

**APPLICATION FOR PLANNING PERMISSION 13/00902/DPP, FOR THE  
ERECTION OF WIND TURBINE (35.2M TIP HEIGHT) 370 METRES EAST  
OF LOANSTONE CROSSING AT POMATHORN FARM, PENICUIK**

Report by Head of Communities and Economy

**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for the erection of wind turbine (35.2m to tip Height) 370 metres east of Loanstone Crossing on land at Pomathorn Farm to the east side of the B7026. There have been 64 letters of representation and consultation responses from The Ministry of Defence, National Air Traffic Services and the Howgate Community Council. The relevant development plan policies are RP1, RP5, RP7, RP13 and NRG2 of the Midlothian Local Plan and policy 10 of the Strategic Development Plan for South East Scotland. The recommendation is to grant planning permission subject to conditions.**

**2 LOCATION AND SITE DESCRIPTION**

- 2.1** The site comprises an open grass field to the east of the B7026, at Loanstone to the east of Penicuik. The field is part of Pomathorn Farm. Pomathorn Farmhouse is 1065 metres to the south west.
- 2.2** The nearest dwellinghouse to the turbine is at Loanstone Crossing at a distance of approximately 370 metres.
- 2.3** The site is approximately 750 metres north of the Penicuik telecommunications base station.
- 2.4** The turbine, at its closest point, is 355 metres from the B7026 and 1.6 km from the A6094.

**3 PROPOSAL**

- 3.1** The proposal comprises the erection of a single wind turbine (35.2m tip height); associated meter house and formation of access track.
- 3.2** The turbine model is a 100kW Northern Power Systems NPS 100. The turbine is proposed to be located at grid reference E325146/N659839.
- 3.3** The turbine is of horizontal axis, three blade rotor, gearless design. The height to tip at the blade upright position is 35.2 metres. The height to the centre of the rotor is 24.7 metres. The diameter of the rotor blade sweep is 21 metres. The maximum rotor speed is 59 RPM.

- 3.4 The proposal required to be amended from a previously approved Northern Power 33.2m tip to a Northern Power 35.2m tip due to the unavailability of the initial turbine model. When the previous application (13/00501/DPP) was submitted to Midlothian Council, the chosen turbine was deemed to be the most suitable for this site. However, this model of turbine will not be available until 2015. As such, it is no longer a viable option for the applicant due to the Feed in Tariff (FiT) being cut in April 2014. The associated costs of the grid connection and infrastructure would render the project unviable without the current tariff levels.
- 3.5 The model was designed for reliability and can begin generating power at wind speeds as low as 3 metres per second (6 mph). The gearless design, advanced blades and engineered towers contribute to low apparent sound levels (55 dBA at 30 metres).
- 3.6 The site includes a 3.5 metre wide access track measuring 355 metres from turbine base to the B7026, with a slight dog leg 79 metres back from the road. It accesses the B7026 opposite Loanstone Crossing.
- 3.7 There will be a crane pad at the end of the track adjacent to the turbine approximately 12 metres by 7 metres.
- 3.8 An inverter building is proposed close to the base which will be 2.5m by 2.4m footprint by 2.6m high. This will be a block construction with wet dash render finish. The roof will be profiled metal cladding. There will be a louvered metal door.
- 3.9 The applicant has submitted an environmental report, landscape visual impact assessment and noise impact assessment report.
- 3.10 The viewpoint assessment photomontages compare the viewpoints with the previously approved turbine against the view with the now proposed turbine model.

## **4 BACKGROUND**

- 4.1 Planning application 13/00012/DPP for a larger turbine (45.1 metres) slightly further east (425 metres from the road) was withdrawn in April 2013.
- 4.2 Planning application, 13/00501/DPP, for a turbine (of the same design as the current proposal) on a two metre shorter tower, giving a tip height of 33.2 metres, was granted planning permission subject to conditions on 6<sup>th</sup> September 2013.
- 4.3 The application has been called to Committee for consideration by Councillor Bryan Pottinger.

## 5 CONSULTATIONS

- 5.1 **Edinburgh Airport Limited** has not objected to the proposal. The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.
- 5.2 The **Ministry of Defence (MOD)** has no objection. Defence Infrastructure Organisation Safeguarding shall be notified of the progression of the planning application and submissions relating to this proposal to verify that it will not adversely affect defence interests. If the application is altered in any way the MOD must be consulted again as even the slightest change could unacceptably affect the MOD. If planning permission is granted the MOD must be advised of the following;
- the date construction starts and ends;
  - the maximum height of construction equipment; and
  - the latitude and longitude of every turbine (in this case a single one).
- This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.
- 5.3 **National Air Traffic Services** (En Route) Public Limited Company ("NERL") states that the proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, it has no objection to the proposal. NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.
- 5.4 **Howgate Community Council** has objected to the proposal for the following reasons:
- a) The site falls within the area designated as "Moorland Fringes" in the Midlothian Landscape Capacity Study. The area is described as a relatively simple landscape which provides an open foreground to the Moorfoot and Pentland Hills. The Capacity study concludes that there may be limited scope for small scale turbines at some sites within the area but a turbine of the height proposed would have a detrimental impact on the character of the landscape. Approval of the application would consequently represent a significant departure from local plan policy;
  - (b) The proposed site is on high ground and the turbine would be visually intrusive for nearby residents, many of whom live within the recommended 2 Km buffer zone for turbines;
  - (c) The turbine would represent a significant and dangerous distraction for drivers, especially those driving on the B7026; and
  - (d) There are concerns that a dangerous precedent could be set should the application be approved and that a proliferation of such turbines could result.

## 6 REPRESENTATIONS

- 6.1 64 representations have been received in relation to the application objecting to the proposed turbine. The concerns raised are as follows:
- The turbine is out of keeping with the landscape;
  - The turbine will be visible from an extremely wide range of places and will spoil the character of the area;
  - It will dominate views to Pentland Hills;
  - Breach of local plan policy regarding wind turbines;
  - Contrary to the Landscape Capacity Study for Windfarm Development in Midlothian as it is greater than 30 metres height;
  - The proposed turbine lies at the confluence of three landscape character areas, Upland Fringes, Lowland Hills Ridges and Lowland River Valleys;
  - A single turbine of this nature would set a dangerous precedent and would lead to a proliferation of similar applications across the area between the Pentland Hills Regional Park and the Moorfoot Hills AGLV;
  - The revised turbine location is still only 370m from a residence which is against Scottish Planning Policy recommendations of a buffer zone of 2 km;
  - This new application would have provided a good opportunity to revise the turbine location to site it well away from residents;
  - It is regrettable that there is no requirement for an environmental statement since there is concern over bats. Bats are a protected species and increasing the size of the turbine serves only to increase the risk of bat deaths;
  - The road is used by tourists and commuters to the Borders and it will have a great impact on so many people. The site is visible from the Pentland Hills with 600,000 visitors. If you destroy the views this will affect the tourism figures;
  - Tourists do not wish to see “industrial” features in the landscape;
  - Highly visible to many residents in Penicuik;
  - You can get use to stationary objects like television masts, however a moving turbine cannot be ignored;
  - Wind turbines are not fit for purpose. They are expensive and provide no electricity on the coldest days when the wind is often at its lowest;
  - Distraction to drivers on the two roads (A6094 and B7026);
  - Shadow flicker;
  - Impact on surface run-off;
  - Lack of concern for wildlife;
  - Wind speed is low in this location and the turbine will not be efficient. It is suggested that there is evidence that average wind speed is only around 4.5 metres per second, whereas the turbine requires 7.5 metres per second to operate effectively;
  - The proposal is purely to gain benefit from financial incentives and not for ‘green’ environmental reasons;

- The increase in height is required purely to avoid reduced benefits which will be effective if the applicant waits until the lower (33.2m) turbine is available;
  - The granting of planning permission would set a precedent that would allow other turbines to follow;
  - The benefit is all for the farmer, and the adverse impacts are all for the local environment; and
  - Possible interference with flight path radar to Edinburgh airport.
- 6.2 One representation has been received in relation to the application supporting the proposed turbine. The comments are as follows:
- Wind turbines are elegant structures, unlike transmitters, pylons, electricity poles, and storage units, all of which are visible at Loanstone; and
  - Very few properties in Penicuik will be affected by the visual impact.

## 7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) (SESplan) and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:

### Midlothian Local Plan

- 7.2 Policy **RP1 Protection of the Countryside** advises that development in the countryside will only be permitted if it is essential for the furtherance of agriculture, or other uses appropriate to the countryside. Development complying with the terms of Policy DP1 will also be permitted;
- 7.3 Policy **RP5 Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter;
- 7.4 Policy **RP7 Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required;
- 7.5 Policy **RP13 Species Protection** requires that any development that would affect a species protected by law will require an appropriate level of environmental and biodiversity assessment. Where development is permitted, proposals will require: A. measures for mitigation; and B. measures for enhancement or sustainable habitat replacement, where appropriate;

- 7.6 Policy **NRG2 Individual Wind Turbines and Micro-generation** The Council will support individual wind turbines and other micro-generation technologies for localised power requirements provided they are located to minimise any potential adverse impact on the local environment, residential amenity, landscape and/or any settlement in close proximity. The cumulative landscape and/ or visual impact of such proposals will be taken into consideration when assessing individual planning applications. Reference should be made to the guidance provided on siting, design and location in the report Landscape Capacity Study for Wind Turbine Development in Midlothian (2007) and good practice set out in the Annex to PAN 45 (2006);
- 7.7 The **Main Issues Report** for the Midlothian Local Development Plan is also a material consideration. It continues to support the findings of the Midlothian Landscape Capacity Study and it maintains its stance regarding large scale wind energy development whilst assessing the scope for reviewing the findings of the 2007 study in the context of current national energy policy. In the meantime, the Council considers that smaller-scale wind turbines, and other forms of renewable energy, represent the most appropriate means for Midlothian to deliver energy and carbon reduction from renewable sources.

#### SESplan

- 7.8 The Strategic Development Plan for South East Scotland, **Policy 10, Sustainable Energy Technologies**, advises that the Strategic Development Plan seeks to promote sustainable energy sources. In order to achieve this, local development plans will 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 developing heat networks.

#### National Policy

- 7.9 A further material consideration are the relevant provisions of Scottish Government's **Scottish Planning Policy** (SPP). In particular the section on Sustainable Development and the sub-section on Climate Change (paragraphs 34 to 44). The Policy states that the Planning etc. (Scotland) Act 2006 requires development plans to be prepared with the objective of contributing to sustainable development, and that the principles of sustainable development be embedded in national planning policy.
- 7.10 There are also relevant references to, Renewable Energy and specifically 'Wind Farms' (paragraphs 182 to 191). The policy recognises that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to

climate change. It is further advised that 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.

- 7.11 The **Scottish Planning Policy Consultative draft** (April 2013) in particular those chapters relating to sustainable development, climate change, renewable energy, and landscape is a material consideration in the assessment of the application. In particular, paragraphs 216 to 224 relating to onshore wind and development management. This highlights areas where significant protection will be given against wind farm development.

#### Landscape Capacity Study for Wind Turbine Developments

- 7.12 The Landscape Capacity Study for Wind Turbine Developments in Midlothian (MLCS) (January 2007) is a material consideration in the assessment of the application. The relevant landscape character area is the Moorland Fringes (section 4.8), described as an area of undulating farmland, fragmented moorland and forestry, and borders the Lowland Moorland character area.
- 7.13 The MLCS assesses sensitivity of each landscape character under a number of headings, namely: Scale; Landform and Shape; Settlement; Industrial and Infrastructure Elements; Landscape Pattern and Foci; Landscape Context; Landscape Composition; Degree of Modification and Remoteness; Key Views from the Character Area; and General Visibility from the Character Area. It then assesses the Overall Landscape and Visual Sensitivity. For the Moorland Fringes, the overall assessment concluded a sensitivity rating of Medium-High.
- 7.14 The MLCS provides a definition for Turbine Typology at section 3.2. With regards to the classification of turbines (typology) presented in the MLCS, the proposed turbine (35.2m) falls within the lower end of typology 3 which is single turbines of 30-65m high. By comparison, typology 4 is for small scale turbine/windfarm development (up to 5 turbines at 15-30m high), and Typology 2 is for medium scale windfarm development (multiple (6 to 20) turbines at 30-65m high). All turbine heights outlined are to blade tip with the blade pointing directly upwards.

## **8 PLANNING ISSUES**

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

## Principle of Development

- 8.2 National and local planning policy sets a presumption in favour of renewable energy developments which do not have a demonstrable detrimental impact on the landscape and residential amenity. Therefore in assessing this application the main determining issues are the impact of the proposed turbines on landscape character, their environmental impact, any noise impacts, the benefits of the turbines in respect of their contribution to renewable energy generation and their contribution towards meeting the Scottish Government targets of 42% reduction in emissions by 2020, and an 80 per cent reduction target for emissions by 2050 (Climate Change (Scotland) Act 2009) and any other material considerations raised in representations and consultation responses.

## Landscape Impact

- 8.3 The Scottish Planning Policy advises that the design and location of any wind energy development should reflect the scale and character of the landscape. The location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised. It therefore accepts that there will be some impact, but with careful planning and design, the impact should be of a scale that is tolerated in the landscape. The site chosen is on relatively open sloping moorland with existing energy infrastructure on it, including two overhead lines, and a broadcasting mast. There are trees along the road side and there is a small settlement and an electricity sub-station nearby (Loanstone). It is therefore considered that a single medium size turbine would not be an alien feature to this landscape which already includes buildings and infrastructure.
- 8.4 The principal tool for carrying out a desktop based assessment of wind turbine developments in Midlothian is the Landscape Capacity Study (MLCS), which was approved by Council in February 2007.
- 8.5 The key objective of the study is to provide strategic guidance on the capacity of the Midlothian landscape to accommodate wind turbine development together with associated infrastructure. The aims of the study were to (i) Identify areas where turbines could be located causing least visual intrusion and impact on landscape character and where such development would be unacceptable in terms of potential landscape and visual impact; and (ii) Inform the local plan review on renewable energy and provide a tool for the evaluation of future planning applications and Section 36 applications (i.e. over 50 mW) for wind energy development within a study area that includes Midlothian and a 10km buffer beyond the Council boundaries.
- 8.6 The site is within an area identified by the Landscape Capacity Study as “Moorland Fringes” (the northern limit of which is on the 60 degree latitude) , but it is very close to the boundary with the “Rosewell Carrington Spur” and the “North and South Esk” character areas.



- 8.7 The “Moorland Fringes” are described as generally gently undulating and varied in form. The landscape has a fragmented pattern where young plantations are interspersed with small areas of moorland. The area lies close to the Pentland Hills, which form a backdrop to the landscape. It is a relatively simple landscape. Key views to it are from the main roads (A701, A702 and A703) and it forms a foreground in views towards the Pentland Hills. It is considered to be high to medium sensitivity. The proximity to the Pentlands limits the scope for wind turbine development. The open character of the area means that larger turbines will be out of scale with prominent dwellinghouses and other buildings, however smaller turbines, of 15 to 30 metres, could be accommodated in less undulating areas, avoiding river valleys. Turbines should avoid intrusion into key views of the Pentland Hills, and not positioned too close to residential properties.
- 8.8 The Zone of Theoretic Visibility (ZTV) produced by the applicant indicates that the turbine could potentially be visible from large parts of the developed areas of Midlothian, in particular parts of Penicuik. Considering the size of the turbine the main impact would be on those sites within a 5km radius of the site.
- 8.9 In terms of the key views from the area that might be affected, good views to the Pentlands are possible from both the B7026 and the A6094, the latter of which is a tourist route to the Edinburgh area. From the A6094, the turbine would be viewed with a back drop of the Pentland Hills. The turbine will also be visible to residents on the east side of Penicuik (Kirkhill and Eastfield).
- 8.10 Overall this is a medium to high sensitivity area in terms of landscape context. Under the sub-heading of “Scale”, the MLCS advises that single and smaller turbines within typology 4, and also within the lower end of typology 3, could relate to the scale of this landscape and the broad enclosure pattern of shelterbelts and fields.
- 8.11 The assessment in the Landscape Visual Assessment chapter of the applicant’s Environmental Report concludes that there will be a moderate adverse impact, at a local level only. There would be a moderate to minor adverse effect whereby the proposed scheme which would cause a noticeable deterioration to the existing scale, landform and land use patterns currently employed throughout the character area. The viewpoint where the impact was predicted to raise most concern was from near Firth on the A6094, principally due to the open view west towards the Pentland Hills. This view has in its context the transmission mast, and also behind the turbine itself Penicuik is visible. The turbine does not appear in such a way as to diminish the scale or impact of the Pentland Hills. It will be present in some views, however the impact will not be so significant as to warrant a refusal of planning permission. Furthermore, it should be noted that in the photomontage the turbine is shown as being bright white, which will not be the case.

The final colour will be grey. White is used in the photomontage to highlight the presence of the turbine in the view.

- 8.12 The turbine will be clearly visible at certain points along the B7026, looking east (away from the Pentland Hills) particularly at Loanstone, but the views are partly obscured by roadside trees and vegetation, and it will also be viewed in conjunction with a series of pylons and the transmission mast in the vicinity. There will also be visibility from the east side of Penicuik (Waulkmill Drive, and Eastfield Drive), but there are trees and telegraph poles/wooden pylons in these views which mitigate the impact.
- 8.13 Given the relatively low impact on views from the two adjacent public roads, the increased turbine height of 35.2 metres can be accommodated without significant detriment to the landscape. The turbines have been sited to avoid intrusion on key views of the Pentland Hills and south-western Moorfoot Hills from settlements and major roads. This accords with the findings of the MLCS.

#### Environmental Impacts

- 8.14 There is no wildlife site directly affected, and no significant habitats or trees near to the site. The nearest site of national importance (SSSI) is the Black Burn SSSI at 1.93 kilometres. Gladhouse reservoir, which is a wetland of international importance, is the nearest RAMSAR site at 7.1 kilometres.
- 8.15 Ecological survey work has been carried out by the applicants on habitats, birds, and bats. The report concluded that there were few signs of activity, and that whilst birds and bats were present in the area it was not deemed to be a regular flight path and that there would be no significant effect upon local bird or bat populations. With regard to bats, good practice measures were followed when siting this proposal, including locating the turbine more than 50m plus blade length from buildings and linear habitats such as hedgerows, minimising the risk of bat fatalities through pulmonary barotraumas (damage to internal organs by pressure levels in the air around rotor blades).
- 8.16 The main direct impact will be on the flora and fauna of the work areas of the site. This is not in a defined sensitive area and raises no concerns.
- 8.17 Some concern was raised in objections that the larger turbine will have a greater impact on avian wildlife. It should be noted that the turbine component of the development has not changed from the approved scheme. What has changed is the tower on which the turbine is mounted. The rotor sweep is identical to the model already granted planning permission.

- 8.18 There has also been a concern expressed regarding some European studies that have been carried out that suggest that wind turbines can be responsible for large numbers of fatalities to birds and bats. This matter has been raised with Scottish Natural Heritage, and a representative of the agency has confirmed that they are not aware of any such studies.

#### Noise impacts

- 8.19 The nearest noise sensitive property to the turbine, Loanstone Crossing, is around 370 metres to the west, across the B7026. It is unusual that a turbine of this size and type would have any noticeable impact in terms of noise disturbance at any distance beyond 300 metres. Notwithstanding this a background noise survey has been carried out by the applicants.
- 8.20 Scottish Government Planning Advice Note 45: Renewable Energy Technologies (PAN 45) advises that a wind farm at around 350 metres will have an indicative noise level of 35 to 45 dB(A). It makes reference to the ETSU97 "*Assessment and Rating of Noise from Wind Farms*" which advises that noise limits should be set relative to the existing background noise at the nearest noise-sensitive properties and that the limits should reflect the variation in both turbine source noise and background noise. It further advises that in low noise environments the day-time level should be within the range of 35-40 dB(A). The proposed turbine will achieve this at a distance of 370 metres.
- 8.21 The ambient noise is affected by the Loanstone substation noise emission and by the B7026 traffic flow. The results were that at an average 7metres per second wind speed, daytime background noise was 41 dB(A). The assessment results indicates that the noise emission at the nearest identified noise receptors complies with the set day and night criteria. Noise output at 90 metres is as low as 48 dB(A) and at 370 metres it will be between 5 and 14 dB(A) below background noise levels. There will be no adverse impact upon the amenity of neighbouring occupiers. The sound pressure levels are compliant with the background noise levels recommended in ETSU97.

#### National Advice on Wind Energy

- 8.22 National planning policy and advice supports the exploitation of renewable energy resources, so long as it is carried out in a manner which is sensitive to the environment. This is reflected in the Scottish Planning Policy document in its subject policy chapter on Renewable Energy at paragraphs 182 to 195. Also relevant is the revised SPP consultative draft paragraphs 216 to 224. The latter advises that development plans should support all scales of development associated with the generation of electricity and heat from renewable sources with a view to realising the renewable energy potential of the areas they cover.

- 8.23 The current target is for 50% of Scotland's electricity to be generated from renewable sources by 2020 and 11% of heat demand to be met from renewable sources. Planning authorities should support the development of local renewable energy initiatives in an environmentally acceptable way. The Scottish Government, through the Climate Change (Scotland) Act 2009 has set a target of an 80% reduction in greenhouse gas emissions by 2050, with an interim target of 42% by 2020. This will be achieved both by changing the manner in which we generate our electricity needs and also through the energy efficient design and layout of buildings.
- 8.24 The energy that is not required immediately on the farm, will be fed into the grid reducing the dependence upon fossil fuels and broadening the variety of resources on which the National grid can draw power, thereby enhancing its reliability.
- 8.25 There are some negative landscape impacts of the proposed development; however, these are marginally adverse, essentially being limited to local views of the turbine. This impact is outweighed by the benefits brought by the renewable energy resource. National advice does not say there should be no adverse impact, merely that "the location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised". This is not a commercial scale wind farm, and the visual impacts will be local.
- 8.26 Some of the representations advise that there is evidence of wind energy developments failing to provide the expected returns, and that the sole reason for land owners and energy companies promoting turbines is to gain benefits from subsidies and feed in tariffs. This is not a planning consideration.
- 8.27 For a site with an average wind resource measuring 4 metres per second (9 mph) and following a standard distribution curve of wind speeds, the Northern Power 100 turbine can produce approximately 75,000 kilowatt hours of energy in a year. If the average wind speed is 6 meters per second (13 mph), the Northern Power 100 will produce approximately 220,000 kilowatt hours per year. A typical household will use 4000 to 5000 kWh per annum, and so this equates to sufficient energy to supply electricity to 44 to 55 houses.
- 8.28 The rated output of the turbine is 100kW, and this will be fed into the local grid network.
- 8.29 In terms of carbon emissions, data produced in connection with carbon offset suggests that a 100kW turbine can offset around 0.5246kg CO<sub>2</sub> per kWh. The turbine is forecast to produce 280,320kWh per annum, amounting to 147 tonnes CO<sub>2</sub> per annum (This is based on published data, and the "capacity factor" is taken into account which is estimated at 28 to 30%).

- 8.30 The Main Issues Report of the Midlothian Local Development Plan (2013) advises that whilst larger commercial wind farms may not be feasible within Midlothian due to the findings of the MLCS, the Council considers that smaller-scale wind turbines, and other forms of renewable energy, represent the most appropriate means for Midlothian to deliver energy and carbon reduction from renewable sources.

Issues raised by representors which have not been addressed above

- 8.31 Some concern has been expressed about setting an undesirable precedent by approving a turbine that is contrary to the MLCS. Any future applications will be dealt with on their own merits and the cumulative impact of other development will be taken into account. The fact that one turbine has been granted should therefore not be seen as a “green light” to further applications being accepted.
- 8.32 Whilst it is acknowledged that there is some landscape impact, and that the turbine does exceed the height limit recommended in the capacity study by around 14%, it is concluded that this single turbine of 35.2 metres is acceptable in this case. The turbine has its greatest impact in a distant view of 1.6 kilometres, a view in which the telecommunications mast and the town of Penicuik are also visible. It is also necessary to take account of the benefits of the turbine, and in this case, the 35.2 metre turbine is an efficient and quiet model which ensures maximum return from the wind resource, and minimum potential noise impact to neighbours.
- 8.33 An objection has been raised that the wind turbine contravenes both the SPP and the SPP consultative draft advice with regard the location of onshore wind farm development. Paragraph 190 of the SPP, in its advice for planning authorities on identifying constraints on wind farm development, suggests that a separation distance of up to 2km between areas of search and the edge of cities, towns and villages is recommended to guide developments to the most appropriate sites and to reduce visual impact. The draft SPP, at paragraph 218, provides a list of criteria where significant protection will be given. One criterion, ‘Community Separation’, advises that a separation distance of up to 2.5km is recommended between wind farms and cities, towns and villages identified in the local development plan (in this case Penicuik, Howgate and Auchendinny). Both of these policy statements refer to wind farm developments. The advice is not intended to be utilised for small to medium sized individual wind turbines. Neither the existing nor the draft policy statements on this particular matter are relevant for this planning application. Further advice is available in the Government’s online advice for onshore wind turbines (last updated December 2013) which states under the heading ‘separation distances’ that the SPP advice at paragraph 190 is for groups of turbines and that it is a guide not a rule.

- 8.34 It has been suggested that the energy output from this turbine will not be significant. There is a misunderstanding that the assessment of the previous application was misleading as it described the proposal as making a significant source of renewable energy. This was not meant to suggest that the turbine would make a significant contribution towards the national energy supply; this comment was based upon local need, and the fact that the output would make a significant contribution to the operational needs of the farm. In relation to the scale of the development the output is significant.
- 8.35 With regards to shadow flicker, as the rotor diameter is only 21 metres, shadow flicker would only be deemed to be an issue within 10 times that distance under current guidelines, i.e. 210 metres, and as the nearest dwelling is 370 metres away and the nearest road is 355 metres distant, this is significantly outwith the zone where issues may be expected to arise.

## 9 RECOMMENDATION

- 9.1 That planning permission be granted for the following reason:

*The development will provide a significant local renewable energy resource with minimal impact on the landscape, the environment and residential amenity.*

Subject to the following conditions:

1. Development shall not begin until details of the turbines paint colour have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of appropriate materials to reflect its setting in accordance with policies in Midlothian Local Plan and national planning guidance and advice.*

2. Planning permission is for the wind turbine model 100kW Northern Power Systems NPS 100, with a tower height of 23.6 metres, a rotor diameter of 21 metres, and a tip height of 35.2 metres, unless otherwise agreed in writing by the planning authority.

**Reason:** *For the avoidance of doubt as the turbine model has been revised since the submission of the original planning application, and to control any deviation from Council Planning Advice.*

3. In the event that the turbine is no longer required, or where it has been non-operational for a continual period of at least 12 months then the turbine shall be decommissioned, and all parts of the turbines removed from the site, including all foundations cabling and transformers, and the site returned to its condition immediately prior to commencement of the development.

***Reason:*** *To ensure that the site is returned to an acceptable condition in the event that the turbines are no longer required.*

4. In the event that noise from the turbine exceeds the noise emission levels in table 7.1 of the approved Noise Impact Assessment report, and these levels are deemed to be unacceptable by the planning authority, then the turbine shall be turned off until such time as it can be proven that the turbine is able to operate within these levels.

***Reason:*** *In the interest of the amenity of neighbouring residents.*

6. The planning permission hereby granted shall be for 25 years from the date of commissioning of the turbines, and within 6 months of the expiry of this temporary period the turbine shall be decommissioned, and all parts of the turbines removed from the site, including all foundations cabling and transformers, and the site returned to its condition immediately prior to commencement of the development.

***Reason:*** *To ensure that the site is returned to its original condition at the expiry of the operational life of the wind turbine.*

**Ian Johnson**  
**Head of Communities and Economy**

**Date:** 18 February 2014

<b>Application No:</b>	<b>13/00902/DPP (Available online)</b>
<b>Applicant:</b>	<b>Mr Andrew Lambie, Pomathorn Farm</b>
<b>Agent:</b>	<b>VG Energy</b>
<b>Validation Date:</b>	<b>23 December 2013</b>
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<b>Background Papers:</b>	<b>13/00012/DPP, 13/00501/DPP</b>