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proposed local development plan  
**technical note 4** 2016

PLANNING FOR WIND

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# LIST OF ABBREVIATIONS

<b>ABBREVIATION</b>	<b>FULL TITLE</b>
LDP	Local Development Plan
LCS	Landscape Capacity Study for Wind Turbine Development 2005” Carol Anderson and Alison Grant, commissioned by East Lothian Council and SNH
Supplementary LCS	East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines” Carol Anderson for East Lothian Council October 2011
MIR	Main Issues Report
MW	Megawatt
NPF	National Planning Framework
PAN	Planning Advice Note
PLDP	Proposed Local Development Plan
SDP1	SESplan’s First Strategic Development Plan
SESplan	Strategic Planning Authority for Edinburgh & South East Scotland
SPG	Supplementary Planning Guidance
SPP	Scottish Planning Policy
TN	Technical Note
GIS	Geographic Information Systems

## INTRODUCTION

1. East Lothian Council's Proposed Local Development Plan (PLDP) is accompanied by a series of Technical Notes (TNs) that describe the approach the Council has adopted to planning issues in the preparation of the PLDP for East Lothian. This TN explains the approach the Council has taken to planning for wind, including how the PLDP meets the requirements of Scottish Planning Policy (SPP). The TN covers:
  - Relevant provisions of the Scottish Government's National Planning Framework 3 (2014), Scottish Planning Policy (2010 and 2014) and online guidance in planning for wind;
  - Policy contained in the Strategic Development Plan for Edinburgh and South East Scotland
  - Summary of existing wind development in East Lothian
  - Relevant considerations from consultation responses to the Council's Main Issues Report, and the Council's response to these;
  - The policy approach of the Proposed LDP to planning for wind
2. This TN is broadly split into sections that reflect the points above. It describes how East Lothian Council has interpreted and applied relevant national and regional planning policies specifically on wind, with reference to policies on protecting aspects of the environment. The main body of the TN deals with the policy issues and explains the approach taken.

## NATIONAL AND REGIONAL PLANNING POLICY, GUIDANCE AND ADVICE

3. Energy policy including electricity generation and security of supply is a matter reserved to the UK Government at Westminster. However, Scottish Ministers also have a role in planning for wind development through their devolved powers over town and country planning matters. In addition, the granting of consent for electricity generation where it is required under the Electricity Act has been devolved to the Scottish Government, giving powers over the location of large energy generating stations, including larger windfarms.

## CONSENTING WIND DEVELOPMENT

4. Scottish Ministers determine applications for windfarms of over 50MW, as well as any offshore wind farm applications. These are known as 'Section 36 applications', as they are determined under Section 36 of the Electricity Act 1989. The Electricity Act 1989 sets out the considerations to which the decision maker should have regard, including the desirability of preserving natural beauty, flora and fauna, protecting historic sites and others. This does not include having reference to the Local Development Plan for the area but practice has grown up of the plan for the area being taken into account.
5. Onshore applications over 50MW are administered by the Scottish Government's Energy Consents and Deployment Unit. The Council in whose area any such windfarm is located is consulted for their views, and if the Council objects, a Public Local Inquiry is automatically held. Councils are also consulted over proposals which are not in their area but may affect interests within their area, generally because they are visible from the area. The Council may object if it chooses and its views will be taken into account, but a Public Local Inquiry will not automatically be held. Scottish Ministers may however choose to hold a Public Local Inquiry on any application where it considers the issues raised would merit examination in this way.
6. Consenting for offshore developments is delegated to Marine Scotland. Marine Scotland will seek the views of affected Councils in the same way as Scottish Ministers through the Energy Consents and Deployment Unit.
7. On land (above the Mean Low Water Springs), and for development of 50MW or below, the Council is the planning authority. Windfarms of 20MW and over are considered major development, and so are determined by the Planning Committee with appeal to Scottish Ministers. Those below 20MW are local development, and are normally determined by the Executive Director of Services for Communities, with appeal to the Local Review Board.

2020 ROUTEMAP FOR RENEWABLE ENERGY IN SCOTLAND AND ELECTRICITY GENERATION POLICY STATEMENT

8. The Scottish Government has published the “2020 Routemap for Renewable Energy in Scotland”, with an update in September 2015. This identifies the Scottish Government’s support for renewable energy and sets out how the renewable energy targets could be met. The update shows that the target for 2015 as very close to being met.

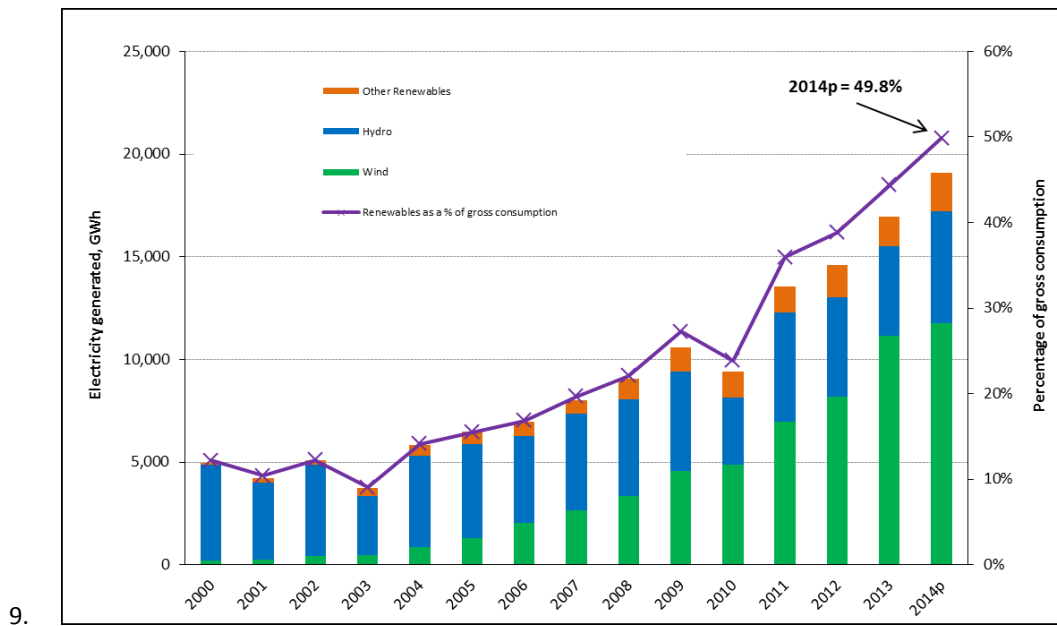


Figure 1; Renewable Electricity Generated (GWh) Scotland 2000-2014, from 2020 Routemap for Renewable Energy in Scotland - Update 2015, Scottish Government



10. In addition, there is a strong pipeline of development still to be built, or in planning. In terms of capacity, most of the projects that are under construction or that have been consented but not yet built are wind developments, split evenly between on- and off-shore projects. Wind power also has the biggest share of operational community and locally owned projects by capacity<sup>1</sup>. Given the capacity already installed, and projects in the pipeline, Scotland appears well on course to meet the target, though this target is uncapped, and the view of the Scottish Government is that the 2020 target will remain challenging<sup>2</sup>.

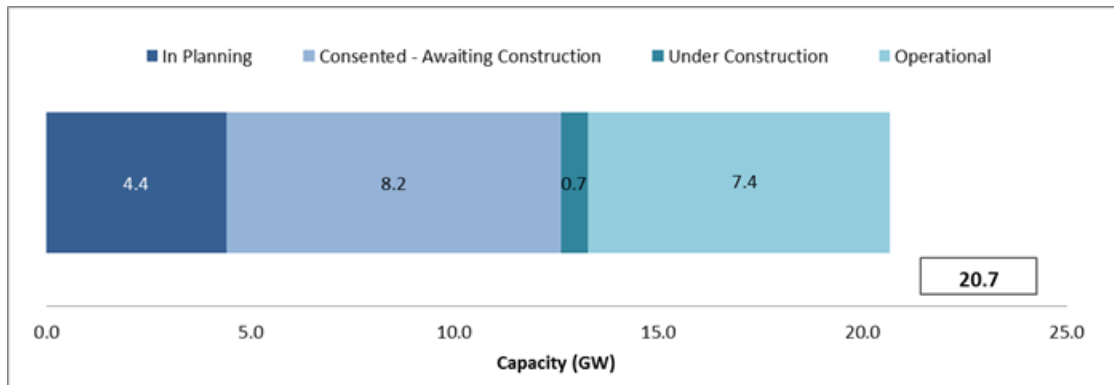


Figure 2 Renewable Capacity in Scotland by Planning Stage (GW), March 2015, from 2020 Routemap Update

11. In addition to the achievement of renewable energy and greenhouse gas targets, the Scottish Government also supports the protection of the built and natural heritage. That objective includes sites of international importance with legal protection, but extends, though with appropriate weight, to the protection of national, regional and more local interests.

12. The Electricity Generation Policy Statement<sup>3</sup> was produced by Scottish Ministers. It looks at the way Scotland generates electricity is generating and sets out Scottish Ministers views on the generation mix. They consider this should deliver a generation mix that is secure, affordable, decarbonised by 2030, and brings the greatest possible economic benefit to

<sup>1</sup> 2020 Routemap for Renewable Energy in Scotland – Update September 2015, available here: <http://www.gov.scot/Resource/0048/00485407.pdf>

<sup>2</sup> See for example <http://www.gov.scot/Topics/Business-Industry/Energy/Energy-sources/19185/17612>

<sup>3</sup> <http://www.gov.scot/Resource/0042/00427293.pdf>

Scotland, including through community ownerships. The main areas that need to be addressed to work towards this with regard to onshore wind are:

- The scale of the overall challenge, which will depend on investment and installation of large scale schemes, especially offshore wind
- Further increase in consenting/deployment rates required especially for offshore wind – in harmony with environment; a need to ensure that as renewable penetration increases onshore, that environmental and land use considerations are not compromised

### SCOTTISH PLANNING POLICY AND NATIONAL PLANNING FRAMEWORK 3

13. The Scottish Government's National Planning Framework 3 (NPF3) is a material consideration in plan-making. The following paragraphs set out the position of NPF3 in relation to generation of wind power.
14. NPF3 notes that Scotland has a significant wind resource, both onshore and offshore, and electricity generation from wind continues to rise. The jobs provided by the renewable energy sector are also acknowledged. NPF3 also notes that while there is strong public support for wind energy, opinions about onshore wind in particular locations can vary, and notes particular concerns over the scale, proximity and impacts of proposed wind energy developments. Community ownership of renewable schemes is recognised as a benefit. NPF3 re-states the target of generating the equivalent of at least 100% of gross electricity consumption from renewable sources (not all of which would be wind power), with an interim target of 50% by 2015. Within this, the Scottish Government has a target of achieving at least 500MW of renewable energy in community and local ownership by 2020. NPF3 states the desire to capitalise on Scotland's wind resource, and for Scotland to be a world leader in offshore renewable energy, but balances this with a recognition that development must work with and sustain our environmental assets.
15. SPP contains a section specifically on onshore wind. In paragraph 162 it requires planning authorities to identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development. In the paragraphs following SPP states that planning authorities should set out in the development plan a spatial framework identifying

those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out in Table 1 below.

**Table 1: Spatial Framework Group Areas**

Group 1: Areas where windfarms will not be acceptable: National Parks and National Scenic areas		
Group 2: Areas of Significant Protection: Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.		
<b>National and International Designations</b>  World Heritage Sites  Natura 2000 and Ramsar Sites  Sites of Special Scientific Interest  National Nature Reserves  Sites identified in the Inventory of Gardens and Designed Landscapes (GDL sites)  Sites Identified in the Inventory of Historic Battlefields	<b>Other Nationally Important mapped environmental interests:</b>  Areas of wild land as shown on the 2014 SNH map of Wild Land areas  Carbon rich soils, deep peat and priority peatland habitat	<b>Community separation for consideration of visual impact</b> An area not exceeding 2km around cities, towns and villages identified on the LDP with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.
<b>Group 3: Areas with potential for wind farm development:</b> Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.		

16. The approach to spatial framework preparation set out above should be followed nationally to deliver consistency and no additional constraints should be applied at this stage. The spatial framework is to be complemented by a more detailed and exacting development management process where the full range of environmental, community and cumulative impacts will be considered. Development plans should set out the minimum scale of development to which the spatial framework is intended to apply. The spatial framework is designation driven, with the aim of achieving a consistent approach across Scotland, in

showing areas where there *may* be potential for wind farm development. It is not a substitute for assessment of individual projects, which will continue to be assessed against the development plan taking into account other material considerations.

17. SPP also gives a range of development management criteria that are relevant for energy infrastructure developments. These include net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities, scale of contribution to renewable energy generation targets and effect on greenhouse gas emissions.

18. Other impacts which should be considered are:

- cumulative impacts – planning authorities are asked to be clear about likely cumulative impacts arising from all of the following considerations, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker
- landscape and visual impacts
- effects on the natural heritage, including birds
- impacts on carbon rich soils, using the carbon calculator
- public access
- impacts on the historic environment
- impacts on aviation and defence interests, and seismological recording;
- impacts on telecoms and broadcasting installations
- impacts on road traffic and trunk roads
- effects on hydrology, the water environment and flood risk
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration
- opportunities for energy storage
- the need for a robust planning obligation to ensure the operators achieve site restoration

SPP notes that areas identified for windfarms should be suitable for use in perpetuity. Proposals to repower existing windfarms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity. The current use of the site as a windfarm will be a material consideration in any such proposals.

19. The Scottish Government produces online planning advice on several renewable energy sectors, including onshore wind turbines. The last update of this was in May 2014<sup>4</sup>, predating current SPP and containing references to policy in previous versions. This advice acknowledges that planning authorities are more frequently having to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed. It advises that development plans should provide clear guidance for applicants, by:

20.

- covering design, including the number and height of turbines, location and supporting infrastructure
- taking into account the scale and character of the landscape
- safeguarding ecological, community, historic environment, aviation and defense interests;
- considering cumulative impact and decommissioning

21. The online guidance notes some typical planning considerations in determining applications for onshore wind turbines. Landscape impact is the first. The guidance notes that wind turbines can impact upon the landscape by virtue of their number, size or layout, how they impact the skyline, their design and colour, any land form changes, access tracks and ancillary infrastructure. It further states that the ability of the landscape to absorb development often depends largely on features of landscape character such as landform, ridges, hills, valleys and vegetation. Careful siting and skills of the designer are important. Wildlife impacts are noted as an important consideration. Shadow flicker, noise, interference with communications systems and ice throw are noted as possible impacts on communities, with a separation distance of up to 2km suggested between communities and groups of wind turbines, to reduce visual impact. Aviation and defence matters are also noted, along with impacts on the historic environment, road traffic, and cumulative impacts. The advice notes that planning authorities should generally encourage developers to appoint Ecological Clerks of Works to ensure that agreed designs and construction techniques are followed. On decommissioning, the advice states that planning authorities should ensure via

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<sup>4</sup> The guidance is available here: <http://www.gov.scot/Resource/0045/00451413.pdf>

conditions and/or legal agreement that site restoration takes place either on the expiry of the consent or the project failing to generate electricity for a certain period. On re-powering, the advice notes the obvious advantages of using existing sites, but advises that such cases will have to be determined on their merits.

## SESPLAN

22. The Development Plan for East Lothian will consist of two parts. The first part will be the SDP1. The other part will be, once adopted, the Local Development Plan for East Lothian (LDP). The emerging LDP for East Lothian must, by law, conform to SDP1. It was prepared and approved in the context of Scottish Planning Policy (2010). Since approval of SDP1, the Scottish Government has replaced Scottish Planning Policy (2010) with new Scottish Planning Policy (2014). This means SDP1 and the emerging LDP for East Lothian are being prepared under different statements of Scottish Planning Policy (SPP). SESPLAN was prepared under NPF2, and therefore does not reflect the requirements of NPF3.
23. Scottish Planning Policy (2010) included a requirement for planning authorities to set out in the development plan a spatial framework for onshore wind of over 20MW generating capacity. The methodology was different from that now suggested, with scope for the planning authority to identify where potential for development was limited due to cumulative considerations. It also allowed the spatial framework to give consideration to areas designated for regional or local landscape or natural heritage value and tourism and recreational interests.
24. SDP1 was approved in 2013, based on SPP 2010. It did not however provide a spatial framework for windfarms, instead instructing Local Development Plans in Policy 10: Sustainable Energy Technologies, to “set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for development heat networks”.

**Key points to note**

The Scottish Government expects wind power to continue to play an important role in moving to a low carbon economy, as expressed through NPF3 and SPP. It has an important role both in reducing Scotland's emissions of carbon dioxide, and in facilitating sustainable economic growth. SPP sets out a methodology for producing spatial frameworks for wind power which is very prescriptive and as such has little scope for different approaches locally. There is a local judgment to be made by the planning authority on the scale of development to which the spatial framework will apply to, and in producing development management criteria.

**LOCAL WIND DEVELOPMENT AND POLICY**

25. Policy in the East Lothian Local Plan 2008 on wind was contained Policy NRG3 -5. These policies were criteria based, and referred to a landscape capacity study, the 'Landscape Capacity Study for Wind Turbine Development in East Lothian' (LCS)<sup>5</sup> published in 2005. This was commissioned to look at larger scales of development, which at the time was where most of the developer interest was, reflecting UK government financial support of the sector. With the coming of Feed-in tariffs giving financial incentives for smaller scale development, developer interest in smaller scale wind increased markedly, and in response the Council commissioned a supplement (published 2011) to cover smaller scale development, the 'East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines' (Supplementary LCS)<sup>6</sup>. The LCS and Supplementary LCS are appended (see Appendix 1 and 2). These studies show the areas that are considered to have capacity for and sensitivity to different scales of wind turbine development. They also contain information on particular landscape and visual issues in each Landscape Character Area.
26. To fulfill the requirement in SPP for a spatial framework for wind, the Council consulted on and produced as supplementary planning guidance 'Guidance for Wind Turbines of 12MW or Over'<sup>7</sup> in 2013. The 12MW limit was chosen as the issues raised by most if not all windfarms over 12MW would be the same as those raised by larger windfarms, due to high levels of inter-visibility of East Lothian's landscapes. This level was also a better fit with

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<sup>5</sup> Available at [http://www.eastlothian.gov.uk/info/206/planning-advice\\_and\\_guidance/1130/renewable\\_energy/5](http://www.eastlothian.gov.uk/info/206/planning-advice_and_guidance/1130/renewable_energy/5)

<sup>6</sup> Available at [http://www.eastlothian.gov.uk/info/206/planning-advice\\_and\\_guidance/1130/renewable\\_energy/4](http://www.eastlothian.gov.uk/info/206/planning-advice_and_guidance/1130/renewable_energy/4)

<sup>7</sup> Available here: [http://www.eastlothian.gov.uk/info/206/planning-advice\\_and\\_guidance/1130/renewable\\_energy/2](http://www.eastlothian.gov.uk/info/206/planning-advice_and_guidance/1130/renewable_energy/2)

typologies considered in the Landscape Capacity Studies that the Council (along with SNH) had commissioned.

27. The pattern of windfarm development in East Lothian shows larger turbines generally in the upland areas, with smaller turbines in the lowland areas of East Lothian.

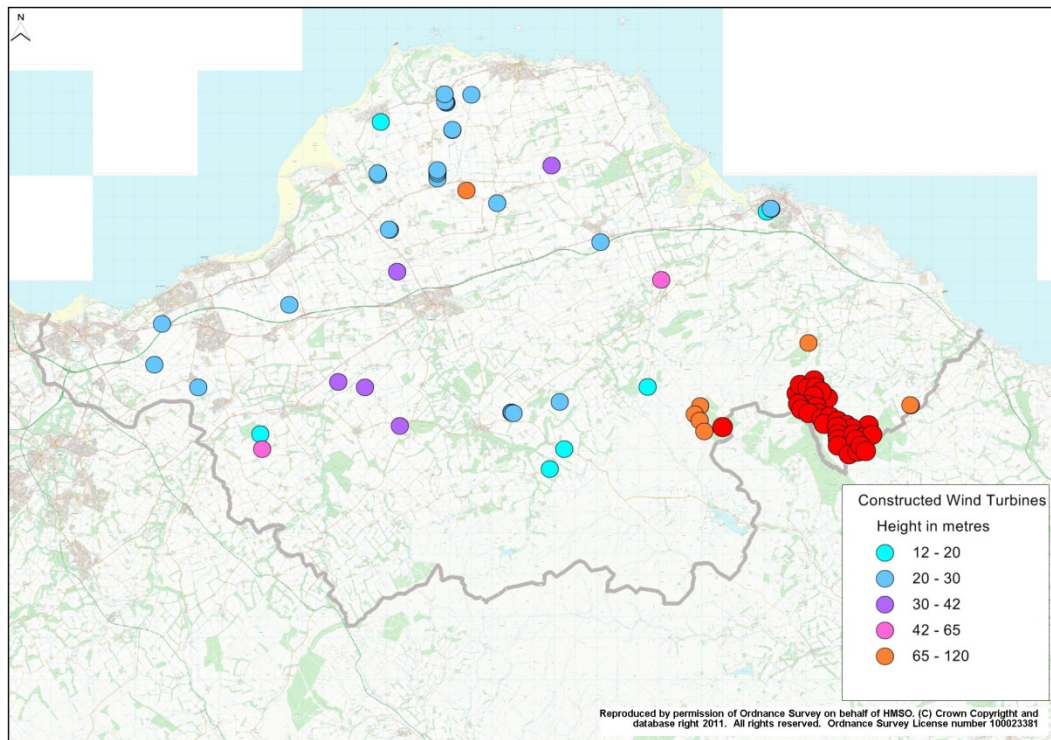


Figure 3 Pattern of wind development in East Lothian

28. Changes to SPP and the methodology for producing Spatial Frameworks means that the Local Development Plan also has to change its approach to planning for wind.

#### CONSIDERATION OF MAIN ISSUES REPORT CONSULTATION RESPONSES

29. The following section summarises the main points made through East Lothian Council's LDP Main Issues Report (MIR) consultation.
30. The Preferred Approach for wind was to illustrate a Spatial Framework for wind energy proposals and prepare associated Supplementary Guidance with a view to reviewing the areas not affected by cumulative issues – i.e. to extend or reduce them in size and/or identify new areas. The MIR further stated that the new spatial framework would relate to the scales of development for which potential is shown in the Supplementary LCS. The Reasonable Alternative was, in relation to wind energy proposals, to continue to use existing



guidance for larger scale wind farm development instead of reviewing this.

31. Mostly, respondents supported the Preferred Approach.
32. The Scottish Government responded to the MIR stating that further work could be done on the Spatial Framework to refine the 'Community Separation for Consideration of Visual Impact' zone, but the approach taken of using the straight 2km is acceptable in the first instance. The lowest height mentioned in the Supplementary LCS is 12m. The Scottish Government would accept setting the threshold for inclusion in the spatial framework at that level, however they note that this would have the effect of including turbines the Council would be likely to find acceptable within Group 2 areas. They see a clear alternative in setting the spatial framework threshold at 42 meters, which means that those locations where the council feels there is landscape capacity for smaller scale wind turbines would not be subject to Group 2 processing. The Scottish Government also state that the two areas identified in the MIR for where larger scale wind turbines might be acceptable could represent East Lothian's area of strategic capacity as set out in SPP paragraph 162. They suggest that in order to ensure that the generating potential of that area is realized it may be necessary to safeguard that area from smaller scale development.
33. Scottish Water and the Office for Nuclear Regulation requested consultation where there is potential impact on their assets. The RSPB noted that large installations should avoid areas of the coastal plain that are important for wintering geese.
34. An agent for a developer made the point that large scale renewable developments have the potential to have an adverse impact on tourism. The Winton Estate stated keen support for renewable energy, and noted that the existing supplementary guidance needs to be revised to reflect updated national policy. They sought flexibility, while protecting the amenity of residents, communities and sensitive landscapes.
35. Humble, East and West Saltoun and Bolton Community Council want a strategic approach to avoid 'windfarm creep' whereby small numbers of wind turbines are added over a period to existing developments. North Berwick Community Council also wished to see restrictions on large scale wind farms and the protection of the coastline. Dunbar Community Council said their community had mixed views on renewable energy, the majority seeing it as good in principle, but not if they impact adversely on landscape or townscape.
36. Points raised by other organizations were that there should be tighter controls of wind turbines in the rural/residential setting, and that the maximum height of a turbine in a rural/residential setting be restricted to a maximum of 20m, whilst in the higher, more

remote areas, up to 42m. There was a concern over development of the coastal area. The promotion and encouragement of community ownership was also raised.

37. Sustain a Beautiful East Lothian has as its aim the preservation of East Lothian's landscape, achieving balance between the development of renewable energy and rural development, and to provide a voice for planning proposals that may harm East Lothian's landscape. They wish to see in the LDP itself an updated landscape capacity study; spatial guidance based on SPP but also taking account of the cumulative impact and landscape capacity, that focuses on the precise definition and justification for areas to be afforded absolute protection from the significant effects of renewable energy proposals, recognizing that there might well be very limited opportunities for any further significant wind turbine development; and a criteria based wind policy for projects outwith those areas. They ask all economic aspects including adverse subsidy effects, costing of environmental externalities and lost equity value that should be assessed in proposals. Wind policy should be integrated with a review of local landscapes. Standards for supporting information should be clearly set out in policy.
38. Most members of the public expressing a view supported the preferred approach. Onshore wind had voices for and against; the reasons given for lack of support for wind turbines were; they were not viable without subsidy; not reliable; maintenance costs are high; they are made in China; not as green as stated. One called for application of constraints especially in lowland areas. Points raised included that impacts on tourism should be avoided.

## PROPOSED LOCAL DEVELOPMENT PLAN APPROACH

39. There are five main strands in preparing wind turbine policy. Firstly, preparation of the Spatial Framework and policy on windfarms covered by it, including the scale of development to which it will apply. Secondly, coming to a view on Areas of Strategic Capacity. Thirdly, consideration of the policy approach to wind turbines not covered by the Spatial Framework. Fourthly, outlining the Council's view on cumulative issues. Lastly, determining development management criteria for wind turbine development.
40. Existing guidance consists of a reference within the East Lothian Local Plan 2008 to the LCS. There were two pieces of Supplementary Planning Guidance, firstly "Planning Guidance for Lowland wind turbines" which incorporates the findings of the Supplementary LCS, and secondly "Guidance for Wind Turbines of 12MW or over". Planning Guidance for Lowland

Wind Turbines is not being taken forward however the findings of the Supplementary LCS (Appendix 2 below) remain relevant and contains information which will inform decisions on the landscape impact of wind turbine proposals as set out in the preamble to Policy WIND3 of the LDP. The Guidance for Wind Turbines of 12MW and Over contained a Spatial Framework prepared under previous methodology. This is now out of date and has been replaced by the inclusion of a new Spatial Framework contained within the LDP.

41. The Preferred Approach outlined in the MIR was to illustrate a Spatial Framework for wind energy proposals and prepare Supplementary Guidance with a view to review the areas not affected by cumulative issues – i.e. extend or reduce them in size and/or identify new areas. This approach has not been entirely followed. The Spatial Framework for Wind Energy has been included. Supplementary Guidance however is not now planned. This is due to a decrease in number of wind turbine applications and consideration that the key parts of policy within the existing documents could equally be included in the LDP, which would give them statutory weight. The LCS and Supplementary LCS are appended to this technical note. The information contained within them is referred to in policy. Some of the material in these documents is objective description about the nature of the landscape, while other parts including the assessment of sensitivity are informed by professional judgment. It is intended that the Landscape Capacity Studies could be adopted as supplementary planning guidance in the future, should developer interest in wind turbine development continue.
42. The Preferred Approach suggested that areas affected by cumulative issues would be mapped in Supplementary Guidance. Instead, the LDP has included cumulative issues in a list at Appendix 2 of the LDP and Appendix 3 below.
43. The MIR stated that the level of development considered a windfarm would vary according to where it was located, which was confusing. The Scottish Government suggested in their MIR consultation response and subsequent discussion that a good way forward was to choose a height limit of 42m. Choosing turbines with 4 or more turbines accords with SNH guidance on what constitutes small scale development.
44. The following section covers the Councils approach, both for wind proposals that are determined by the Council, and to inform the Council's response to consultation on Section 36 wind farm applications.

## SPATIAL FRAMEWORK

45. The Spatial Framework is designation driven, and the criteria for which areas go into which group are prescriptive, as set out by SPP and Table 1 above. GIS technology was used to identify designations and produce the Spatial Framework map. The Spatial Framework was therefore mapped as follows.
46. East Lothian has no areas which fall within Group 1, areas where windfarms would not be acceptable, i.e. National Parks or National Scenic areas. As such, there are no areas where consideration of windfarm development will not be acceptable in principle within East Lothian. For Group 2 areas, there are no World Heritage Sites, National Nature Reserves or Areas of SNH Wild Land. There are however, Natura 2000 and Ramsar Sites, Sites of Special Scientific Interest, Sites identified in the Inventory of Gardens and Designed Landscapes, Sites identified in the Inventory of Historic Battlefields, Carbon rich soils, deep peat and priority peatland habitat, and areas around settlements. The designated sites (Natura 2000 and Ramsar Sites, Sites of Special Scientific Interest, Sites identified in the Inventory of Gardens and Designed Landscapes, Sites identified in the Inventory of Historic Battlefields) were easily identified from GIS data supplied to the Council by SNH and HES. SNH also supplied data on carbon rich soils, deep peat and priority peatland habitat. The areas that are in East Lothian consist of peat or peatland habitat. SNH has looked into what should be considered as carbon rich, deep peat or priority peatland habitat on a national scale, and has broken this down into five classes of soil. They have supplied data on this to the Council. This is a national level dataset based on information held by the John Hutton Institute, and site specific investigations would still need to be undertaken. All classes were included in the Group 2 area.
47. The final component of Group 2 areas are those of separation from communities for consideration of visual impact. SPP provides that a buffer of up to 2km from settlements should be applied in determining its maximum extent. This can be refined (in towards the settlement) by further fieldwork, taking into account topography and other relevant factors. This has not been done for the Proposed LDP spatial framework due to resource constraints, and the Scottish Government recognises that this is an acceptable approach in the first instance.

48. The LDP does not identify a specific 'settlement boundary' around settlements, however nonetheless there are areas that have historically been recognised as settlements in planning terms. Areas were therefore mapped as settlements for the purposes of arriving at a 2km buffer and for no other purpose. The areas included as settlements were those areas that were named on an inset map in the East Lothian Local Plan 2008, and that have some housing areas covered by Policy RCA1 Residential Character and Amenity in this Local Development Plan. The settlement boundary was then mapped around the edge of the apparent urban edge. The urban area was taken as including:

- housing areas covered by Policy RCA1
- employment uses related to the settlement
- retail uses related to the settlement
- formal recreational areas or landscaping related to the settlement, including golf courses where they appear related to the settlement rather than the general location; these were Musselburgh, Royal Musselburgh, Longniddry, Haddington, Gullane (but not Muirfield), North Berwick and The Glen, Dunbar and Winterton.
- Beaches/coastal areas were considered as potentially part of a settlement as they may form part of the recreational open space and amenity of a settlement. They do not generally affect the 2km buffer as the additional area that would be included in the buffer is in the sea and so outwith terrestrial planning control, however they were included where they appear as essentially related to the settlement rather than the coast in general. These were generally those shown as open space and covered by OS3 in the Local Development Plan, though Fisherrow sands was not included as due to its expansiveness and muddy nature most of it does not generally feel part of the recreational open space of Musselburgh (though Fisherrow beach was included). The area of beach northeast of Westerdunes within the OS3 open space area at North Berwick was not included as somewhat remote from the settlement, so part of the general coastal recreational offer rather than local amenity space as such (though certainly it will be used by North Berwick residents). The beaches/coastal areas that were included were Prestonpans foreshore, Cockenzie foreshore, Gullane bents beach, North Berwick East and West beaches and Dunbar East and West Beach.
- Cemeteries, where attached to a settlement

- Sites proposed for urban development in the Local Development Plan, where attached to a settlement
- Settlements outwith East Lothian where the 2km buffer is within East Lothian. These were Cockburnspath, Fala, Pathhead, Cousland, Dalkeith, Millerhill and Danderhall. Edinburgh was not buffered as this would not have resulted in the inclusion of any further areas.

49. Settlements were mapped as one area i.e. where there was an area not in one of the categories above (e.g. woodland) but where it was surrounded by those urban uses, it was included, as this would make no difference to the buffer. The 2km buffer was then applied. The areas which fell within one or other of the designations or interests were then amalgamated to produce the Group 2 area.
50. The Group 3 area was any remaining area of land which did not fall into Group 2, and this was mapped by including all areas not in Group 2.
51. The next task was to determine what scale of wind turbine development should be considered as windfarm. In the MIR, the Council proposed that the scale of wind turbines included in the Spatial Framework (windfarms) should be those above the height identified as potentially acceptable in the Supplementary LCS i.e. a range of heights depending on the location of the proposal. Following MIR consultation, this was considered to be too confusing. SABEL requested a clear policy in one place; the Scottish Government suggested a limit of 42m.
52. SPP notes that 30m is the limit in Loch Lomond and The Trossachs and Cairngorms National Parks. The landscapes of Loch Lomond and the Trossachs and Cairngorms National Parks are considered more sensitive than those of East Lothian, attractive though these are. SNH state<sup>8</sup> that they would normally consider developments of 3 or fewer turbines with an output greater than 50kW to be 'small scale wind energy'. Recognising Scottish Ministers comments and guidance, the call for clear policy, SNH's guidance on what they considered to be 'small scale', it was concluded that defining one scale of windfarm to be covered by the Spatial Framework for the whole area would make policy clearer. The limit of four or more

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<sup>8</sup> SNH "Assessing the impact of small-scale wind energy proposals on the natural heritage" 2016 at <http://www.snh.gov.uk/docs/A1323094.pdf>

turbines of up to 42m relates appropriately to the typologies in the Supplementary LCS and SNH guidance. Scottish Ministers also support a 42m height limit. This scale of development was therefore included in the Proposed Plan. This means that four or more turbines of over 42m are considered a windfarm, and are covered by the Spatial Framework and will therefore be assessed against Policy WD1 and WD3. Proposals for wind development of a lesser scale and proposals are not classed as windfarms and will be assessed against WD2 and WD3 (as well as all other relevant LDP policies).

## AREA OF STRATEGIC CAPACITY

53. SPP requires the Local Development Plan to show an Area of Strategic Capacity. The MIR noted that it is unlikely that there is any scope for further standalone windfarm development over 12MW, though there might be limited scope for development above 12MW in the Lammermuir Hills where this would be read as extensions to existing windfarms, subject to satisfying policy criteria. Since the publication of the MIR, both Crystal Rig 3 in the east of the Lammermuir Hills, and Pogbie in the west have received planning permission. These proposals are considered likely to have taken up most if not all of such remaining capacity. Aikengall 2A at the time of writing awaits Ministerial decision after a Public Local Inquiry, following an objection to the scheme by both East Lothian and Scottish Borders Councils.
54. The Scottish Government in further discussion following its MIR consultation response accepted that it would be acceptable to identify areas of existing windfarms as the Areas of Strategic Capacity, i.e. not to identify any new areas. The areas that were identified were those areas containing windfarms which are considered to be suitable for use as windfarm sites in perpetuity. These are those contained within the bowl at Dunbar Common, and those in the Plateau Grassland Landscape Character Area as identified in the LCS. The exact area was mapped around the location of existing wind turbines, plus their micro-siting allowance. Where there were access tracks between wind turbines, these were taken as the boundary, however, the access track into the windfarm as a whole was not included. This is because it might not be suitable for wind turbine development as such rather than as an access track (which might be kept on at the end of the operational life of a wind development). It was considered that to be included in an Area of Strategic Capacity there

should be a good degree of confidence that windfarm development would be acceptable in perpetuity. This is not the case for some of the locations which currently host windfarms (see paragraph 44 below for reasoning). It is also not the case for the locations in Group 3 areas, most of which are in areas where the landscape was not thought to have capacity for large scale wind development. Most of the Group 3 areas have not been examined on a site specific basis, and some have had turbines proposed which have been refused by the planning authority, Scottish Ministers or both.

55. The sites at Aikengall/Wester Dod has not been identified as within an Area of Strategic Capacity as it is not considered suitable for use in perpetuity. These sites do not comply with the LCS. The sites are in a key location at the northeastern end of the Southern Upland Fault, and so mark the entry to lowland Scotland from the south. SNH objected to the granting of planning permission at Aikengall due to its landscape impacts, and advised in respect of Wester Dod that the site was 'unacceptable in principle'. While the Council granted permission for turbines at Aikengall, and did not object to the scheme at Wester Dod, this does not mean that the sites should be considered suitable for use in perpetuity. Although they provide capacity at the moment, the permissions were temporary, and it may be considered at the end of the consented period of operation that these sites should be allowed to revert to a more natural form. These sites are therefore not considered to be suitable for identification as Areas of Strategic Capacity, although the consents will not expire until well after this local development plan period.

#### TURBINES NOT COVERED BY THE SPATIAL FRAMEWORK

56. Wind turbines proposals of fewer than 4 turbines and/or under 42m in height are considered small scale and are not covered by the Spatial Framework. These turbines will be considered against Policy WD2 and WD3, as well as other relevant LDP policies. Scottish Ministers advised in further discussion following their consultation response to the Main Issues Report that the LCS can give these turbines a spatial steer.
57. The LDP shows a Locational Guide for Wind Turbines where there may be potential for turbines up to the given height. This is based on turbine heights of the typologies and height guidance given in the Supplementary LCS. The Locational Guide states that turbines up to 20m will be acceptable in principle where they visually or operationally relate to certain other developments/uses.



58. The Council has undertaken two Landscape Capacity Studies, the “Landscape Capacity Study for Wind Turbine Development 2005” and “East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines”. The latter is most relevant for smaller wind turbine development. The Supplementary LCS examined the landscape sensitivity and capacity through considering different typologies of wind development, a standard approach agreed with SNH. Typologies were chosen representing the number and scale of proposals most likely to come forward to enable the study to be carried out. Although the study considered particular typologies of development rather than height as such the typologies were in fact of different heights and the broad height limitations shown were considered suitable for general application. Height limitations are indicated in the associated mapping within the Supplementary LCS. The Supplementary LCS concluded there was “no capacity for ... turbines above 42m and to 120m within any of the landscape character areas considered within the sensitivity assessment.”
59. Policy WD2 states that wind turbines up to 12m will be acceptable where they visually relate to dwellings, farm buildings or other similar development. This is intended to cover two main types of situations. Firstly, where the existing development is a user of electricity, so the turbine is read as providing power for that use. This would be the case for example in a cottage in the countryside. Secondly, where there is a use that requires electricity where it would be expensive and/or visually intrusive to connect to the grid, e.g. for land drainage for agriculture. The buildings that would be considered appropriate are intended to be substantive ones, such as houses, farm buildings, industrial buildings. It is intended to exclude the installation of a turbine in relation to things that are ‘built development’ in planning terms but which are not what is generally understood as a ‘buildings’. It would exclude huts, tracks, walls, roads or road signs, pylons, cairns, grouse butts, telecommunication towers, lighthouses or derelict buildings.
60. The Supplementary LCS did not give spatial locations for wind turbines of under 12m, which it did not consider in detail. The study did not consider roof or wall mounted turbines as these developments were most likely to have impacts on townscape rather than the more rural landscape which was the focus of the study. Freestanding turbines below 12m were also not assessed as turbines of this size will generally relate to the size of existing buildings in the landscape, and so are relatively easy to accommodate in a settled landscape if sited to be associated with a building cluster where they can be visually seen to be part of a group of buildings, or clearly linked to an individual house.

61. Areas that were not specifically shown as suitable for turbines of a typology or up to a certain height on the Supplementary LCS mapping were therefore mapped in the Locational Guide as potentially suitable for turbines of up to 12m if, *and only if*, they are visually associated with existing appropriate buildings.
62. There are two main areas of land which were not considered in the Supplementary LCS. These were Landscape Character Area of the Central Lammermuir Plateau, and the offshore islands and rocks, shore and intertidal area.
63. The Central Lammermuir Plateau was not included in the study as it was considered from the outset that there was clearly no capacity for smaller scale wind development there without significantly affecting its' remote, expansive character. The original LCS found there was no capacity and high sensitivity to windfarm development in this area. The area was covered in the East Lothian Landscape Review, and is included within an SLA – Lammermuir Moorland and Lammerlaw and Hopes to Yester. This area is included in the Locational Guide as suitable for wind turbines under 12m. However, these *must* be in association with appropriate existing buildings; inclusion within the area shown as suitable for wind turbines up to 12m does *not* support isolated smaller scale wind development on the open moorland or steep valley slopes of this area. Most of this area is unsuitable for wind turbines of this size. Generally they would appear trivial and incongruous in a landscape of this scale, with very few buildings with which they could be visually associated, as well as potentially having a visual impact out of proportion to their energy generating capacity. However, there are a very few buildings in the Central Lammermuirs Plateau in association with which it might be considered appropriate for locate a turbine, limited to a few isolated houses and possibly some of the buildings in association with water works at reservoirs.
64. The second area is the offshore islands and rocks, shore and intertidal area, which at the time was not included in the Supplementary LCS as it was not thought suitable for wind turbine development for technical reasons. The landscape capacity of this area for wind turbines has not therefore been explicitly considered. However, it is not thought likely there is any capacity for smaller scale wind turbines here, due to the landscape and biodiversity interests of the coast<sup>9</sup>. To avoid giving the impression that it was considered suitable for larger wind turbines, it was included in the area suitable for wind turbines of 12m or under

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<sup>9</sup> Most of the intertidal zone is also designated as SSSI/SPA and Ramsar site, with qualifying interests that are likely to be affected by wind turbine development. The area was considered in the East Lothian Landscape Review and Statements of Importance for coastal SLA's; almost all of the shore is included in a Special Landscape Area (the exceptions are Cockenzie and Torness Power Station areas) and the qualities of the shore and intertidal area has been identified in the Statement of Importance of these areas.

- in association with existing appropriate buildings. As there are no suitable existing buildings in this area in practice that means wind turbine development would not be supported here.
65. The Council has been using the non-statutory height and typology guidance in the Supplementary LCS since 2011, and it has generally been successful in steering development to appropriate locations. By inserting the Locational Guide into the LDP, which derives from the Supplementary LCS, the Council wants to continue with this approach.
66. Other than consistency with the Locational Guide, Policy WD2 requires the means of connection to the grid should be underground. This is to avoid the visual impact of overhead lines, which can sometimes extend over considerable distances, and the route of which may not be known at the time of application. This was not included for windfarms covered by the Spatial Framework, as these are likely to be in the countryside by their nature, and so covered by Policy DC1, which requires development there to be of an appropriate scale and character.

## CUMULATIVE ISSUES

67. Scottish Planning Policy requires that the Council sets out its view on cumulative issues. For Spatial Frameworks produced under previous SPP, Councils were asked to set out areas which had reached the cumulative limits of development for wind farm development, for inclusion in the Area of Significant Protection. The Council set out its views in its Guidance for Windfarms of Over 12MW. This considered much of East Lothian had reached this limit, due to landscape and visual and biodiversity issues. There has been significant development in what is a fairly intervisible area. The map from that Guidance showing where development was limited by cumulative issues is reproduced below.

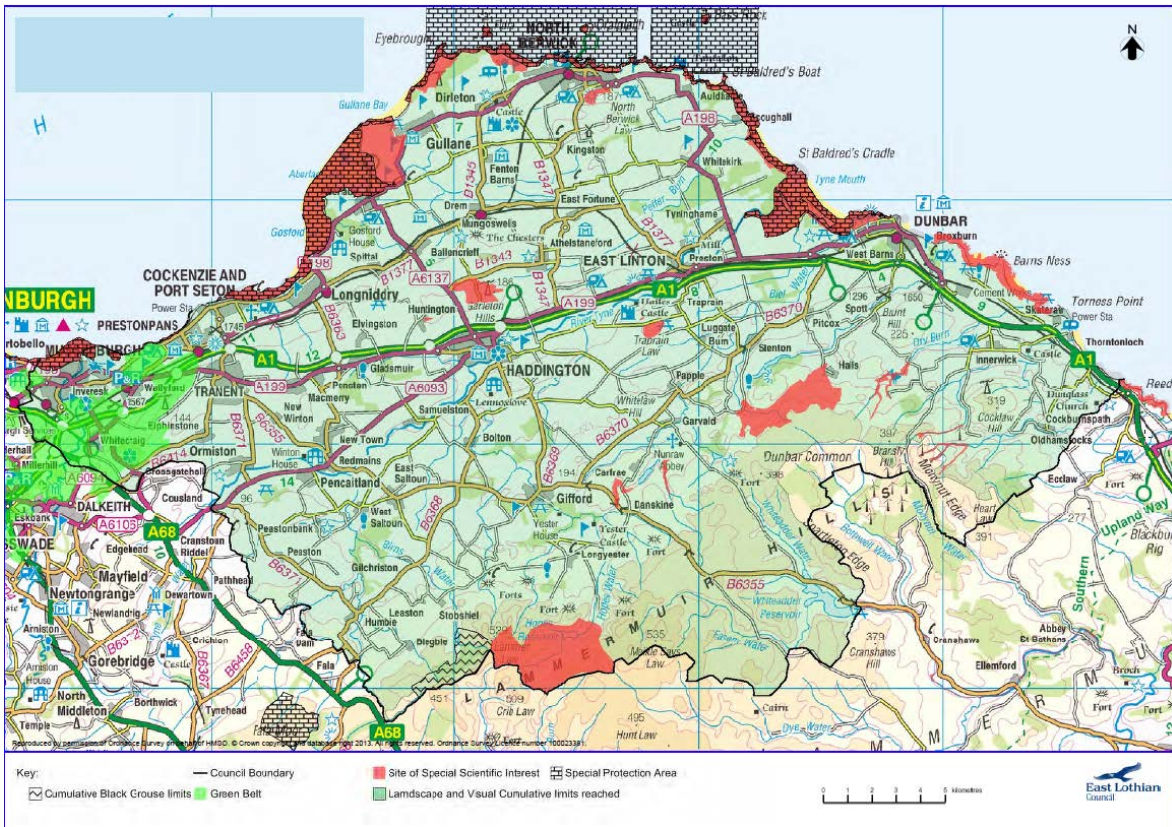


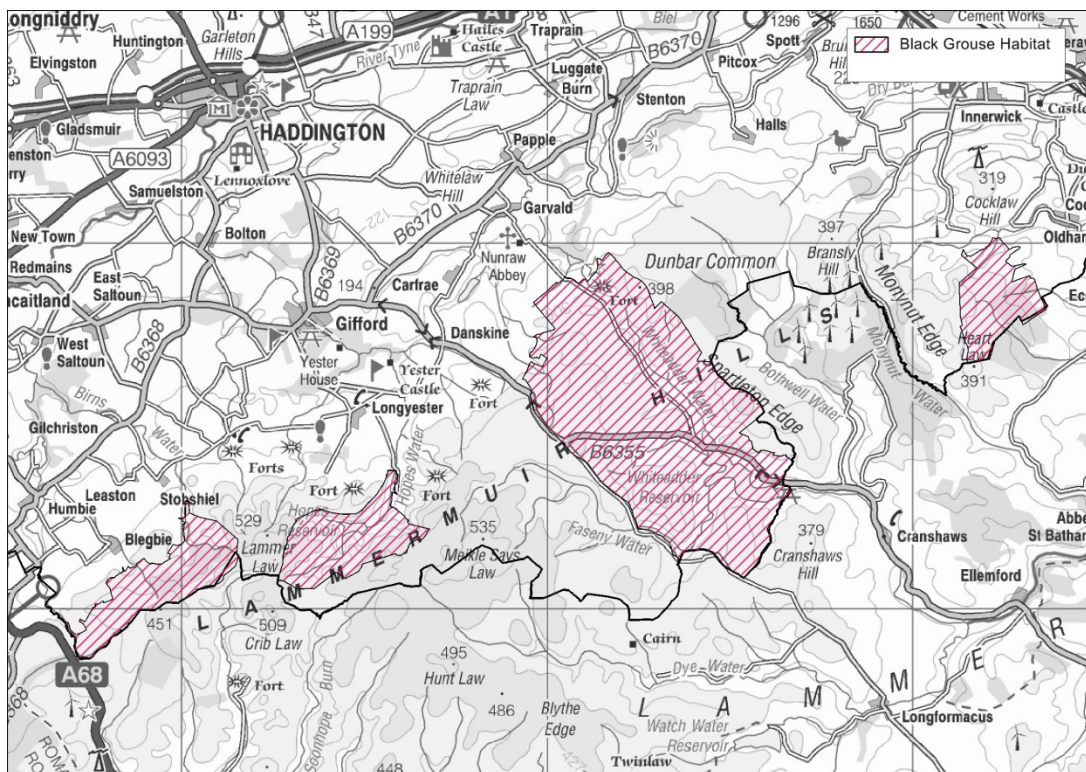
Figure 4 Map reproduced from the former Guidance for Wind Turbines of over 12MW, showing areas where cumulative issues were considered at that time to limit development.

68. In addition to the issues considered and mapped in the Guidance for Wind Turbines of Over 12MW, noise impacts are also an issue where there may be limits on what is possible because of the effect of more than one development. This was not mapped for the Guidance for Windfarm Development of 12MW or over as the limits would be variable depending on the technology available at the time.

69. In the Proposed LDP, cumulative issues have not been mapped. This is because of advice in SPP that further layers should not be added to the Spatial Framework. Cumulative issues should be part of the balance of considerations to be taken into account by decision makers. In addition to the cumulative issues identified in the Guidance for Windfarms of 12MW and Over, cumulative issues affecting development in the lowland areas were identified in the Supplementary LCS. These issues were amalgamated and have been set out in Appendix 2 of the LDP and appended as Appendix 3 here. Both the Guidance for Wind Turbines of over 12MW and the LCS(S) (as incorporated into Planning Guidance for Wind Turbines in Lowland East Lothian) have been through Strategic Environmental Assessment and consultation.

While Appendix 2 of the proposed LDP lists the main known cumulative issues for wind development, it is recognised others may arise on a case by case basis.

70. Black Grouse was identified as an issue consultation with the Council's Biodiversity Officer in the course of preparing the Guidance for Wind Turbines of Over 12MW. Black Grouse are a species for which SNH has recently carried out species project. In Lothian and Borders, numbers fell by 69% in a national survey in 2005, from the prior survey in 1995-6. Black grouse are depended on varied habitat of woodland edge and moorland. A habitat that is good for this species is likely to be good for other moorland species also, and in that sense it is an indication of the quality of upland habitat as whole. In the Lammermuirs, work has been carried out through windfarm proposals to provide support for the Black Grouse. The first priority was in Scottish Borders area, where there are leks. This was to try and avoid the species becoming extinct in the Lammermuirs. Birds are seen in East Lothian however, and the habitat should be suitable for them. To avoid local extinction, the area to the south of Begbie is particularly crucial, and cumulative impact of development on the Black Grouse is important here.



#### 5 Black Grouse Habitat

71. Noise issues were identified as a cumulative issue through Section 36 applications for windfarm development within East Lothian. There are some properties for which

background noise monitoring was carried out, and noise conditions have been placed on planning permission for windfarms. Some properties may receive noise from more than one windfarm; in this case conditions must be carefully worded so that it is clear what must happen if noise levels are exceeded.

## DEVELOPMENT MANAGEMENT CRITERIA

72. Development Management criteria for all wind turbines are set out in WD3. This provides a list of considerations where the impacts must fall within acceptable limits. These are each addressed in turn in the following paragraphs. SPP in paragraph 169 lists the considerations that may be relevant depending on the scale of the proposal and the area characteristics.
73. Cumulative issues with other development. SPP requires that the Council sets out its position with regard to cumulative impact. The issues that are likely to be particularly relevant are set out in Appendix 2 of the LDP, the reasons for which are noted above. Cumulative impacts are listed as a consideration in SPP paragraph 169.
74. Impacts on communities or individual dwellings are listed as a consideration in SPP paragraph 169. This includes visual impact, residential amenity, noise and shadow flicker. Visual impact is noted in the LDP as including where the wind turbine (s) would become dominant or overbearing in views from principal rooms of dwellings, or be present in such number, size or proximity that it is likely that a dwelling would become widely regarded as an unattractive place to live. This is based on the Lavender test, first discussed in the decision of Inspector Lavender at Enifer Downs in 2009<sup>10</sup>, and elaborated further in the North Devon (Langdon) Inquiry, and becoming known as ‘the Lavender test’. This says that “When turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live. It is not in the public interest to create such living conditions where they did not exist before”. The purpose of this is to make sure that wind development does not have the consequence of loss of houses from existing stock, or the imposition of living conditions on residents in their existing homes which people in general would avoid.
75. Landscape and visual impacts are listed as a consideration in SPP paragraph 169. There are particular impacts identified in the LDP, though this is not an exclusive list. The landscape setting of settlements not included in the Community Buffer is mentioned in SPP paragraph 164. This is therefore included, and it does not seem likely that the Scottish Government

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<sup>10</sup> The Planning Inspectorate appeal reference APP/X2220/A/08/2071880 at <http://www.denbrookvalley.co.uk/files/North+Dover+Decision+Mar+2009.pdf>

would consider that similar consideration should not be extended to all settlements. Long distance views are important in East Lothian, as the area is one of generally undulating lowland landform with igneous intrusions and a backdrop of foothills rising to moorland. This means that views can be appreciated over a long distance, and are one of the things that give East Lothian its sense of place. The Council has carried out a Landscape Review, which included seeking public opinion on the best views in the area. Suggestions fed into both the assessment of Landscape Character Areas and the identification of Special Landscape Areas. Views are sometimes mentioned in the Statement of Importance of an SLA. Views and vistas from areas including on the Inventory of Historic Gardens and Designed Landscapes are also mentioned. These are identified by Historic Environment Scotland. As Historic Gardens and Designed Landscapes themselves are included in the Group 2 area, it is logical to give consideration in the planning balance to views described as important in their designation statements.

76. Paragraph 4.16c of the Local Plan notes that the Council will expect wind turbines of 20m or over to be assessed in accordance with SNH guidance 'Visual Representation of Wind farms' December 2014. This limit was chosen as it was considered that decision makers and members of the public should have a reasonable idea of what a proposal will look like and where it is likely to be seen from. Turbines below this height are not significantly different from a large building, or telecom mast. However, beyond this it becomes increasingly difficult to predict what a turbine will look like from sensitive locations, or indeed where it can be seen from, without specialist information. Given its movement, a turbine can be more eye-catching than the average built development, and consequently it is more important to have this information. Input from Landscape Officers suggested that this height, at around that of a mature tree, would be the correct choice.
77. Logos on turbines are not acceptable. This is a condition commonly placed on Section 36 consents for wind turbines. Logos can spoil the appearance of wind turbines affecting their simple design, and are not desirable.
78. Paragraph 4.16 of the Local Development Plan refers to the Supplementary LCS as a source of information about landscape impacts. It is the intention to adopt this guidance as supplementary planning guidance. At the moment, it is referred to as a source of information on aspects of the landscape and how turbines might interact with it that were identified through the study, but that exist independently of it. The Supplementary LCS is appended at Appendix 2.
79. The impact on woodland is considered through the Scottish Government's Control of Woodland Removal policy, which gives information on the circumstances when different types of woodland (plantation, ancient woodland, plantation on ancient woodland sites) can be removed and where provision should be made for replacement planting. This is relevant national policy which should be applied to relevant applications. The provisions of this policy are not re-iterated as they are clearly set out in the document and it may be subject to change.

80. Impacts on tourism and recreation are listed as a consideration in SPP paragraph 169. Golf courses are a major part of East Lothian's tourist offer (see for example <http://www.golfeastlothian.com/> ). The Council has put considerable effort into marketing the area for golf, including signage on the A198 coast road welcoming visitors to 'The Golf Coast'. The coast is likewise a major draw for visitors. The East Lothian Visitor Survey 201511 noted "Tourism businesses in East Lothian is generated from a wide range of product offerings, including golf, the coast and beaches, town centres and individual attractions as well as cycle routes and waymarked walking paths." The Survey divides visitors into the following main visitor segments:

- Active Explorers: who come to the area to engage in a variety of activities from going to beaches to visiting attractions.
- Family Timers: families from nearby Council areas who visit on a day out with the kids.
- Relaxers: an older visitor profile who escape to East Lothian for peace & quiet.
- Event-Goers: an audience that almost exclusively visits the area for events such as the Air Show.
- Visiting Friends & Relatives: people who principally come to visit family and friends and not so much to visit the area's attractions.

81. The attractiveness of the coast, golf courses and paths, as well as some visitor attractions, could be adversely impacted by wind turbine development, so to protect the tourist and recreational offer of the area it is necessary to consider how turbines would impact on these resources. The top 10 attractions in East Lothian are: The Scottish Seabird Centre, the National Museum of Flight, East Links Family Park, John Muir Way, Newhailes House, Tantallon Castle, Archerfield Walled Garden, John Muir's birthplace, Dirleton Castle, Foxlake Preston Mill, Glenkinchie Distillery Visitor Centre. Some of these are Scheduled Monuments, Listed Buildings or both, and so have protection for their settings under historic environment policies. However, this may not protect the tourist/recreational resource. Some of the attractions, perhaps such as East Links Family Park, may draw visitors which come mainly for what the attraction itself offers rather than the surrounding scenery. For most though, the East Lothian scenery is a major part of their attraction to visitors. Impact on the recreational value of access routes is included as part of the tourist and recreational offer of East Lothian, and is also listed separately as a development management consideration in paragraph 169 of SPP.

82. Impacts on aviation, defence interests, seismological monitoring, telecommunications and broadcasting installations and transmission links are mentioned in paragraph 169 of SPP and should be taken into consideration. There may be technical solutions to problems in these areas leading to a solution allowing new turbine development to come forward. Use of the

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<sup>11</sup> See [http://www.eastlothian.gov.uk/downloads/file/10938/east\\_lothian\\_visitors\\_survey\\_2015](http://www.eastlothian.gov.uk/downloads/file/10938/east_lothian_visitors_survey_2015)



carbon calculator and impacts on the water environment are also included in paragraph 169 of SPP.

83. Impacts on the water environment are included in SPP paragraph 169 and noted in criteria (h) of policy WD3. Impacts on the water environment include Ground Water Dependent Terrestrial Ecosystems as well as rivers and other waterbodies which spring more readily to mind. Impacts on drinking water quality are included, and this includes both public and private systems. Several properties in the Lammermuirs and a few elsewhere have intakes for private supplies and it is important that these are taken into consideration.
84. Impact on road traffic is mentioned in SPP paragraph 169. Policy WD3 requires a feasible and acceptable route for abnormal loads. Experience of previous windfarm development has been that alterations to the public road was required. This has an impact on the rural appearance of the roads. There have also been levels of traffic beyond that for which the road was designed, in particular HGVs that have caused deterioration in the public road. There have been complaints about both levels of traffic and damage to the public road. This criterion is intended to take potential impacts into account and signal that reinstatement of the road is likely to be required where damage is caused.
85. Grid connection is included as the means of connection can be prominent in itself and often this information has been lacking in wind turbine applications. For Environmental Impact Assessment development, grid connection is considered to be an integral part of the development. Without a grid connection (or connection to a user of electricity) a windfarm cannot function as such, and should not therefore be considered as a renewable energy generator as that power cannot be used. The Environmental Impact Assessment (Scotland) Act 2011 requires the Environment Statement to include a description of the whole development<sup>12</sup>.
86. WD3 states that the economic impact of proposals, contribution to energy targets and effects on greenhouse gas emissions will be taken into account as appropriate. These considerations are all included in paragraph 169 of SPP. Creation of jobs has long been a planning consideration. Voluntary community benefit payments are removed from planning consideration, and should not be taken into account when considering the grant of planning permission. However, arrangements such as shared ownership which bring indirect social and economic benefits to a community may be validly taken into consideration. The level and nature of any agreement that is suggested should be taken into account must be carefully considered.
87. The final part of Policy WD3, the requirement that there must not be an adverse effect on the integrity of a Natura 2000 site was inserted at the request of SNH and through the HRA

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<sup>12</sup> See the Interpretation line suggested by the Commission as regards the application of Directive 85/337/EEC to associated/ancillary works at <http://ec.europa.eu/environment/eia/pdf/Note%20-%20Interpretation%20of%20Directive%2085-337-EEC.pdf>

process. Although there is a separate policy in the LDP which considers this, it was thought more robust to include it here, as wind turbine development may potentially have an impact on Natura 2000 sites and it should be made clear that it is not a case of balancing a conservationist Natura 2000 policy with a positive wind policy but that policy on Natura 2000 is over-riding.

88. Policy on decommissioning and planning obligations to ensure restoration mentioned in paragraph 169 of SPP are covered in Policy WD6 on decommissioning and site restoration. The timescale for decommissioning is intended to have a degree of flexibility by allowing for agreement with the planning authority that the scheme not be decommissioned after the end of planning consent or if the turbine fails to produce electricity. The timescale for decommissioning has not been defined as projects vary in scale and what would be appropriate for a large scale scheme would be overly long for a small scale project. This will be defined on a case by case basis and secured by condition.
89. Financial agreements are required for all turbines over 42m in height. Below this height, the impacts are less so there is likely to be less of a public interest in removal of the turbine should the developer or owner fail to do so. The costs that risk falling to the Council are also likely to be less; it is thus also less likely that the owner of the land will not be able to meet the costs of the decommissioning. .
90. Paragraph 169 of SPP also includes provision for effects on the natural heritage, including birds. These are considered to be sufficiently covered by the natural heritage policies of the plan (as are impacts on the built heritage) and so are not re-stated here (other than provision for Natura 2000 sites, for reasons given above).
91. Wind farms in East Lothian are not likely to reach the end of life in this LDP period, but as they use emerging technology which has not been tested in conditions particular to Scotland; it is possible some may do so. It is also possible that turbines with an increase in generating power become available such that it is worth installing them over the existing ones. One or two existing single turbines may come to the end of their operational life in this period. Policy WD5 on re-powering has therefore been included, which covers the re-use of existing infrastructure where possible, or site restoration if not. This is to keep infrastructure and the resultant landscape and other impacts to a minimum. This policy includes a reference to other windfarm policy as the impacts of new turbine layouts or designs would still require to be considered, for example larger turbines are likely to have greater landscape impact.

## APPENDIX 1

“Landscape Capacity Study for Wind Turbine Development 2005” Carol Anderson and Alison Grant, commissioned by East Lothian Council and SNH

Download here:

[http://www.eastlothian.gov.uk/downloads/file/4777/landscape\\_capacity\\_study](http://www.eastlothian.gov.uk/downloads/file/4777/landscape_capacity_study)

## APPENDIX 2

“East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines” Carol Anderson for East Lothian Council October 2011

Available for download here:

[https://www.eastlothian.gov.uk/downloads/file/5838/supplementary\\_landscape\\_capacity\\_study\\_part\\_1](https://www.eastlothian.gov.uk/downloads/file/5838/supplementary_landscape_capacity_study_part_1)

and here:

[https://www.eastlothian.gov.uk/downloads/file/5839/supplementary\\_landscape\\_capacity\\_study\\_part\\_2](https://www.eastlothian.gov.uk/downloads/file/5839/supplementary_landscape_capacity_study_part_2)

## APPENDIX 3 CUMULATIVE WIND TURBINE ISSUES

Cumulative issues will be considered with regard to SNH Guidance ‘Siting and Designing of Windfarms in the Landscape 2014’, ‘Siting and Design of Small Scale Wind Turbines of between 15 and 50 metres in height - March 2012’ and ‘Assessing the Cumulative Impact of Onshore Wind Energy Development’ and successor guidance. Cumulative issues will also be considered with regard to the following:

**Proposals in or near Areas of Strategic Capacity:** Areas of Strategic Capacity are those with long-term potential for generation of wind energy at strategic scale. It is important that the potential for large scale development with significant energy generation benefits in these areas is not compromised by smaller scale proposals which take up or impact on the landscape capacity of these areas.

**Retention of distinctiveness of lowland and upland areas:** there is a strong, established pattern of wind turbine development in East Lothian, with clustered large scale development in the expansive upland landscapes, and smaller scale development in the lowlands. Wind development at the wrong scale would reduce this distinctive pattern: this applies to large scale (in terms of height) development in the lowlands, and smaller scale development in the Lammermuir areas. Large scale development in the lowlands as well as the uplands could lead to East Lothian being defined by wind development instead of wind turbines being a component of the landscape.

**Retention of distinctiveness within Scotland:** it is important for the different landscapes of Scotland to remain distinctive both within their locale as well as regionally and nationally. The existing pattern of development in East Lothian is different from the other similar east coast landscapes of Fife, Scottish Borders and Moray. This distinction should be retained. The Lothian Edge provides a boundary between the central belt and the upland areas within the Scottish Borders, with panoramic views at the fault line across central lowland Scotland. The distinction of these different landscapes is obvious to walkers and road travellers alike. This distinction would be compromised by larger scale wind development in the lowlands of East Lothian.

**Pattern of existing development and Relief from development:** existing large scale windfarms in the Lammermuirs around East Lothian are set back from the East Lothian edge of the Lammermuir Hills and have some degree of containment. They are in a 'cluster and space' pattern. Further wind farm development within the Lammermuir area, especially stand alone development, risks there being few or no areas within the East Lothian Lammermuirs which are not significantly impacted on or dominated by windfarm development. It is important that some part of the landscape is retained free from windfarm development for existing and future generations to enjoy. The Lammermuirs contain some of East Lothian's wildest land in terms of remoteness, naturalness and lack of modern artefacts, which could be lost by further wind turbine development between existing turbines.

Visual relief is provided by a general lack of visibility of windfarm development at the Whiteadder and Hopes valleys and this should be retained. Most if not all of the summits in the East Lothian Lammermuirs have been affected by views of windfarms, with some summits being overlooked by turbines or having them in very close proximity, including Wester Dod, Heart Law, Bransly Hill, Meikle Says Law and Spartleton. It is therefore important that some summits should remain which are relatively unaffected by wind development and that the main summits which have wind development in close proximity retain some of their character and clear views outwards. Further encroachment towards the summits of Wester Dod, Bransly Hill, Meikle Says Law, Spartleton, Lammer Law, Harestane Hill, and Moss Law in particular should therefore be carefully considered.

Visual relief is also important in the lowland context.

**Containment of existing windfarm development:** this applies particularly to development at Dun Law/Pogbie where the rim of the scarp is an important 'edge' and Aikengall/Crystal Rig and Fallago, where the East Lothian edge of the Lammermuir Hills provides some containment.

**Lammermuir Skyline:** windfarm development on the skyline can be prominent. From parts of the East Lothian Plain a considerable proportion (over half) of the skyline is affected by wind development. There are three main issues; firstly, the horizontal skyline should continue to appear

as the dominant feature; secondly, wind development should continue to appear set back from the East Lothian edge of the Lammermuir Hills; and thirdly, physical and visual spacing between windfarms should be maintained. Different design, scale and speed of turbines on a prominent or important skyline can become a visual distraction and affect visual amenity.

**Oldhamstocks Conservation Area:** the area in and around Oldhamstocks Conservation Area is affected by existing and consented wind development. Cumulative impact on this village is a matter of concern and the Council is seeking to resist further proposals that would have an adverse effect on the setting of the Conservation Area.

**Clutter:** capacity for visual clutter in association with large and complex industrial buildings such as the cement works, or Torness Power Station, quarries, power lines and transmission masts (such as on the Garleton Hills, Blackcastle Hill or at Stevenson) and related impact on the landscape pattern and scenic attraction of the area. This could occur with an individual wind turbine in association with other existing development or if turbines were associated with the majority of land holdings.

**Domination of local character:** effect on the scenic attraction of different character areas: e.g. the simplicity and openness of the agricultural plain, intricacy of river valleys; or on pattern of woodland and trees within the North Lammermuir Platform. The larger the turbine, the harder it is likely to be to accommodate a number of them without them becoming the dominant features. Inter-visibility of developments limits capacity in open and highly visible areas. The Tyne valley between Haddington and Pencaitland now contains several medium scale clearly visible turbines which are widely visible in the local area. The coastal plain around Dirleton/Gullane/Drem has several different design, scale and speed of turbine as well as visibility of turbines in the Lammermuirs and Fife. The cumulative impact of further development here must be carefully considered.

**Fragmentation of existing pattern of development:** Where turbines do not relate well to existing buildings and point features in the landscape this affects the robust, recognisable, consistent and characteristic pattern of built development. Turbine siting can affect the appearance of spread of built development; for example turbine development in the open spaces north of the A1 in the Musselburgh Prestonpans fringe and along the A1 corridor could affect the perception of where built/industrial development ends.

**Sequential effects:** there are potential sequential effects on the experience of travelling throughout East Lothian, including the A1 corridor, the East Coast Mainline Railway and the John Muir Way.

**Noise:** Some noise sensitive receptors both in East Lothian and Scottish Borders area are affected by noise from one or more East Lothian windfarms. These are in particular dwellings close to Crystal Rig and Aikengall cluster of wind turbines. Conditions are in place to secure acceptable levels of noise however a small number of these properties are approaching the limit of what is considered acceptable. Guidance "The assessment and rating of noise from windfarms" Final Report, 1996, DTI gives a base for considering noise impacts, including cumulatively. With multiple windfarms the position can become complex, and conditions will be carefully worded so it is clear what the responsibilities of each windfarm in relation to noise are.

**Black Grouse:** Black grouse are one of the species which can be significantly impacted by wind turbine development. Black grouse are a priority species under the UKBAP, and area also on the

St Baldred's Craule

Tyne Mouth



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