sensitivity.
 - 18.4. The submitted wireline indicates that the blade tips of proposed turbine 59 will be visible above the skyline between turbines 3 and 8 with the blades of proposed turbine 60 visible beyond the existing spread of the wind farm to the west, again spreading the wind farm further across the skyline.
 - 18.5. As with viewpoint 14 a reduction in height of turbine 60 to bring the blades to below the skyline would be supported to reduce the proposed spread of the wind farm

across the Lammermuir skyline in this view and retain more of the simple uncluttered backdrop for the agricultural plain, settlements and volcanic outcrops of East Lothian.

19. Viewpoint 18 Hopetoun Monument (Fig 7.35)

19.1. The Hopetoun Monument is another landmark and well-visited tourist attraction within East Lothian offering panoramic 360° views across the plains of East Lothian to both the coast and the hills. Its raised elevation means that there is wide ranging visibility although the Fallago Rig wind farm is located over 17kms from the monument and therefore has reduced visual impact.

19.2. The applicant has identified this viewpoint as having a high sensitivity with the existing wind farm creating a negligible magnitude of change leading to a slight existing level of effect, with the additional turbines giving a negligible to zero additional magnitude and slight to no view level of effect and therefore slight cumulative level of effect (see Table 7.5 Summary of Viewpoint Analysis of the ES).

19.3. We would argue that although the wind farm is over 17kms from this viewpoint it still has the effect of adding new contrasting elements into this view, breaking the linear skyline of the Lammermuirs and therefore has a low not negligible magnitude of change, giving a current moderate level of effect.

19.4. The visible proposed turbines all sit lower on the skyline than the majority of the existing turbines; however the proposed turbines spread the wind farm to both the east and west along the skyline with tips of turbine 49 to the east and the blades of turbine 60 to the west of the existing turbines. This would therefore in our assessment be a low to negligible magnitude of change.

19.5. Reduction in height of turbines 49 and 60 to bring their blade tips below the skyline would retain the current spread of the wind farm across the skyline in this view retaining more of the simple uncluttered backdrop for the agricultural plain, settlements and volcanic outcrops of East Lothian.

20. Viewpoint 19 Tranent (Fig. 7.36)

20.1. The viewpoint to the south edge of the town Tranent represents views from the settlement and as such is identified as a highly sensitive receptor with which we agree. However the viewpoint is over 19km from the nearest turbine and is identified as therefore having negligible impact providing a slight existing level of effect. Only the tip of proposed turbine 50 would be visible from this viewpoint set between the existing turbines and we agree with the applicant's assessment that this will have negligible to zero additional magnitude, providing a slight cumulative level of effect (see Table 7.5 Summary of Viewpoint Analysis of the ES).

21. Viewpoint 21 Auldham (Fig 7.38)

21.1. This viewpoint is located over 22km from the nearest turbine of Fallago Rig, however given its elevation it provides a wide panoramic view of the Lammermuir hills skyline. It is located on the A198 North Berwick to Tynninghame Road, a well used tourist route.

21.2. The applicant has identified this viewpoint as having a medium sensitivity with the existing wind farm creating a negligible magnitude of change leading to a slight / negligible existing level of effect. We agree with the medium sensitivity of the receptor, however we would argue that the breaking of the skyline – an important element in the landscape setting and character of East Lothian – is not negligible, but at this distance low, described in table 7A.2 of the applicants Appendix 7A: Methodology and Glossary as “a small level of change, affecting a small part of the view that may be viewed obliquely or partly screened and/or appearing in the

background landscape”. This provides a moderate to slight level of change in our assessment.

- 21.3. The applicant has also identified a negligible to zero additional magnitude thereby providing a slight / negligible to no view level of effect (see Table 7.5 Summary of Viewpoint Analysis of the ES).
- 21.4. However the supplied wirelines clearly show that the proposed turbines significantly extend the spread of the existing windfarm to the east along the skyline. The hubs of turbines 49 and 50 are visible as are the blades of turbines 52 and 53 east of the existing wind farm. There are also several blades of proposed turbines, 54, 55, 56, 59 and 60, visible throughout the existing wind farm, consolidating the visual impact of the wind farm. We would therefore argue that the additional magnitude is low, given the distance, but extended width of turbines. This would give a cumulative moderate / slight level of change in our assessment.
- 21.5. Paragraph 3.22 of East Lothian Council’s Guidance for Wind Farms of or over 12 Megawatts notes that any further wind turbine development should avoid the spread of turbines along the Lammermuir skyline. To reduce this spread and retain more of the simple uncluttered backdrop for the agricultural plain, settlements and volcanic outcrops of East Lothian, consideration should be given to reducing the height of turbines 49 and 50 to bring their tips to below the skyline in this view. However given the reduction in height required to achieve this it may be a better option to omit these two turbines altogether.

22. Viewpoint 22 North Berwick Law (Fig 7.39)

- 22.1. North Berwick Law is another landmark and well-visited tourist attraction within East Lothian offering panoramic 360° views across the plains of East Lothian to the hills to the south and the sea to the north. Its raised elevation means that there is wide ranging visibility, although the Fallago Rig wind farm is located over 23kms from the viewpoint and therefore has reduced visual impact.
- 22.2. The applicant has identified this viewpoint as having a high sensitivity with the existing wind farm creating a negligible magnitude of change leading to a slight existing level of effect. We agree with the high sensitivity of the receptor, however we would argue that the breaking of the skyline – an important element in the landscape setting and character of East Lothian – is not negligible, but at this distance low, described in table 7A.2 of the applicants Appendix 7A: Methodology and Glossary as “a small level of change, affecting a small part of the view that may be viewed obliquely or partly screened and/or appearing in the background landscape”. This provides a moderate level of change in our assessment.
- 22.3. The applicant has also identified a negligible to zero additional magnitude thereby providing a slight to no view level of effect (see Table 7.5 Summary of Viewpoint Analysis of the ES).
- 22.4. However the supplied wirelines clearly show that the hubs of proposed turbines 49 and 50 are visible to the east of the existing wind farm, significantly extending the spread of the existing windfarm to the east along the skyline. Due to the elevation of this view the tips of all the proposed turbines to the south of Fallago Rig are visible set between the existing turbines, consolidating the visual impact of the wind farm. We would therefore argue that the additional magnitude is low, given the distance, but extended width and number of turbines. This would give a cumulative moderate level of change in our assessment.

22.5. Paragraph 3.22 of East Lothian Council’s Guidance for Wind Farms of or over 12 Megawatts notes that any further wind turbine development should avoid the spread of turbines along the Lammermuir skyline. To reduce this spread and retain more of the simple uncluttered backdrop for the agricultural plain, settlements and volcanic outcrops of East Lothian, consideration should be given to reducing the height of turbines 49 and 50 to bring their tips to below the skyline in this view. However given the reduction in height required to achieve this it may be a better option to omit these two turbines altogether.

- 23. The key design objectives of Fallago Rig 2 as stated by the applicant are to retain the original design principle of siting turbines within a topographical bowl that benefits from subtle containment from outlying hills and undulating landform and for the layout of Fallago Rig 2 turbines to appear visually consistent with the existing Fallago Rig 1 wind farm so that the combined schemes read as one wind farm that relates well to the existing character and topography.
- 24. We note however that the applicant is now proposing two turbines, 49 and 50 in an area where turbines were proposed in the initial application for Fallago Rig and later omitted (Proposed Site Layout Plan April 2005 attached below). These two turbines extend onto hill slopes outwith the topographical bowl formation. As can be seen in the visual assessment above these turbines are noted in a number of viewpoints as being detrimental to the views and spreading the extent of the existing wind farm over the important Lammermuir skyline feature.
- 25. Due to the detrimental landscape and visual impact of turbines 49 and 50 these should be omitted from the scheme.

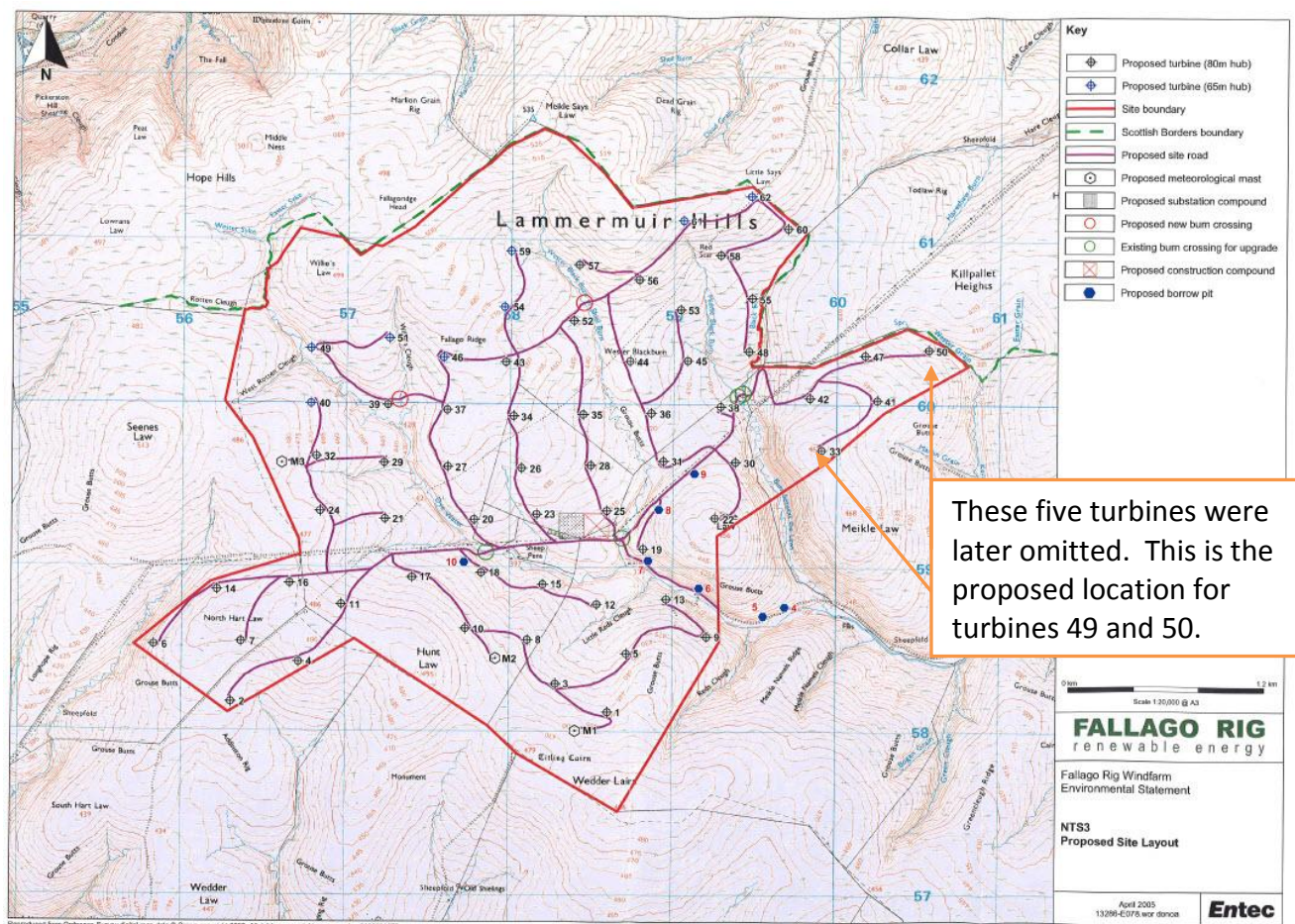


Fig. 1 Original Fallago Wind Farm Application Proposed Site Layout Plan April 2005

26. With regard to the ten turbines proposed to the south of the site there are a couple that we would prefer to see resited or removed. These are discussed in detail within each viewpoint. The most notable are:
 - 26.1. Turbine 60 has been indentified in a number of viewpoints from the north, 14, 17 and 18 with its hub sitting above the skyline and to the west of the existing wind farm containment. A reduction in height to bring the hub of this turbine below the skyline would answer this concern. If this is not possible then this turbine should also be omitted.
 - 26.2. Viewpoint 7 Priestlaw Hill turbines 52 and 53 have a particularly detrimental impact on the landscape setting of the valley and settlement of Killpallet. These turbines should be removed or resited to allow the retention of the landscape setting and character of this valley in this view.

Assessment of the proposed extension of time

27. The existing wind farm was granted for a period of 25 years and all assessments on visual and landscape impact have been made with this long term temporary period in mind, with consideration that following this period and decommissioning of the wind farm the landscape effects would be reversed.
28. Scottish Planning Policy 2014 paragraph 170 now advises that areas identified for wind farm development should be suitable for use in perpetuity. This changes the development type from long term temporary to permanent. Permanent landscape effects are more likely to be considered significant than temporary effects.
29. This being the case we have assessed the landscape and visual effects of the existing windfarm to ascertain whether we agree with its acceptance on a permanent basis or whether there are turbines that should be considered for redesign, relocation or removal to create a wind farm that sits comfortably within the landscape permanently.
 - 29.1. The submitted visuals for Meikle Says Law Viewpoint 1 (Fig. 7.19) show the existing turbines 46, 37 and 48 forming a separate group to the east in this view. As noted in paragraph 9.3 above this group of turbines has the effect of linking the wind farms of Fallago Rig and Black Hill to the southeast and the proposed Inchmoor to the south in this view, creating the effect of a wind farm landscape rather than windfarms set within the landscape. Turbine 48 sits lower and less intrusive in this view. The omission of these three turbines and in particular turbines 46 and 37 would significantly reduce the wind farm landscape effect in this view.
 - 29.2. The submitted visuals for Viewpoint 2 Harestone Hill (Fig. 7.19) show enclosure for the majority of the existing turbines by the rise of Meikle Says Law to the east in this view. There are two existing turbines – 37 and 46 that are visible above Meikle Says Law. The hub of 37 is visible with the tips of 46 visible further east. Their omission would reduce the spread of the windfarm and allow the peak of Meikle Says Law to sit uninterrupted within this landscape view.
 - 29.3. In viewpoint 3 from Redstone Rig (Fig.7.20) there are several turbines that site proud out of the bowl and do not relate to the other turbines due to their increased height. Turbines 46 and 37 are the highest. Turbine 37 is one of the turbines that has been set on a reduced column height to reduce its hub height and impact, yet still has a significant detrimental impact in this view.
 - 29.4. In the viewpoint from Lammer Law (Viewpoint 5 Fig. 7.22) the turbines 37, 46 and 22 to the north sit as a separate group from the rest of the wind farm on the slopes of Meikle Says Law, with turbine 37 sitting furthest north and highest on the slope. Turbine 26 also sits higher than the surrounding turbines to the north of the rest of

the wind farm. The reduction in height of turbine 26 and possible omission of turbine 37 could create a better landscape fit for the wind farm within this view.

- 29.5. In viewpoint 7 from Priestlaw Hill (Fig. 7.24) there are two turbines 46 and 48 that sit proud and forward out of the bowl and do not relate to the other turbines due to their increased height within this view. Turbine 22 also sits separate from the other turbines to the north in this view with turbine 34 appearing higher than the surrounding turbines. The omission of turbine 22 and reduction in height of the others could help to provide a better fit for the wind farm within the landscape.
- 29.6. In viewpoint 12 from Traprain Law four hubs of turbines 46, 37, 34 and 26 are visible above the skyline. 37 in particular sits high with its column also visible. The view of hubs significantly increases the impact of the wind farm in this view and breaks the skyline and simple uncluttered backdrop for the agricultural plain, settlements and volcanic outcrops of East Lothian. As noted in paragraph 8 the turbines with hubs visible above the Lammermuir skyline from the plains of East Lothian create more of a disruption to the view when facing sideways to the viewer (their general location with the prevailing wind) and the full depth of the nacelle is visible as a solid mass above the horizon. This detrimental impact could be reduced in this view by the omission of turbines 46, 37, 34 and 26.
- 29.7. In viewpoint 16 from the east side of Pencaitland (Fig 7.33) there are two turbines (22 and 26) with hubs visible between the hill slopes. There are also a number of tips visible with the blades of 46 and 37 visible separately to the north and the blades of turbine 34 adjacent to the hubs of turbines 22 and 26. The majority of tips visible spread to the south of these hubs. The five turbines noted are the turbines that have consistently come up as the most visible and intrusive from East Lothian and those that should they be removed would significantly improve the containment and layout of the wind farm. Omission of these turbines would therefore also significantly reduce visibility of the wind farm from Pencaitland.
- 29.8. In viewpoint 17 from the west of Haddington several hubs are visible along the skyline. As noted in paragraph 8 the turbines with hubs visible above the Lammermuir skyline from the plains of East Lothian create more of a disruption to the view when facing sideways to the viewer (their general location with the prevailing wind) and the full depth of the nacelle is visible as a solid mass above the horizon. Turbines 37 and 26 have hubs skylined in this view, with turbines 46, 34 and 22 spreading the wind farm over the skyline to the east. Blade tips of turbines 17 and 18 extend east towards turbine 22, but their reduced height has less of an impact than the hubs and blades of the five easternmost turbines. The remaining turbines are clustered to the west forming more of a coherent group that reads as one and reduces spread and therefore visual disruption of this important landscape element.
- 29.9. In viewpoint 18 from the Hopetoun Monument (Fig 7.35) several hubs are visible above the skyline. As noted in paragraph 8 the turbines with hubs visible above the Lammermuir skyline from the plains of East Lothian create more of a disruption to the view when facing sideways to the viewer (their general location with the prevailing wind) and the full depth of the nacelle is visible as a solid mass above the horizon. Turbines 46, 37, 26 and 22 have hubs skylined, spreading the wind farm over the skyline to the east, in this view. Although there are blade tips of several turbines between these hubs they are less visible due to the distance from this viewpoint. The remaining turbines are clustered to the west forming more of a coherent group that reads as one and reduces spread and therefore visual disruption of this important landscape element.
- 29.10. In viewpoint 19 from the southern edge of Tranent (Fig. 7.36) there are several hubs visible above the skyline, with turbines 22, 26 and 34 grouped together at the

north end of the view. The turbines site in a more confined group within this view with only the blades of turbines 37 and 46 sitting outwith the group to the north.

29.11. In Viewpoint 21 Auldhame (Fig 7.38) from the A198 there are two existing turbines that sit very high above the skyline so that the whole blade diameters are visible. These turbines are numbers 46 and 37.

29.12. In viewpoint 22 North Berwick Law (Fig 7.39) there are again two existing turbines, 46 and 37, that sit high above the skyline so that the whole blade diameters are visible, together with three other turbines, 48, 34 and 26 where the whole blade head and hub is visible.

30. It can be seen from the above visual assessment that there are several turbines that come up in most of the viewpoints as sitting high and having a detrimental impact on the landscape character of the Lammermuir skyline and on views within the Lammermuir plateau. These turbines are 46, 37, 26, 34, 22 and 48. We would not support the renewal of turbines in these locations and therefore recommend removal of the right to place turbines in these locations in perpetuity.