



APPLICATION FOR PLANNING PERMISSION 14/00044/DPP, FOR ERECTION OF 9 WIND TURBINES (UP TO 102M TIP HEIGHT) AND ASSOCIATED TRANSFORMERS; ERECTION OF SWITCHGEAR BUILDING; ERECTION OF ANEMOMETER; FORMATION OF ACCESS TRACKS; ON LAND AT MOUNT LOTHIAN MOSS, PENICUIK

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of a wind farm comprising 9 large commercial scale turbines measuring 102 metres to tip height. There have been over 770 representations received and consultations responses have been received from Historic Scotland, the Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), Transport Scotland, the Ministry of Defence, the National Air Traffic Services, Edinburgh Airport Ltd, East Lothian Archaeological Services, Scottish Borders Council, The Wildlife Information Centre, RSPB Scotland, the Scottish Wildlife Trust, Scotways, the Forestry Commission, the National Grid, Midlothian and the Council's Environmental Health Manager and Policy and Road Safety Manager. Responses have also been received from the Community Councils of Howgate and Moorfoot, as well as Heriot and Eddleston (in the Scottish Borders).**
- 1.2 The most relevant development plan policies are RP1, RP5, RP6, RP7, RP10, RP11, RP13, and NRG1 of the Midlothian Local Plan and policy 10 of the Strategic Development Plan for South East Scotland (SESPLAN). The Landscape Capacity Study for Wind Turbine Developments in Midlothian (January 2007) (MLCS) is a significant material consideration.**
- 1.3 As the application has not been determined within four months of submission the applicant has exercised their right of appeal against non determination and as a consequence the determination of the application passes to a Reporter appointed by the Scottish Ministers. The purpose of this report is to establish a position for the Council to take at appeal.**

- 1.4 The recommendation is that this application be refused, and that the Reporter be requested and recommended to come to the same conclusion, and therefore dismiss the appeal.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located to the south of Mount Lothian Farm to either side of the unclassified road leading south from the Mount Lothian junction to Cockmuir.
- 2.2 The site is approximately 3 kilometres east of the Leadburn junction. It is situated in open countryside and contains areas of coniferous tree plantation. The red line boundary encloses an area of approximately 460 hectares. The turbines and borrow pit occupy the central part of the site, amounting to an area of around 100 hectares. The actual infrastructure footprint is approximately 4 hectares.
- 2.3 The site is situated at altitudes of between 260m and 285m and has a gently undulating topography.
- 2.4 The site is bounded by a belt of mixed woodland to the north; Mount Lothian Moss and Toxside Plantation to the south; the Fullarton Burn to the east; and Kingside Edge to the west.
- 2.5 The proposed turbines are approximately 2km south east of Howgate and approximately 4km south east of Penicuik. The nearest dwelling is at Mount Lothian Farm at a distance of 760 metres to the nearest turbine. Other dwellings within 1 km include Mayfield (760m to nearest turbine), Mount Lothian Cottages (780m to nearest turbine) and Fullerton Farm (835m to nearest turbine). Cockmuir to the south is approximately 1km from the nearest turbine.
- 2.6 The district boundary lies just to the south of Cockmuir, beyond which is the Scottish Borders Council area of administration. The application site follows the boundary between Midlothian and Scottish Borders for 3.1 km on its west and south west side.
- 2.7 The site shows signs of previous activity in the form of historic quarry workings. Some of these have become filled with water, and are now local wildlife sites well known as breeding grounds for great crested newt.
- 2.8 The easternmost part of the site is within the Gladhouse Reservoir and Moorfoot Scarp Area of Great Landscape Value (AGLV).

3 PROPOSAL

- 3.1 The proposal is for a commercial scale wind farm comprising nine wind turbines, each rated at 2.3 mega watts, and each being 102 metres to

tip height. The tower with mounted rotor hub is 63.4m high and each of the three blades is 41.2m.

- 3.2 Also proposed is a 60 metre lattice anemometer mast, triangular in section, tapering from 2.1 metres across one side at the base, to 0.54m at the top. This has also been the subject of a separate planning application (13/00142/DPP, see paragraph 4.2 of this report).
- 3.3 A single storey switchgear building is also proposed which will be a long masonry structure with pitched roof. The footprint of the building measure 21.15 metres by 5.85 metres.
- 3.4 A borrow pit has been proposed to the east side of the Cockmuir Road. This will supply construction materials for turbine and crane pads as well as access tracks/roads. A number of small watercourse crossings are proposed (5 new culverts and one replacement culvert).
- 3.5 The turbines are located either side of Cockmuir Road, with five to the west and four to the east. The anemometer mast is to the west side of Cockmuir Road. The switchgear building is also on the west side but sited further north towards the B6327.
- 3.6 A new site access and road is proposed to the west of the existing road junction at Mount Lothian. The access road passes through a lengthy plantation that runs roughly parallel to the B6372. A linking road will cross the Cockmuir Road to access the 4 turbines and borrow pit to the east.
- 3.7 The application is accompanied by an Environmental Statement (ES) as the proposed development exceeds the schedule 2 threshold for "Installations for the harnessing of wind power for energy production", thus necessitating the carrying out of an Environmental Impact Assessment (EIA).
- 3.8 The environmental statement has been submitted in the usual format, and it comprises the Non-Technical Summary (Volume 1); the Main Text (Volume 2); the associated plans, drawings and figures (Volumes 3A and 3B); the technical appendices (Volumes 4 A and 4B); and a confidential Ecology Appendix (Volume 5). Also a planning statement has been submitted which gives the planning policy context and promotes the acceptability of the site, the proposal, and looks at the consultation process from the first application, and assesses the planning and national energy policy context.
- 3.9 Since the current application was submitted some additional information has been supplied. The applicant has submitted the following: more detailed information regarding tree felling and compensatory tree planting proposals; an addendum to the noise assessment; a rebuttal statement to responses to the landscape and visual impact assessment; and a further response to SEPA regarding

Groundwater Dependent terrestrial Ecosystems (GWDTE's). [These are wetlands which are critically dependant on groundwater flows and are of special concern in the EC groundwater directive, **2006/118/EC**]

Amendments to the scheme since application 13/00063/DPP

- 3.10 Since the submission of the previous application (13/00063/DPP), and following feedback from the related consultation responses to that application, some amendments were made by the applicant for the scheme that is now the subject of the current application. These include minor track layout changes and a revised compound location.
- 3.11 There are no perceivable changes to the layout on the east side of the Cockmuir Road.
- 3.12 None of the turbine positions or height have changed across the site.
- 3.13 The three principle changes to the west side of the Cockmuir Road are; the meteorological mast has moved slightly to the north east; the track layouts have been revised; and the temporary construction compound has moved from its original position south of the tree belt that bounds the north side of the site (opposite the switchgear building), to a position to the north of the site adjacent to the public road (B6372).
- 3.14 As well as the physical changes detailed above, there has been further work carried out with regards to survey work on European protected species (bats and newts); additional vantage point assessments and roost surveys for geese; a high level assessment of the route for the over ground grid connection; updated surface water management proposals; the management of tree felling; the management of the reuse of peat on the site; confirmation of a full environmental management plan (EMP); and further aviation related information in particular relating to MOD activities. There have been other minor amendments, all of which are summarised at the end of each chapter of the ES.

4 BACKGROUND

- 4.1 Pre application consultation 12/00658/PAC for the erection of a wind farm was undertaken by the applicant in October and November 2012.
- 4.2 Planning application 13/00142/DPP for the erection of a wind monitoring mast, which was granted planning permission for a temporary period on 26 April 2013.
- 4.3 Planning application 13/00063/DPP for the erection of 9 wind turbines (up to 102m tip height) and associated transformers; erection of

switchgear building; erection of anemometer; formation of access tracks; and associated works, was withdrawn on 17 May 2013.

5 CONSULTATIONS

- 5.1 Consultation responses have been received from the following;
- 5.2 **The Scottish Environment Protection Agency (SEPA)** is the statutory consultee responsible for environmental matters such as ground, air and water pollution. SEPA initially objected to the development based on the potential impact upon groundwater dependent terrestrial ecosystems (GWDTEs), with particular regard to turbine number 6, and also the proposed borrow pit. The initial view was that this turbine and associated borrow pit would have to be relocated.
- 5.3 Following the submission of the further information from EnviroCentre, on behalf of the applicant, SEPA further responded on 09 April 2014, noting EnviroCentre's comments in respect of the relocation of turbine 6 and the borrow pit and the proposed mitigation in light of the difficulty associated with micro-siting these features.
- 5.4 SEPA is now satisfied that the mitigation measures proposed by Envirocentre are suitable. SEPA would ask that these measures be secured by a planning condition and if this can be done then the previous objection is withdrawn.
- 5.5 SEPA has requested that a condition is attached to any grant of permission ensuring that no development can commence until a full site specific Environmental Management Plan (EMP) incorporating a Construction Method Statement (CMS) and a Site Waste Management Plan (SWMP) is submitted at least one month prior to commencement of development to be approved by the planning authority, in consultation with SEPA and other agencies such as SNH.
- 5.6 SEPA has also highlighted the requirement for an Environmental Management Plan (EMP) as far in advance of enabling works as is possible. A number of other pollution related issues were highlighted, including assessing the quality of stone to be used for roads; the use of "bottomless arch" culverts rather than box culverts; details of the handling of felled trees; agreement of a Pollution Prevention Plan; and that all watercourse crossings reflect guidance in the "Engineering in the water environment: good practice guide; River Crossings".
- 5.7 With regards to Peat issues, SEPA is now satisfied with the proposals relating to peat management.
- 5.8 **Transport Scotland (TS)** is a statutory consultee responsible for the national road network (motorways and trunk roads).

- 5.9 TS have no comment with regard the site access points, which are on the local road network. The closest trunk roads to the site are the A702(T) and A720(T) which are 10km and 15km away from the site respectively.
- 5.10 TS assumes that the abnormal loads will also travel along the M9(T) and M8(T) between South Queensferry and the A720(T). Subject to the confirmation of the route choice between South Queensferry and the A720(T), the intended route to site is generally acceptable.
- 5.11 The Transport Management Plan for the development will contain the final details of the abnormal load route to site, and TS advise this is acceptable.
- 5.12 Based on the minor percentage impact in increased number of HGV's along the haul route, TS confirms that any environmental impacts associated with the increased traffic from the development would be negligible on the trunk road network.
- 5.13 TS is satisfied that there will not be any significant impacts on air quality nor any significant noise impacts associated with additional traffic on the trunk road network as a result of the development.
- 5.14 TS proposes the following two conditions
1. Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.
 2. During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.
- 5.15 **Historic Scotland (HS)** is a statutory consultee with a remit for issues affecting scheduled monuments and their setting, category A listed buildings and their setting, and those Gardens & Designed Landscapes (GDL) and Battlefields appearing in their respective Inventories. HS does not object to the proposed development, but makes the following comments:
- 5.16 St Mary's Chapel is the closest category 'A' listed building at a distance of 1 Kilometre from the nearest turbine. HS considered that whilst the windfarm would be visible in views from the monument there would be sufficient physical separation between the monument and the windfarm

to ensure that the turbines will neither dominate the monument, nor challenge it for dominance within its setting. The impact would be moderate.

- 5.17 With regards to the Penicuik House Designed Landscape, HS considered that the ES has underestimated the quality of the GDL. The inventory notes that the GDL indicates that the woodlands and architectural features on the perimeter of the designed landscape are of outstanding scenic value. However, HS is content that the development will not have a significant impact on the planned views towards the monument from Penicuik House, and is in agreement with the conclusions of the ES that the overall impact on the designed landscape will be of minor significance.
- 5.18 HS are content to agree with the ES that no impacts are likely on the Old Woodhouselee Castle, Glencorse, which is within 500 metres of the grid connection route.
- 5.19 **Scottish Natural Heritage (SNH)** is a statutory consultee. Its principal remit is regarding those matters of national or international significance. Other local or regional issues will also be commented upon.
- 5.20 SNH notes that the outstanding vantage point survey work and updated collision risk assessment requested in its previous response has now been completed. SNH consider that this proposal is likely to have a significant effect on the pink-footed goose interest of the three Special Protection Areas: Gladhouse Reservoir, Westwater, and Fala Flow. Consequently, Midlothian Council is required to carry out an appropriate assessment in view of each site's conservation objectives for its qualifying interest.
- 5.21 However, SNH considers that the proposal will not adversely affect the integrity of these three SPAs.
- 5.22 With regards to European Protected Species (EPS), the revised proposals have addressed several key aspects of concern in relation to great crested newts, including further updates to survey work and the submission of a Great Crested Newt Species Protection Plan. However, SNH consider there to be some important residual issues for consideration, particularly how the applicant intends to secure long-term mitigation and habitat enhancement for great-crested newts.
- 5.23 On landscape matters, SNH has concerns, but does not formally object. The concerns are;
- 5.24 The adverse impacts on important views towards the Moorfoot Hills, where the large scale of the turbines will be seen to be in visual competition with the hills, potentially diminishing their perceived scale and landscape importance;

- 5.25 The widespread visibility of the proposals with potential interruption to the sense of openness of the area, and the likely intrusion of the development into longer distance views, including important views between the Pentland and Moorfoot Hills;
- 5.26 The specific cumulative impacts of the proposal with the existing wind farm at Bowbeat (located in the Moorfoot Hills in the Scottish Borders); and
- 5.27 Wider cumulative issues raised by a proposal located in a landscape context that is conflicting with the established pattern of existing wind farm developments in the region.
- 5.28 With regards other environmental issues, SNH considers that these can be adequately mitigated by condition.
- 5.29 SNH has provided a set of 12 issues that it would require to be implemented in the event that planning permission were to be granted. These are;
- 5.30 [1] All relevant plans would need to be subject to detailed discussions and agreement between key stakeholders;
- 5.31 [2] The remit of an independent Ecological Clerk of Works (ECoW) would need to be agreed. SNH recommends that this is a suitably qualified (and licensed) independent appointee who will supervise any works affecting great crested newt and associated habitats, including trapping and translocation, and other operations likely to impact on site ecology. In addition, the ECoW should have sufficient authority on and off-site to oversee and recommend actions, including any temporary stoppage of works, to ensure natural heritage interests are safeguarded;
- 5.32 [3] The proposal must be undertaken in strict accordance with the measures outlined in Appendix 7.4 of the ES Great Crested Newt Species Protection Plan;
- 5.33 [4] The implementation of proposed habitat enhancement / management measures and a long-term monitoring programme for great crested newt;
- 5.34 [5] No part of any turbine blade should be closer than 150m (preferably more than this) from the nearest woodland. This is to mitigate against potential bat collision mortality;
- 5.35 [6] Proposals for further bat survey and monitoring work covering a minimum duration of 3 years, with monitoring to be undertaken between April and October inclusive;

- 5.36 [7] Mitigation measures for birds, as set out in Chapter 8 Ornithology of the ES;
- 5.37 [8] Good practice and mitigation measures, as set out in Chapter 7 Non Avian Ecology of the ES. This includes the undertaking of pre-construction species surveys at the appropriate time of year, the installation of badger tunnels under roads, establishment of 10m watercourse protection zones, sensitively designed watercourse crossings, and the use of speed restrictions both within and out with the development site;
- 5.38 [9] Watercourse protection measures as outlined in Chapter 10 Water and Soils of the ES. In addition, SNH would also recommend the implementation of a long-term mink monitoring programme at Mount Lothian, with further provision for a programme of mink-trapping, in order to help safeguard the existing water vole population;
- 5.39 [10] The detail and implementation of the Construction Method Statement (CMS) and Transport Management Plan (TMP), and associated monitoring programmes, should be agreed prior to the commencement of development with Midlothian Council, and in consultation with all relevant advisory and regulatory parties;
- 5.40 [11] Proposals for peat management should be agreed prior to the commencement of development; and
- 5.41 [12] Habitat Restoration Plans (as per Appendices 7.6 and 7.7 of the ES) would need to be subject to detailed discussions and agreement between key stakeholders, including SNH (where relevant to designated sites). It may be appropriate to secure the implementation of these plans in the long-term through appropriate legal agreement(s).
- 5.42 The **Royal Society for the Protection of Birds Scotland (RSPBS)** has advised that it is now in a position to withdraw its objection to the proposed development subject to a number of conditions.
- 5.43 With the exception of pink-footed geese (see below), RSPBS is satisfied that the survey work in relation to birds has been undertaken according to the required methodology, and the results have been analysed and presented appropriately.
- 5.44 Two pairs of curlew were found at the site, a globally near threatened species under International Union for Conservation of Nature (IUCN) criteria, and measures to guard against displacement and potential loss of the breeding population of curlew should be undertaken. Should consent be granted RSPBS request that a condition is attached to the consent requiring habitat management works for curlew. These measures should be agreed prior to commencement of construction.

- 5.45 The RSPBS advises that there is a significant shortfall of survey data for Pink-Footed Geese during the September period. This is the period of peak movement and, in most years, highest numbers of geese in the region. The developer should have ensured that September was adequately covered due to the importance of the broader area to geese at this time. The RSPBS therefore advise that there is a requirement for a goose monitoring and mitigation plan. Such a plan would require detailed monitoring of geese during peak periods, with criteria to trigger turbine shutdown as necessary, dependent upon the number of geese flights and their flight paths. The goose monitoring and mitigation plan would need to be drawn up in consultation with, and approved by, SNH and the RSPBS. This should be made a condition of consent.
- 5.46 There is also evidence of osprey attempting to breed at Gladhouse and it is possible that they will attempt to do so again. RSPB recommends that as a precaution the developer liaise with the Southeast Scotland Raptor Study Group to determine the status of the ospreys in 2014. If the birds return and commence nest building or renovation, then Vantage Point (VP) watches should be undertaken to determine their behaviour and flight activity.
- 5.47 RSPBS welcome the proposals for the restoration of Mount Lothian Moss, Peeswit Moss and Toxside Moss North. The undertaking, completion and management of these works should be a condition of consent.
- 5.48 The **Scottish Wildlife Trust (SWT)** comments that the proposed wind farm site lies under a known flyway for migrating pink-footed geese which are a qualifying feature of the nearby Special Protection Areas at Gladhouse Reservoir, West Water Reservoir and Fala Flow. Additionally, the proposed site supports areas of lowland raised bog, an uncommon habitat type in Midlothian and an extremely important habitat for great crested newt.
- 5.49 The Trust is concerned that the potential impacts to pink-footed geese may have been underestimated. Although a series of Vantage Point (VP) watches were conducted to assess the impact of the proposed wind farm on the population, these watches did not comply with Scottish National Heritage Guidance.
- 5.50 The autumn vantage point survey did not start until one month after the start of the autumn period, and surveys were only 18 hours and not the recommended 36 hours.
- 5.51 The surveys at West Water Reservoir were primarily daytime based rather than dusk/dawn. With the lack of dawn and dusk surveys at the wind farm site itself, it cannot be said with confidence that geese from other nearby sites do not fly over the site en route to feeding sites.

- 5.52 The Trust also notes the proposed mitigation of habitat enhancement and restoration measures for great crested newt, and for Peeswit Moss, Toxside Moss North and Mount Lothian Moss. If the proposal is granted planning permission, the Trust strongly recommends that these measures be adopted. The Trust also recommends that a working group is established (composed of the appropriate statutory agencies, experts in restoration of peatland and Great Crested Newt (GCN) habitat, landowners, environmental organisations and other stakeholders) to steer the project forward. Data collected through post-construction monitoring of the great crested newt population should be examined by an external review group. There must be a commitment to take action as required if there is any significant decrease in population size. Above all, the project must be adequately resourced and have the cooperation of the landowners and tenants over its life time to have any chance of success.
- 5.53 **The Wildlife Information Centre (TWIC)** is generally satisfied with the Great Crested Newt (GCN) survey work, although noted that photographs of the survey showed sizeable gaps between the barriers and traps meaning that GCN could easily miss this, however it was considered likely that they would likely be caught in other traps in any case. The significant number of dead shrews in traps also suggested a sign of inexperience in the carrying out of such surveys. It is clear that further mitigation for long term protection and improvement must be put in place. Local planning authorities have set procedures to follow but this proposal is likely to impact on the GCN population during the construction phase and no amount of post construction mitigation can guarantee that this impact will not be long lasting.
- 5.54 With regards bats, the data is now around two years old. Previously, two high risk species have been recorded. Because the report raises the issue that Leisler's bats could be present, then further work should have been undertaken to confirm their presence or otherwise of this EPS to ensure there is no significant impact on a local population. It is clear from the results that were achieved that certain areas were used in certain seasons and this means that there is no way to say what the bat activity was like in those areas during the seasons that were not recorded. It is debatable if there really is a full and current understanding of the local bat population.
- 5.55 Following a desk-based appraisal, **East Lothian's Archaeological Service (ELAS)** has no objection, subject to the implementation of a programme of works including evaluation and a monitored strip to be undertaken on all turbine bases. This will record the upstanding historical remains and determine whether the development will disturb any buried archaeological deposits. If deposits are identified there may be a requirement for further work or mitigation.

- 5.56 The proposed development site will have a direct impact on a number of known archaeological sites related to 18th century farming, and there is a potential impact on unknown sites of earlier date.
- 5.57 The aim should be to preserve archaeological deposits and historical features in situ as a first option, but alternatively where this is not possible, the recording of upstanding historical features and buried archaeological remains may be an acceptable alternative. A number of sites already identified in the ES should be marked out to ensure their preservation in situ. In addition the 10 sites directly affected by the overhead grid connection should be avoided through design micro-siting and those of regional or local importance preserved in situ, as specified in the ES.
- 5.58 **Scottish Borders Council (SBC)**, in its role as a neighbouring planning authority affected by the proposals, is not supportive of the proposals. It has raised three significant concerns:
- 5.59 Firstly, the development would be dominant in the landscape for a distance of at least 10km in several directions, and highly dominant within 5km;
- 5.60 Secondly, the high level of inter-visibility between the site and the adjacent AGLV would render this an intrusive interruption to many long range views to and from those designated areas; and
- 5.61 Third, the landscape impacts would extend to sensitive receptors within the Scottish Borders and would be detrimental to their settings and/or appreciation and enjoyment by users and occupiers.
- 5.62 SBC considers that the ES demonstrates that the proposed wind farm is not well contained within the landscape and appears so clearly in association with a range of sensitive receptors, that its landscape and visual impacts would be unacceptable.
- 5.63 Based upon its own Policy D4 - Renewable Energy Development, the development fails to satisfy a number of criteria. The turbines will have a visual impact upon the neighbouring AGLV; there is poor all round topographical containment provided in this landscape setting in the 5km range, and containment is not complete in the 10km range; and it is considered that there are several major impacts from sensitive receptors (e.g. tourist routes and viewpoints) within the SBC area.
- 5.64 SBC concluded that if this site were in the Scottish Borders area, on landscape and visual grounds it would be highly likely to give rise to objections.
- 5.65 **The Forestry Commission Scotland (FCS)**, works as part of Scottish Government to protect and expand Scotland's forests and woodlands and so has an interest in major developments that have the potential to

impact on local forests and woodlands and/or the forestry sector. It assesses planning applications which involve tree felling against the UK Forestry Standard and the Scottish Government's Policy on Control of Woodland Removal.

- 5.66 FCS raised concerns about the approach suggested in the ES whereby the local authority is being asked by the developer to provide felling consent for the removal of a net 7.8ha of conifers at Toxside Plantation to improve wind yields, with an undertaking to replant an equivalent area elsewhere on the Rosebery Estate;
- 5.67 The **Scottish Rights of Way and Access Society (SCOTWAYS)** advises that the National Catalogue of Rights of Way shows that 'rights of way' LM21, LM22, LM23, LM24 and LM25 are affected by the area of the site boundary (the latter two were omitted from the 2013 submission response). SCOTWAYS requests that all the above rights of way remain open and free from obstruction during both construction and operation of the proposed wind farm.
- 5.68 SCOTWAYS ask that all proposed diversions of the rights of way are negotiated in cooperation with the Council's access team and with representatives of affected user groups. SCOTWAYS asks that the route LM22 closure is also for the shortest time and extent possible, and furthermore asks that the timescale of and reasons for the temporary closure is conveyed through appropriate signage. It agrees that LM23 is the most suitable diversion.
- 5.69 With regards to horse riders, SCOTWAYS welcomes the prospect of a diversion to the Mount Lothian Tyne Esk Trail (ES, section 5.6.10-12) in order that there can be continuity of access for equestrians during construction and operation of the wind farm. The original route using right of way LM21 and LM23 should be available to horse riders post-construction. Additionally, as this proposed equestrian diversion is to remain in situ post-construction, this route has the potential to be of benefit to all non-vehicular recreational access users.
- 5.70 **National Grid (NG)** has transmission apparatus in the vicinity of the application (High-Pressure Gas Pipeline – Feeder 10 Penicuik to Boon). NG has no objection to the proposal. NG has provided a number of operational requirements for site construction works such as minimum distances away from pipeline for excavation, and distances for any buildings. A National Grid representative will monitor the works to comply with "Safe Working In The Vicinity Of National Grid High Pressure Gas Pipelines and Associated Installations" (T/SP/SSW/22).
- 5.71 **Edinburgh Airport Limited (EAL)** responsible for Edinburgh Airport has examined the proposal from an aerodrome safeguarding perspective and concluded that it does not conflict with safeguarding criteria and therefore have no objection to the proposal.

- 5.72 The **National Air Traffic Services (NATS)** has examined the proposal from a technical safeguarding aspect and concluded that it does not conflict with safeguarding criteria and therefore have no objection to the proposal.
- 5.73 NATS advises that if any changes are proposed to the information supplied resulting in a revised, amended or further application for approval, then as a statutory consultee NATS requires that it be further consulted prior to any planning permission or any consent being granted.
- 5.74 The **Ministry of Defence (MOD)** has no objection to the proposal. The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.
- 5.75 In the interests of air safety, the MOD requests that all perimeter turbines are fitted with 25 candela omnidirectional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration.
- 5.76 The Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests. If planning permission is granted the MOD would like to be advised of the following; the date construction starts and ends; the maximum height of construction equipment; the latitude and longitude of every turbine.
- 5.77 This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area. If the application is altered in any way The MOD must be consulted again as even the slightest change could unacceptably affect their interests.
- 5.78 **Howgate Community Council (HCC)** objects to the development on the following grounds.
- 5.79 The scale of the turbines proposed is wholly unacceptable. The 2007 Landscape Capacity Study concludes that there is limited capacity within the Moorland Fringes area for development and any such development should be confined to small scale turbines. It is also Midlothian Council's policy to protect the views to and from the Pentland Hills.
- 5.80 National planning policy makes it clear that, in identifying sites for renewable energy development, appropriate protection must be given to the natural environment and that "the design and location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised".

- 5.81 The cumulative effect on the landscape and local community of this proposal following the recent approval of the Caudhall Open Cast Mine development would be significant. This is particularly relevant during the construction phase of the wind turbines.
- 5.82 Other significant concerns relate to those residents living within a 2km radius from the site; and the effect on their amenity and health from noise and flicker and the impact of heavy goods traffic, especially at the construction stage. The HCC is also concerned at the negative impact on, and danger to, wildlife, especially the great crested newt, which breeds on the site, and pink footed geese; and the proposal to fell 7.8 hectares of coniferous trees within the Toxside Plantation.
- 5.83 The **Moorfoot Community Council (MCC)** objects to the proposal. The Community Council states that it fully supports Midlothian Council's Local Plan and the recommendations in the MLCS. It believes that the turbines conflict with these recommendations. The cumulative impact with Cauldhall Open Cast Mine will have significant adverse effects.
- 5.84 The development also directly affects a number of residents in the MCC area. The proposal will have a negative impact on their quality of life.
- 5.85 **Heriot Community Council (HeCC)** [SBC] objects to the proposed wind farm. It has become increasingly concerned about the proliferation of wind farm proposals within the community and its surrounding area.
- 5.86 Heriot is already affected by wind farms at Toddleburn and Carcant. There are two schemes at the scoping stage, Hunt Law which consists of a further 7 turbines right next to Carcant, and the other at Dere Street with 6 turbines next to the site of the refused Gilston scheme. These schemes are in the Scottish Borders.
- 5.87 HeCC considers that the cumulative impact of these schemes will destroy the landscape in the area.
- 5.88 The Mount Lothian site is not suitable for a major wind turbine scheme, being on flat, open farmland/ moorland fringe. This extends south as far as the escarpment at the edge of the Moorfoot Hills, and so the turbines will be visible over extensive areas of nearby land, with further extensive views from the escarpment as the land steadily rises. Many of the viewpoints demonstrate this. The turbines will diminish the sense of openness and simplicity which are the characteristics of this landscape, even though it is in a lower landscape than the open hills.

- 5.89 This scheme is proposed in a totally unsuitable location and does not respect the scale of the landscape. It does not accord with the Midlothian Landscape Capacity Study.
- 5.90 **Eddleston Community Council (ECC)** [SBC] did not respond to the present application. It did respond to the 2013 application in which it advised it had a number of concerns. It raises the same issues as those of HeCC. It also highlights the similarity and proximity to Spurlens Rig, which was refused planning permission. Also concerns are raised about inadequate bird survey work, and issues with television reception. The recent submission of a wind monitoring mast suggests that survey work has not been properly carried out.
- 5.91 The **Council's Environmental Health Manager (EH)** has previously commented on noise issues and impacts upon private water supplies.
- 5.92 With regards to noise, the acoustic information within the Environmental Statement and predictions contained show compliance with the noise criterion detailed in ETSU-R-97; the assessment and rating of noise from wind farms. EH therefore has no objections in principle to this application being granted subject to the warranty for the proposed turbines (referred to in Section 11.10.5 of the ES) being submitted and demonstrating that the noise output from the turbines will not require a tonal noise correction in terms of the ETSU scheme.
- 5.93 With regards to private water supplies (PWS), there are several in the vicinity of the wind farm. Some concerns exist about the potential effects on quality and sufficiency of these PWS's particularly during construction.
- 5.94 If planning permission were to be granted, three conditions have been proposed relating to monitoring of water supplies; noise limits on the wind farm operation for both day and night times; and a requirement for the operator to undertake investigations into any substantiated noise complaints and to carry out mitigation in agreement with the planning authority.
- 5.95 The **Councils Policy & Road Safety Manager** has no objection in principle to the application but would recommend that the following conditions be applied:
1. Details of the proposed site access from the B6372 and the internal parking arrangements should be submitted for approval.
 2. The developer should contact the council to discuss the proposed temporary alterations required to some sections of the local road network to accommodate the abnormal loads which would require to be transported to the site.

6 REPRESENTATIONS

- 6.1 A total of 771 representations have been received in connection with this application. The majority of these are against the proposal and there have been 27 letters of support received (3.5%).
- 6.2 The issues raised in objections to the proposals are summarised as follows;
- The proposed development conflicts with the recommendations in the Council's 2007 Landscape Capacity Study;
 - Need to protect the setting of the Pentland Hills Regional Park and the Moorfoot Hills AGLV;
 - Devastating impact upon visual amenity of the area;
 - The proposed site is under three miles away from the Auchencorth Moss wind farm proposal, which was rejected at Public Inquiry and is under two miles from the Spurlens Rig proposal, rejected by Scottish Borders Council;
 - It will have a significant, adverse effect on the area, and upon communities in and around Midlothian;
 - Proximity to settlement at Howgate;
 - Noise impact on local residents;
 - There will be significant impact on the rich wildlife which currently inhabits the area;
 - The site is close to Gladhouse Reservoir SPA, and to sites of special scientific interest, where osprey, barn owls and hen harriers are resident and is sited on and around a breeding ground for great crested newt;
 - It will have an adverse impact on the tourism value of the Tyne Esk Trail, amenity walks and the National Cycle Network. The number of tourists to the area will drop, as evidence suggests that around half of those visiting Scotland come for the wilderness, wild landscapes and unspoilt hills;
 - The potential cumulative impact is significant. Within 20 miles of Penicuik, there are 14 wind farms in operation and 10 are under consideration or construction. A further 33 turbines are in the planning process further to the south in the Scottish Borders;
 - The effect on TV reception in Penicuik is unknown;
 - It is recognised that wind farms also prove detrimental to health;
 - Figures relating to carbon saving are misleading;
 - Due to the intermittent nature of wind energy, there is a need to run back up fossil fuel power stations which are less efficient when not running full time;
 - The lifespan of turbines is 15 to 20 years after which they need to be replaced;
 - Wind farms lead to higher energy prices;
 - A detrimental effect on the welfare of nearby horses;
 - Risks of catastrophic failure; and
 - Concern over road safety arising from driver distraction.

6.3 The issues raised in support of the proposals are summarised as follows;

- The development will have the capacity to power around 11,000 standard UK homes;
- It would offset around 290,00 tonnes of CO₂ emissions per year;
- There will be significant local job creation and economic benefit during the construction phase;
- There will be some local jobs created and a regular local income generated over the operational stage;
- There is a commitment to carry out repairs and conservation work to the historic designed landscape of Penicuik House;
- Money is to be put towards the improvement of the historic environment in Penicuik;
- The investment includes plans to enhance two degraded lowland raised bogs outwith the application site as wildlife habitats;
- There will be enhancements for great crested newt habitats;
- The applicant has made significant improvements to the scheme following initial community engagement;
- A mix of energy providers is possibly the best way for the future and we should take the opportunity of having various energy sources;
- Some older generation power plants (coal and nuclear power stations) are due to close and others require refurbishment, and a wind farm constructed now could go some way to help fill that gap, as there are few other effective environmentally friendly options;
- Other options may result in more expensive energy being imported from abroad;
- Reduces dependency on nuclear power;
- There is too much scaremongering about wind power generation;
- Far more preferable to traditional forms of electricity generation which are dangerous and polluting;
- Wind farms can add beauty to a landscape;
- Spoiling a view is a small price to pay for saving the environment as a whole;
- Scottish Government is thinking ahead to securing our energy supplies when considering how we can expect to heat our homes in the future;
- Fossil fuels are running out and nuclear energy does not have support, so what is the alternative;
- Moving to wind farm development approval will enhance Midlothian's green credentials;
- There are no provable long term detrimental effects on flora and fauna; and
- We all use energy, and there is a need to sacrifice something for the benefit of reducing climate change.

Representations from Amenity Groups

- 6.4 The **Penicuik Civic Society** did not respond to the present application. It did respond to the 2013 application in which it advised it supports the application. It considered that the proposal upholds its objectives of advancing local heritage and environmental improvement by encouraging interest in the history and character of Penicuik and its environs; by protecting, preserving and improving the built and natural environment; and by promoting high standards of urban and rural planning. It recognises the environmental benefits of the scheme and the planning gain to be had from contributions proposed to enable local restoration to historic buildings, and contributions to local community trust fund.
- 6.5 The **Friends of the Pentlands** maintain the original concerns that it raised in 2013. It objects on the grounds of visual impact, the cumulative impact of other wind energy developments, and the threat of what it terms ‘turbine creep’ where operational sites subsequently apply to increase their capacity by adding more turbines.
- 6.6 Turbines will be clearly visible from the Pentlands. Nearby proposals at Spurlens Rig and Auchencorth Moss have been rejected, and this application is not significantly more distant. It is concerned at the number of proposals for wind energy developments impacting the Pentlands.
- 6.7 The **British Horse Society (BHS)** did not respond to the present application. It did respond to the 2013 application in which it noted that part of the Tyne Esk Trail passes through the site via the Cockmuir Road. It was pleased to see that an alternative route has been proposed and requested that this be made a multi-use track, safe to horses and riders. The BHS attached their own Scottish Wind Farm Advice Note for information.
- 6.8 The **Penicuik Environmental Protection Association (PEPA)**, is a local group that was organised at the time of the Auchencorth Moss wind farm application by residents of Penicuik, Carlops and Howgate communities to protect the area from wind farm development. It has submitted an 82 page document looking at the following topic issues; the lack of need for the proposal; wind speeds and wind resource; landscape; socio-economic aspects and tourism; noise; and a series of specific ecology issues including great crested newt, moths/butterflies, badgers, ornithology and bats. A series of photomontages have been prepared also. In each of these chapters, PEPA has demonstrated how it considers information contained within the applicant’s Environmental Statement as inaccurate or incorrect.
- 6.9 PEPA has summarised what it sees to be the main threats of the development;
- Introduce a wind farm into an area that is currently wind farm free;

- Significant impact upon the visual enjoyment and amenity of those who enjoy the scenic remoteness, natural beauty and tranquillity of the Pentlands and the Moorfoots. There will be significant reductions in tourist income;
- Dominate and detract from the highly valued Pentlands skyline and overwhelm that of the immediate nearest Moorfoot Hills.
- Be readily visible to thousands of motorists (primary receptors) who use the A701 and A702, the gateways to Edinburgh and further North. It will dominate and distract drivers on what has become an unofficial Penicuik bypass of choice from the A701 through Howgate and Auchendinny; and
- Threatens to set a precedent for further wind turbine applications in adjacent areas in Midlothian and the adjacent/nearby parts of Scottish Borders.

- 6.10 PEPA considers that there is already a vast excess of operational and consented wind farms. 18GW of installed wind capacity would satisfy electricity consumption needs, and already 7.4GW is installed or consented, with a further 19GW at application or scoping stages. A further 10GW is proposed offshore. SNH has advised (29 February 2012) that there are enough projects being developed within the planning system to deliver the target by 2020.
- 6.11 PEPA objects to the proposal on the basis of lack of sufficient wind speed at the site. An official national wind speed database (NOABL), and a range of local wind speed measurements, shows that the wind resource at Mount Lothian is insufficient to justify a wind farm. A wind speed monitoring device was not installed on site until February 2014. No data from this has been submitted. The average wind speed for the Mount Lothian area is less than 5 m/s (meters per second) which makes Mount Lothian a completely unsuitable site for a wind farm.
- 6.12 With regards to the landscape fit, the design does not apply good practise. The layout bears little relationship to landscape, topographic, road or settlement patterns. The turbines will also diminish the sense of scale of the nearby hills, in particular the Moorfoots. This is demonstrated by 2 photomontages. The development would also diminish the perception of the wild land character appreciated within the Pentlands and Moorfoots.
- 6.13 The majority of the region suffers from the cumulative impact of several wind farms and it cannot sustain any further developments without serious adverse impacts.
- 6.14 PEPA considers that a wind farm erected in this location could have a very significant impact upon Midlothian's tourist trade. A series of polls are quoted in order to support this view. The A701 and A702 are important tourist routes into Scotland through Midlothian, and views from these will give an impression which will be adversely affected by wind farm developments.

- 6.15 A significant amount of evidence has been submitted to highlight significant concerns regarding wildlife issues. It is considered that the survey work carried out underestimated the impacts upon the great crested newt population, as well as being too conservative on the status of the population itself. It is therefore premature to consider the population as Good, rather than Excellent, or to assess its status as less than National Importance.
- 6.16 Three vulnerable butterfly species have been recorded to use the Mount Lothian site. Butterflies are a very sensitive indicator of ecological health and have exhibited the most rapid rate of decline of all animals and plants. The developers have not explained how they are going to enhance the diversity of these and other species when the wind farm has been constructed. The field surveys carried out by the developer are completely inadequate. This proposal will thus diminish local biodiversity and contribute strongly to a cumulative damage.
- 6.17 PEPA also raise objections regarding ornithology. In particular Osprey, which have been noted nesting and breeding at a site within 2 kilometres of the application site. Birds have so far failed to breed successfully and there is concern that the turbines could further hinder this. Ospreys are afforded the highest degree of legal protection under schedule 1 of the Wildlife and Countryside Act 1981. Osprey and other raptors are particularly prone to strike by turbines and have been inadequately assessed.
- 6.18 Pink Footed Geese have a significant active population in the area, with significant movements recorded between Westwater and Aberlady Bay. Mount Lothian lies on a major Pink-footed Goose migratory flyway and PEPA have submitted evidence of this. It also raises concern that the developer's methods for assessment were flawed. The times for survey were not optimised and thus greatly underestimated risk to mortality.
- 6.19 With regards bats, PEPA is concerned that survey work was too concentrated in the summer, missing spring and autumn activity. More local buildings should have been assessed. Also a 200 metre rather than 150 metre buffer should have been allowed from the edge of woodland.
- 6.20 With regards to noise, it is considered that ETSU is now out of date. The noise levels were underestimated and the tonal components of the noise output have not been addressed. Evidence was submitted to contradict the ES survey findings.
- 6.21 Impact upon peat has been underestimated. Photographic images are submitted to demonstrate the level of ground disturbance for roads and turbine bases and crane pads. This will be worsened by degradation of the hydrology and subsequent peat drying.

- 6.22 With wind speeds being lower than the applicant has suggested, the CO₂ savings will be less and the CO₂ released by peat and tree felling will be higher, therefore giving a far less beneficial balance for the development.
- 6.3 It should be noted that the current application is a resubmission of the previous application 13/00063/DPP which was withdrawn. The Council received over 1,130 representations for that application. The majority of the representations were against the proposal and 72 letters of representation support received. The issues raised for the previous application were consistent with the issues raised for the current application.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan, approved in June 2013 and the Midlothian Local Plan, adopted in December 2008. Also relevant is Scottish Government Planning Policy. The following policies are relevant to the proposal:

- 7.2 South East Scotland Strategic Development Plan 2013 (SESPlan)
Policy 10, Sustainable Energy Technologies, which advises that 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.

The Midlothian Local Plan 2008

- 7.3 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;
- 7.4 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;
- 7.5 Policy **RP6 Areas of Great Landscape Value** which advises that development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value;

- 7.6 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;
- 7.7 Policy **RP8 Water Environment** aims to prevent damage to the water environment, including groundwater and requires compliance with SEPA's guidance on SUDS;
- 7.8 Policy **RP10 Internationally Important Nature Conservation Sites** advises that development will not be permitted where it could adversely affect, either directly or indirectly, the integrity of a nature conservation site of international importance (such as RAMSAR sites and Natura 2000 areas), or any other site which is proposed or designated as of international importance, unless it can be demonstrated that there are imperative reasons of overriding public interest and: A. the proposed development would have no significant effect on the habitats or species being safeguarded; or B. there are no alternative solutions
- 7.9 Policy **RP11 Nationally Important Nature Conservation Sites** (SSSI's or NNR's) states that development will not be permitted where it could adversely affect, either directly or indirectly, the integrity of a nature conservation site of national importance, or any other site which is proposed or designated as of national importance unless it can be demonstrated that: A. the objectives of designation and the overall integrity of the area will not be compromised; or B. any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.
- 7.10 Policy **RP12 Regionally and Locally Important Nature Conservation Sites** prohibits development where it could adversely affect, either directly or indirectly, the nature conservation interest of any sites, or wildlife corridors, of regional or local conservation importance unless the applicant can show that: A. the development has been sited and designed to minimise damage to the value of the site and includes measures that will appropriately compensate for any damage which cannot be avoided; or B. the public interest to be gained from the proposed development can be demonstrated to clearly outweigh the nature conservation interest of the site;
- 7.11 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;
- 7.12 Policy **RP15 Biodiversity Action Plan** requires that development proposals shall demonstrate compatibility with the aims and objectives

of the Midlothian Local Biodiversity Action Plan and related plans, by identifying appropriate measures to protect, enhance and promote existing habitats and/or the creation of new habitats, and provide for the effective management of these habitats;

- 7.13 Policy **RP19 Peat Extraction** advises that both peat extraction, and other development likely to have a deleterious effect on peatland, will not be permitted where it is within or adjacent to the ecologically significant areas listed in policies RP10, RP11 and RP12. Elsewhere in the Local Plan area, peat extraction and development likely to result in a deleterious effect on peatland will not be permitted except where local environmental impacts are shown to be minimal or where there are overriding environmental benefits in the public interest.
- 7.14 Policy **RP24 Listed Buildings** advises that development will not be permitted which would adversely affect the character or appearance of a listed building, its setting or any feature of special or architectural or historic interest that it possesses;
- 7.15 Policy **RP26 Scheduled Ancient Monuments** does not permit development which would adversely impact on any scheduled ancient monuments;
- 7.16 Policy **RP28 Site Assessment, Evaluation and Recording**, protects any potential archaeological resources by ensuring the site is assessed;
- 7.17 Policy **RP32 Public Rights Of Way and Other Access Routes** protects established routes against development which could lead to the loss of a right of way, cycle path, bridleway, or other access route;
- 7.18 Policy **RP33 Compensatory Measures for Loss of Environmental Resources** advises that in exceptional cases, where development is permitted in the public interest which will lead to unavoidable environmental loss or damage to the resources covered by the Resource Protection policies, the Council will require the developer to carry out appropriate compensatory measures for the loss by enhancing or creating other environmental assets in or close to the development site, or, where that is not practicable, more distant but similar to those which will be affected;
- 7.19 Policy **NRG1 Renewable Energy Projects** Renewable energy developments, including wind energy, landfill gas, biomass, combined heat and power and geothermal schemes will be permitted provided any proposal:

A. will not cause a significant adverse effect upon areas of nature conservation interest covered by policies RP10, RP11 and RP12, nor the following protected areas: Conservation Areas, Scheduled Ancient Monuments, Listed Buildings, Historic Gardens and Designed Landscapes, significant archaeological

sites, Pentland Hills Regional Park, (and where relevant, the settings of the aforementioned designated areas or buildings), prime agricultural land, the Green Belt, Areas of Great Landscape Value, peatland and water supply catchment areas;

B. will not have an unacceptable effect on the amenity of nearby residential properties;

C. will not have an unacceptable effect on the wider environment by reason of landscape and/ or visual impact (having regard to cumulative impacts and to the findings of the Council's Landscape Capacity Study for Wind Turbine Developments in Midlothian (January 2007)), noise, safety, traffic generation or pollution control;

D. will not demonstrably damage the local economy in terms of tourism or recreation;

E. includes a realistic means of securing the removal of the equipment when redundant, and restoring the site to a satisfactory condition;

F. will not require infrastructure for access and/or power transmission which in itself has a significantly unacceptable environmental impact; and

G. accords with any other relevant Local Plan policies or proposals; and, in the case of wind energy proposals: H. will not significantly increase the risk of shadow flicker or driver distraction; and I. will be unlikely to cause interference with the flight paths of migratory birds or with military low fly zones.

7.20 Material consideration will also be given to the Council's **Landscape Capacity Study for Wind Turbine Developments in Midlothian** (January 2007).

7.21 The Landscape Capacity Study for Wind Turbine development in Midlothian (**MLCS**) is the approved non-statutory policy for assessing wind farm development in Midlothian, the findings of which have been incorporated into the local plan through policy NRG1 (see above). 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 study identifies 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.

7.22 It takes a strategic view that provides guidance on capacity related to landscape character areas, which includes consideration of visibility and cumulative landscape and visual sensitivities. The study does not

consider other environmental constraints to wind farm development (e.g. nature conservation or archaeology), nor does it take account of any of the benefits that are provided by the renewable energy resource. It provides information on landscape and visual issues only, contributing to a wider examination of constraints and opportunities for wind energy development within Midlothian.

- 7.23 The report assessed the sensitivity of 12 landscape character areas within Midlothian to a range of different wind turbine development scenarios (typologies), using a number of key landscape and visual criteria in the assessment.
- 7.24 The capacity for wind turbine development within each of the character areas was appraised and general guidance given on the siting and design of wind turbine developments. Cumulative landscape and visual effects were considered in the sensitivity assessment for those wind farms already consented or operational close to the district boundary. Each character zone was given a sensitivity assessment which looked at; the scale of the zone; its landform and shape; settlement pattern; industry and infrastructure; landscape pattern; landscape context; landscape composition; degree of modification; key views from the area; and general visibility of the area.
- 7.25 Of the twelve character zones assessed, three were considered to be of high sensitivity with no scope for development, eight were medium-high sensitivity with limited scope for development, and one was medium sensitivity with moderate scope for development. No sites were suitable for large turbines (>90 metres) of any number; two sites could accommodate small numbers of turbines up to 45 metres height; no sites were suitable for single large turbines (<65 metres); nine sites were suitable for small turbines (15 to 30 metres); and one site was suitable for an extension to an existing wind farm in the neighbouring authority.
- 7.26 The character area within which the proposed Mount Lothian Wind Farm Development would be sited is the Moorland Fringes, and this was described as having limited capacity for development. It recommended that there may be scope for some smaller turbines of up to 20 metres, which may be accommodated where the landscape was less undulating and where they related to settled areas with pronounced woodland and enclosure patterns.

Scottish Planning Policy

- 7.27 Also to be taken into account is the relevant chapters and paragraphs of the **Scottish Planning Policy** (SPP), made public on 23 June 2014. In particular the chapter “A Low Carbon Place” (paragraphs 152 to 174).
- 7.28 This sets targets of achieving 30% of overall energy demand being supplied via renewable sources by 2020; 11% of heat demand being

supplied via renewable sources by 2020; and the equivalent of 100% of electricity demand from renewable sources by 2020. Also relevant is the support for the development of a diverse range of electricity generation from renewable energy technologies including the expansion of renewable energy generation capacity.

- 7.29 Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.
- 7.30 The SPP makes a commitment to sustainability (paragraphs 24 to 35). Furthermore it has introduced the "*presumption in favour of development that contributes to sustainable development.*" This means that decisions should be guided by the following principles:
- giving due weight to net economic benefit;
 - responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
 - supporting good design and the six qualities of successful places;
 - making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
 - supporting delivery of accessible housing, business, retailing and leisure development;
 - supporting delivery of infrastructure, for example transport, education, energy, digital and water;
 - supporting climate change mitigation and adaptation including taking account of flood risk;
 - improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
 - having regard to the principles for sustainable land use set out in the land use strategy;
 - protecting, enhancing and promoting access to cultural heritage, including the historic environment;
 - protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
 - reducing waste, facilitating its management and promoting resource recovery; and
 - avoiding over-development, protecting the amenity of new and existing development
- 7.31 The section on "Onshore Wind" (paragraphs 161 to 166) provides guidance on preparing spatial frameworks for wind energy developments. Table 1 sets out lists of areas where wind farms will not be accepted, where there will be significant protection against them, and areas where there is potential (subject to detailed consideration against identified policy criteria). The areas for significant protection, i.e. the second tier of protection which is relevant in the Midlothian

case, includes: Natura 2000 and Ramsar Sites; SSSSI's; 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 an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge.

7.32 The new SPP advises that proposals for energy infrastructure developments must then take account of the spatial frameworks. Material considerations for such development shall likely include;

- net economic impact, including local and community socio-economic benefits such as employment;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- cumulative impacts;
- impacts on communities and individual dwellings;
- landscape and visual impacts;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils;
- public access;
- impacts on the historic environment;
- impacts on tourism and recreation;
- impacts on aviation;
- impacts on hydrology;
- impacts on road traffic and trunk roads;
- impacts on telecommunication; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

7.33 The SPP notes that areas that are identified in development plans for wind farms should be suitable for use in perpetuity.

7.34 Also introduced by the revised SPP is the acceptance of Community Benefit. Where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments.

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.

- 8.2 The principle areas for consideration are issues of climate change, the need for renewable energy and impacts upon landscape, wildlife and ecology, soil and drainage, noise and amenity impacts, aviation and upon cultural heritage.

Climate Change and National Policy

- 8.3 The Scottish Government is committed to promoting the increased use of renewable energy sources. This commitment recognises the renewable energy industry's potential to support economic growth. The target is for renewable energy sources to generate the equivalent of 100 per cent of Scotland's gross annual electricity consumption by 2020. Similarly, a target has been set for renewable sources to provide the equivalent of 11 per cent of Scotland's heat demand by 2020.
- 8.4 The Climate Change (Scotland) Act was passed by the Scottish Parliament in June 2009. An increase in the amount of renewable energy generation (electricity and heat) as a means of reducing carbon emissions can significantly contribute to efforts to tackle climate change, and the Climate Change Act sets a target of reducing these emissions by 80 per cent by 2050, including emissions from international aviation and shipping. Scotland has set a world-leading interim target for a 42 per cent cut in emissions by 2020.
- 8.5 Scotland's Third National Planning Framework (NPF3) has strong ambitions for the country to be a sustainable and a low carbon place. Planning will play a key role in delivering the commitments set out in Low Carbon Scotland (RPP2). The ambition is to achieve at least an 80% reduction in greenhouse gas emissions by 2050.
- 8.6 The NPF3 recognises that onshore wind will continue to make a significant contribution to the diversification of energy supplies, but it is made clear that these will not be accepted in National Parks or National Scenic Areas. There will also be associated opportunities for manufacturing, servicing and support to the renewable energy sector with employment opportunities that these will generate. However, NPF3 also recognise the importance of Scotland's landscapes and its areas of wilderness and wildlife, and how landscapes closer to centres of population have an important role to play in sustaining local distinctiveness, cultural identity, health and well-being.
- 8.7 On 27 June 2013, the Scottish Government published the *Low Carbon Scotland: Meeting our Emissions Reduction Targets 2013-2027*. This report is a draft of the Scottish Government's second report on proposals and policies (RPP2) for meeting its climate change targets. Specifically, it sets out how Scotland can deliver its statutory annual targets for reductions in greenhouse gas emissions for the period 2013 to 2027.
- 8.8 The report summarised Scotland's performance thus far stating that by 2010, greenhouse gas emissions had been reduced by 24.3% since

1990 and this was already more than halfway towards the 2020 target of reducing greenhouse gas emissions by 42%. By way of comparison, emissions have been reduced faster than any member state in the EU-15. It is significantly higher than the EU-27 Member States average of 14.3 %.

- 8.9 Chapter 4 on Energy, sets out the 2020 energy targets for Scotland to make significant progress toward decarbonisation by 2020 (in line with those of the EU). These are;
- Meet at least 30% overall energy demand from renewable sources by 2020;
 - Reduce total final energy demand by 12% by 2020, covering all fuels and sectors;
 - Source 11% of heat demand and 10% of transport fuels from renewable sources by 2020;
 - Delivering the equivalent of at least 100% of gross electricity consumption from renewable sources by 2020 with an interim target of the equivalent of 50% of gross electricity consumption from renewables by 2015;
 - Enable local and community ownership of at least 500 MW of renewable energy by 2020;
 - Demonstrate carbon capture and storage (CCS) at commercial scale in Scotland by 2020 with full retrofit across conventional power stations thereafter by 2025-30; and
 - Seek transmission system upgrades and increased interconnection capable of supporting the projected growth in renewable capacity.
- 8.10 It is clear from this that there is a strong commitment by the Scottish Government to maximise renewable energy production, and for steady progress towards decarbonisation of electricity supply.
- 8.11 This is reflected in the SPP, which advises that the planning system should support the transformational change required to meet climate change targets. The supporting of renewable energy generating capacity is only one aspect of this. It also involves promoting land use mixes that encourage the use of public transport; encouraging the re-use of existing building stock; and taking advantage of passive energy sources (siting and orientation of buildings, maximising solar gain and making use of or creating shelter for buildings to prevailing winds), creating heat networks (CHP). It also involves adapting development to the changing climate, ensuring buildings can withstand the elements under a climate change regime; working with the natural environment and its processes including SUDS and flood risk reducing measures; and promoting landscaping and natural shading to built areas to reduce “urban heat island” conditions.
- 8.12 It is therefore important to realise that wind energy is just one form of one aspect of a means for dealing with Climate Change.

- 8.13 Furthermore it is clear from Government policy in the SPP, that whilst renewable energy developments should be supported, this should “be at locations where impacts on the environment and communities can be satisfactorily addressed”.
- 8.14 Scotland's pursuit of its renewable energy potential has seen the installed capacity of renewable electricity generation overtake output from nuclear power generation in 2007. The Government wants targets to be exceeded rather than merely met, and targets should not be viewed as a cap on what renewables can deliver, and it is important that momentum towards the 2020 target and beyond is maintained. This will require many more technologies, not only wind, to start playing a major role - for example, marine energy and biomass energy.
- 8.15 The Renewables Obligation (Scotland), known as the ROS, is the Scottish Government's main means of increasing renewable electricity generation in Scotland. The ROS works in tandem with identical legislation covering the rest of the UK. ROS places an obligation on licensed electricity suppliers to source an increasing proportion of electricity from renewable sources. It obliges electricity suppliers to produce a certain number of certificates - known as ROC's - as a proportion of the amount of electricity which they supply to their customers in Scotland. Since its introduction, levels of renewable electricity generation have risen from 1.8% of total UK supply to 7.0% in 2010.
- 8.16 Alternatively, instead of producing these certificates, suppliers may choose to make a payment to Ofgem (the gas and electricity market regulating body which administers the ROS on behalf of the Scottish Ministers).
- 8.17 It is therefore clear that there are alternative means of addressing climate change other than reducing the carbon footprint of energy production. There are other renewable energy sources, not just wind power, and even where wind power is an option, it should only be sited where this can be seen to be environmentally acceptable.

The Need for this Wind Farm

- 8.18 The United Nations Inter-Governmental Panel on Climate Change published a report in 2007 which concluded that “Warming of the climate system is unequivocal. Eleven of the last twelve years rank among the 12 warmest years in the instrumental record of global surface temperature. The role of human activities in the observed changes is now clearer than ever. Future warming is strongly dependent on our emissions.” The Kyoto Protocol (2005) set binding levels for greenhouse gas emission reductions. It has summarised how this has filtered to European, UK and Scottish legislation.

- 8.19 It has further highlighted the punitive measures of the Renewables Obligations, introduced in 2002, and the requirements of the 2011 Energy Act.
- 8.20 The applicant has indicated in volume 2, chapter 3 of the ES how the proposed development contributes to meeting the need for renewable energy. It calculates that the proposed development would satisfy a need equivalent to powering 11,092 households.
- 8.21 Furthermore, the applicant goes on to advise that 40% of all CO₂ emissions are from electricity generation, and so this development will contribute towards a reduction of 32,700 tonnes of CO₂ per annum. The impacts of CO₂ released from peat destruction on the site have been assessed, and the carbon assessment concluded that it would take a total of 2.9 years for the wind farm to pay for itself in terms of the carbon balance.
- 8.22 The need to produce electricity from renewable sources stems from the acknowledged need to combat global climate change and is supported by policy at international, European, UK, Scottish and local levels.
- 8.23 PEPA and others have raised concerns that there is no need for any more wind farms to be considered at present as there are already sufficient wind farms in operation, consented or under consideration in the planning system to satisfy the Scottish Governments target for 100% of Scotland's electricity to be provided by renewables. There are sufficient applications in the system to enable Councils to only approve those that absolutely ensure that wind farms are located in the right place and to reject those with significant adverse impacts.
- 8.24 It is clear from Government advice that the achievement of the renewable energy targets in RPP2 should not be seen as a ceiling.
- 8.25 It would be good practise to direct wind farm developments to those areas where impacts are minimised and to ensure that development only proceeds onto more sensitive sites once the need becomes unachievable elsewhere. There is no national policy that requires each authority to provide a certain number of wind farms per capita or per square kilometre. Some districts will have far greater capacity to accommodate wind energy developments than others and these should be explored to their fullest potential. All authorities are however required to assess their areas for suitable sites for wind energy developments of an appropriate scale and Midlothian Council have done this with the MLCS (2007) and is updating this assessment as part of the preparation of supplementary guidance to the Midlothian Local Development Plan which is currently in preparation.
- 8.26 The SPP at paragraph 169 advises that consideration of applications for energy infrastructure developments should include, amongst other matters, the scale of contribution to renewable energy generation targets. Therefore the level of electricity proposed by the proposal is a

material consideration, and one that has to be balanced against the negative impacts on the environment and in particular landscape and amenity. Without clarity on this matter it is not possible to accurately balance the costs against the benefits.

- 8.27 It is therefore important to assess the physical impacts of the proposal; to carefully consider the positive benefits of the renewable energy resource against the negative environmental, social and cultural impacts that such a scheme may have.

Landscape Impact

- 8.28 One of the most commonly recognised impacts of commercial onshore wind farms is that of landscape impact. There will almost invariably be a significant impact due to the heights of turbines for commercial wind farms generally being upwards of 100 metres. Not only do they have great height, equivalent to a 25 storey office building, but they have very large moving parts, the rotor blades often being 40 metres or larger in length, resulting in a field of movement of 80 metres across.
- 8.29 In terms of potential significant impact locally, what is critical in the assessment of any wind farm application is whether this is significantly adverse, and whether the impacts are well contained within that local area or whether they are significantly visible from greater distances, and whether or not the local or more distant impacts are detrimental to the setting or integrity of landscapes of merit, or to the setting of historic buildings landmarks or other features of cultural significance.
- 8.30 The revised SPP (June 2014) represents the most up to date national policy position on renewable energy development, and it has introduced a hierarchy of landscape significance, which presents a guide for local authorities in preparing spatial frameworks in order to determine where wind farms should be best sited.
- 8.31 The top tier of the hierarchy includes National Scenic Areas (NSA's) and National Parks (NP's), where it is stated that wind farms would not be acceptable. This stance is a significant advancement on former SPP where no such prohibition was presented. There are however no such designations relevant to the present proposals, the nearest being the Upper Tweeddale NSA, west of Peebles.
- 8.32 The second group of criteria is for listing areas of significant protection. With regards to landscape related matters, this includes areas designated for their international or national heritage value (including World Heritage Sites and National Nature Reserves); core areas of wild land; Sites of Special Scientific Interest; areas where the cumulative impact of existing and consented wind farms limits further development; areas of land that provide community separation in which it is stated that there should be at least 2km between wind farms and cities, towns and villages; deep peat and priority peatland habitat; and

areas safeguarded by policies relating to historical significance (designed landscapes and battlefields).

- 8.33 Beyond these designations, remaining land is seen as “areas where wind farm proposals are likely to be supported subject to detailed consideration against identified policy criteria”.
- 8.34 At Mount Lothian, the Midlothian AGLV does extend over the eastern section of the site (38 hectares out of a total site area of 460 Ha), and the remainder of the site is otherwise zoned as countryside. It is noted that no turbines or other development is proposed within this part of the application site.
- 8.35 The site is just outwith the 2km exclusion zone around settlements stated in the SPP. The nearest qualifying settlement is Howgate, and the edge of the village (property at Templevale) is around 2.2km from the nearest turbine. Mossbank is nearer but is not within the defined settlement boundary as per the 2008 Midlothian Local Plan inset map number 15, Howgate.
- 8.36 Despite being outwith the settlement buffer zone, it is clear that the area surrounding the application site does have a significant rural population within a 2km envelope around the site. The Council’s GIS based property system finds that there are 32 residential properties and a restaurant within 2km of the turbine bases, and that within 2km of the site boundary there are 109 residential properties plus the restaurant and a school. This indicates that this is not a remote area and there will be impacts on a significant number of local residents, albeit not concentrated in what would be termed a single settlement.
- 8.37 As with many moorland sites there is the presence of peatland on the site. The land use is grazing and rough grazing, woodland, and some unmanaged moorland. The MLCS has identified the site as being within the Moorland Fringes landscape classification which is deemed to be medium to high sensitivity.
- 8.38 The MLCS finds that there is Limited Capacity for development within the Moorland Fringes character area. It advises that small scale turbines could be accommodated where the landform is less undulating avoiding the more complex landform of the river valleys, Halkerston Hill and the area around Gladhouse Reservoir. There are also potential cumulative impact issues with the existing wind farm at Bowbeat, and this is a concern raised in the MLCS both in the Moorland Fringes chapter, and also in section 4.10 regarding cumulative impact.
- 8.39 The MLCS classifies turbines over 90m high or where the number of turbines is 21 or more as being a large scale development and not as argued in section 6.6.23 of the applicant’s ES as a medium or small-medium scale development. Drawing conclusions from capacity studies elsewhere, which the ES attempts at 6.6.26 is not appropriate as landscapes are diverse (hence the need for local studies to be carried

out rather than one general nationwide document), although clearly there will be some common principles.

- 8.40 The applicant advises in the ES that the scheme has been planned to give rise to a controlled, visually coherent and compact development which respects the flow and grain of the local landscape. Various turbine heights were tested (140m, 125m, 100m and, later, 92m). It was felt that fewer, tall turbines (but not the tallest available) would be more appropriate than a greater number of lower turbines in order to secure a locally, less busy appearance, to be consistent so far as possible with the scale of the host landscape and to establish an acceptable visual relationship with the Moorfoot and Pentland Hills.
- 8.41 The ES then assessed the visual context, the landscape context, and the landscape planning policy and guidance. The assessment of the effects was based upon results at representative viewpoints. Table 6.4 of the ES references the degree of impact at all the viewpoints. The only viewpoints where significant landscape impacts were concluded were those within 1.5 kilometres of the site. The only viewpoints where significant visual impacts were concluded were within 3 kilometres of the site. The local landscape which would result in a “wind farm sub-type” would theoretically extend potentially between the King’s Seat (North) and Spurlens Rig (South) and between the A6094 (West) and just to the east of Toxsidehill (East). The impact of the wind farm, as one moves further away from the site, takes up a smaller and smaller sector of visibility when viewed from that viewpoint.
- 8.42 At any one viewpoint there will be 360 degrees of visibility and the impact of the wind farm becomes more directional with distance (i.e. it occupies a smaller and smaller field of view). At 500 metres distance it may occupy 100 degrees of the view, whereas at 2km (in the same direction) it occupies around 37 degrees. What becomes critical is the juxtaposition of the windfarm, the viewpoint and the sensitive receptors to the impact. The impact would therefore be high where a wind farm was located prominently between a major tourist route and an area of prominent high quality landscape.
- 8.43 There are no statutory landscape designations affected by the proposals. There is however the non-statutory local landscape designation, which is the Midlothian AGLV. There has been some further work carried out on the AGLV recently, specifically to identify special landscape character areas within the designation. These areas are the Pentland Hills; the North Esk Valley; the South Esk Valley and Carrington Farmland; and the Gladhouse Reservoir and Moorfoots Scarp.
- 8.44 There will be clear lines of site from within the AGLV to the turbines. The ES concludes that in the Midlothian context, the landscape visual impacts of the proposed wind farm would extend into the Midlothian AGLV theoretically between the landscape just to the east of Fullarton and then down towards Upper Side, around to Toxsidehill, Toxside and

then leaving the AGLV moving into Toxside Moss. The ES concludes that in terms of the overall scale of the AGLV, there will be a minor scale landscape effect and although of high value in District terms, the effect would be of only low/moderate importance. The ES concludes that there would be no significant adverse impact arising directly with respect to landscape character. The impacts are considered to be irrelevant in all but one of the special landscape character areas. The Gladhouse area would have local characterising effects due to the wind farm.

- 8.45 My assessment, guided by the comments of consultees, is that the visual impact of the turbines locally would be significant and where visible it would not be seen to be of a scale respecting the immediate or the wider topography. The proposed turbine model is 102m to tip height, a height significantly greater than the turbines at the Dun Law and Bowbeat windfarms. Furthermore the blade to tower ratio is significantly different and as the wind farm is located in a smaller scale landscape this would disturb the perception of vertical scale. The cumulative impact when viewed in conjunction with operational as well as approved wind farms would be significant due in part to the size of the turbines and their location in the foreground of many important views. The viewpoint (VP 17) at Gaberlunzie Cottage is one that illustrates this well.
- 8.46 With regards to the viewpoint photomontages submitted as part of the application there are a number of concerns that need to be expressed.
- 8.47 Firstly, a number of the photographs used for the viewpoints (VP) and photomontages are grainy and taken on day(s) with only moderate visibility which make some of the visual representations lacking in clarity. It is a concern that some of the submitted viewpoints have been chosen from locations where the proposed wind farm is either fully or partially screened by vegetation and/or structures.
- 8.48 Viewpoint 3, Howgate is classified as having no significant impact but this has been taken from the roundabout where there is limited visibility of the turbines. If instead the viewpoint was taken from the B7026 at Cleikeminn from where there would be a more extensive view of the wind farm, the impact would be significant. This has been partly demonstrated in the submission by PEPA, who have also raised this as a concern and have provided a photomontage viewed from the B7026 near Pomathorn.
- 8.49 Whilst the wireframe for Viewpoint 7, on the A701 south of Penicuik shows the turbines at their full height, the photomontage depicts them in the lower position (presents the minimum tip height when a single blade is pointing straight at the ground. The photomontage therefore underplays the significance of the impact. This is the kind of example where the movement of the blades will have a more significant impact, as only blades and not masts are visible.

- 8.50 Viewpoint 11, on the A702 south of Wallstone is positioned such that a large number of the turbines are screened by trees in the middle distance. Had it been moved south to the bus stop on the western side of the road at Nine Mile Burn then a much clearer view of the wind farm would have resulted in an impact that was moderate.
- 8.51 At viewpoint 19 Gowkley Moss the turbine blades are not shown fully upright thus avoiding the fact that they breach the skyline in the photomontage. When the turbines are breaching the skyline it is argued that the impact is moderate/high.
- 8.52 Viewpoint 20 Newtongrange is actually taken from B6482, which is the distributor road running between Easthouses and Mayfield, and due to the vegetation there is limited view of the turbines, whereas they would be highly visible from either the play area in Mayfield Park or even more significantly from the local plan housing sites between Mayfield Industrial Estate and Gowkshill. Although the vegetation at this location would screen part of the windfarm it would still be prominent.
- 8.53 In the pre-application discussion of applicants with Council officers it was recommended that a viewpoint be taken from the entrance to the library and leisure centre at 39a Carllops Road. Instead, VP 25 the Penicuik Centre was chosen from the park down the drive and across the road which means no turbines are visible in the photomontage.
- 8.54 Viewpoint 26 has been chosen from Cornbank at Gardener's Walk where there are no turbines visible but if VP had been chosen from the area next to the properties Rullion Road no 59 – 69 there would be a direct view into the wind farm with limited screening by vegetation or structures.
- 8.55 Viewpoint Res 5 (and photomontage) is taken from the rear garden of the old cottage at Cockmuir and the proposed turbines are therefore screened in the main by a group of trees including a group of young conifers within the garden. If the viewpoint and photomontage had depicted the view from the new residential property at Cockmuir (Taliska) then the proposed turbines would likely be much more visually prominent.
- 8.56 There has been no update to the viewpoints from the previously withdrawn application despite these comments being available prior to the resubmission of the application.
- 8.57 The landscape assessment concludes by stating at 6.13.26 that "*the proposed development should be regarded as a positive, long-term, reversible addition to the local scene. Given its substantial reversibility, the proposed wind farm development is therefore assessed as particularly sustainable from the long-term landscape resource and long-term visual amenity perspective.*" This assertion of the applicant's is not supported by my assessment of the application, which concludes

that the proposals would have unacceptably significant landscape and visual impact.

- 8.58 Scottish Natural Heritage (SNH) has not objected to the development as it only objects if the proposed development adversely affects national landscape designations. However, it is the primary source of advice on the impact of wind farms on the landscape, and it has raised concerns regarding some potential adverse landscape impacts.
- 8.59 The application site lies within the Gladhouse and Auchencorth Moorlands landscape character type as defined by the Lothians Landscape Character Assessment (SNH, 1998), which recognises the predominantly open aspect and visual sensitivity of much of the area, as well as the sparse settlement and the generally simple large-scale character of the land-uses of the area. The enclosure offered by the nearby hills is noted while the study recognises the detailed or small scale topographic diversity, the semi natural land cover types, and the characteristic pattern of small woodlands and shelterbelts.
- 8.60 SNH considers that there will be adverse impacts on important views towards the Moorfoot Hills, where the large scale of the turbines will be seen to be in visual competition with the hills, potentially diminishing their perceived scale and landscape importance.
- 8.61 A wind farm on this site will have widespread visibility leading to the potential interruption to the current sense of openness of the area, and the likely intrusion of the development into longer distance views, including important views between the Pentland and Moorfoot Hills.
- 8.62 The areas of potential visibility extend to some considerable distances (circa 20km) and these areas include well used and heavily populated areas around the edge of Edinburgh, East Lothian and Midlothian. The nature of the impacts from such areas will be many and varied, with the development frequently being seen as an identifiable feature or landmark on the visible horizon (for example VP 20: Newtongrange and VP 21: A6094).
- 8.63 With regards to views from areas in close proximity (within 5km) of the proposal, the upland fringe areas of the Gladhouse / Auchencorth Moorlands landscape character type have a generally open and expansive landscape character. This allows important scenic, long distance, and panoramic views to be gained from a wide variety of paths, roads and dispersed residential areas within these fringe areas, including the minor roads and other areas around Gladhouse Reservoir.
- 8.64 Therefore, the location of the proposed wind farm and the vertical scale of the turbines will likely combine to create a notable and somewhat intrusive feature in a range of important and general or representative views towards the Pentland Hills, particularly from areas within and neighbouring the upland fringe areas. For example, as highlighted by

VP 4: B6372-Upperside, as suggested (by the ZTVs) in areas broadly surrounding VP 9, and as shown by the supporting visualisations for VP 10. Appearing in these representative views, SNH consider that the wind farm may often be visually perceived as a notably large-scale, somewhat dominant, and extensive feature, with turbines and moving blades breaking the skyline or profile of the Pentland Hills. These effects will also diminish the important sense of openness that can be experienced from such areas (for example, as highlighted by VP10: Tweedleburn).

- 8.65 From the lower lying fringes to the Pentland Hills, including a range of recreational paths and roads within the area (in particular the A702 - an important tourist route), the proposal will again appear as a notable man-made feature in the scene. The large scale of the turbines will mean that the development appears as a prominent point feature within the extensive and often open landscape scene.
- 8.66 In its guidance document “ Assessing The Cumulative Impact Of Onshore Wind Energy Developments”, SNH states that “Cumulative impacts can be defined as the additional changes caused by a proposed development in conjunction with other similar developments”. It is also made clear that the cumulative impact of two juxtaposed developments can be both less than and greater than the sum of the two individual developments, depending on their relative positions in the landscape. For example an extension to a wind farm doubling its size may not double the severity of the impact. However, constructing an equal size development on the opposite side of the valley from the first wind farm may more than double its perceived impact.
- 8.67 A number of examples are given as to when cumulative assessments should be looked at in the assessment of an individual planning application. The example relevant to the current case is “a new development in combination with one or more existing or approved but unbuilt development”. One should consider existing development, approved developments awaiting construction and any proposals awaiting determination.
- 8.68 The cumulative landscape effects can be physical, where they directly affect landscape features such as trees, hedges, walls or rural roads/paths; or they can be on landscape character, where they introduce new features in the landscape that change the landscape character to the extent that it creates a new landscape character type. This need not always mean that the impact is adverse.
- 8.69 The visual amenity effects can be combined or sequential impacts. Combined being where more than one development is viewed from the same viewpoint giving a greater impact within the arc of view at that point. Sequential being when the impacts are extended along a travel route so that the appearance of development is experienced over a longer stretch of that route.

- 8.70 There will be adverse cumulative impacts with the existing wind farm at Bowbeat, which has significantly smaller turbines. There are wider cumulative issues raised by a proposal located in a landscape context such that it is in conflict with the established pattern of existing wind farm developments in the region. In many important views from the north and west, and towards the hills, both developments would be frequently visible in the same view. While, in essence, the occurrence of two or more wind farms within a view may not be an important issue, it is the nature of the landscape and visual effects in this instance that is of concern to SNH. The established 24 turbine development at Bowbeat, sitting at considerably higher elevation than the 9 turbine proposal at Mount Lothian, utilises turbines that are 80m to blade tip compared to the proposed 102m to blade tip of the Mount Lothian turbines.
- 8.71 The Mount Lothian proposal would be in notable contrast to the Bowbeat development due to the locational differences (low versus high) and the scale and design differences (much greater scale of the Mount Lothian turbines).
- 8.72 SNH also notes that the Cauldhall open cast coal mine has now been consented and that given the close proximity between the two projects it would highlight that significant adverse landscape and visual impacts may be experienced for certain time periods and within areas that are local to both schemes. If consented, SNH would suggest that the effects arising from construction of the wind farm may combine adversely with certain periods of excavation at the coal mine site. SNH suggests that, if Midlothian Council is minded to approve the wind farm development, these issues are looked at more closely, potentially with the view towards a co-ordination between the schemes and approaches that best minimise or mitigate the combined landscape and visual effects of wind farm construction and coal mining operations.
- 8.73 In summary, SNH advises that in terms of the broader objectives of delivering a regionally coherent deployment of appropriately sited large scale wind farm developments, while also maintaining areas currently free from wind farm development (or regional level clustering and spacing as suggested may be appropriate by the Scottish Government guidance), it would suggest that there would likely be merit in following the guidance within the Midlothian Landscape Capacity Study. SNH encourages further strategic consideration of existing and emerging development patterns and the landscape issues arising from wind farm development in the wider area extending to the Scottish Borders and East Lothian. Such an approach to consideration of the wider regional landscape resource, may suggest that wider benefits could be derived from reinforcing the existing pattern of wind farm development (currently in upland and elevated areas including the Moorfoot Hills and the Western Lammermuir Hills), thereby minimising the occurrence of large scale development on lower lying, prominent and visually open areas between or adjacent to the key hill ranges. In the absence of any such cross boundary studies or spatial planning guidance, SNH

acknowledges that each case should be judged on its merits and within the context of other materially relevant landscape studies, strategies and planning policies.

- 8.74 It is acknowledged that the applicant had made some changes to the proposed layout within the site in the earlier pre-application stage; however these changes were not significant enough to address the unacceptable impact on the landscape.
- 8.75 It was noted in the 2013 application and ES that there had been no detailed visual or landscape impact assessment undertaken for any future grid connection. Whilst all internal linking cabling will be underground, the proposed external link to the national grid would be undertaken by Scottish Power, and this would be dealt with as a separate planning application, most likely to the Scottish Government. This could be an overhead transmission line. The applicant has now provided an “indicative” route for a ‘wooden pole’ line. The exact details would be subject to a separate planning application with a high level assessment of the proposed corridor between the site and the Kaimes sub-station north of the City Bypass. No significant weight can be placed upon the information submitted on this element of the proposal and it remains an uncertainty, and one which could conflict with Policy NRG1 part F.
- 8.76 In conclusion on landscape matters, the site is within an area designated as having medium to high sensitivity in the MLCS. The site is partly within the Midlothian AGLV (although no plant is proposed within it), and the proposals would have a definite significant adverse impact upon the setting and integrity of the AGLV, and, in particular, views on and around Gladhouse reservoir, and in views towards the Pentland and Moorfoot Hills and also from these hills. There is visibility over a wide area that will impact upon areas of significant population. There is a significant concern regarding cumulative impacts with other wind farms, which are of an opposing scale and form, as well as potential cumulative impacts with the nearby open cast coal scheme.
- 8.77 In terms of national policy, the revised SPP no longer provides any qualitative advice on assessing wind farms in the landscape. It provides a hierarchical spatial framework for locating wind farms, and it is clear that the proposed site at Mount Lothian does not directly fit into either the ‘not acceptable’ group or the ‘significant protection’ group. The site is partly designated as AGLV, and whilst it does include peatland, the quality may not be sufficient to warrant protection. Therefore outwith group 1 and 2 of the spatial framework, the policy advises that wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. There is therefore no obvious conflict with the national planning policy.

Wildlife Ecology and Habitats

- 8.78 Non-avian and avian results have been presented separately in the ES. Survey work was carried out over a two year period. The ES advises that there are no statutory designated sites within or adjacent to the site boundary, although there are 11 within a 10km buffer around the site. Most importantly it should be noted that the Gladhouse Reservoir SPA is only 1.9km to the east, and Peeswit Moss SSSI is only 400 metres to the east. These are both sites of international significance.
- 8.79 The new SPP gives significant protection to Natura 2000 and Ramsar Sites and to national nature reserves, to areas of wild land and to priority peatland habitats. Whilst the development does not physically impact upon these designations, there are potential impacts upon two such sites in close proximity, namely Gladhouse Reservoir (SSSI and Ramsar site since July 1988) and Peeswit Moss (SSSI and Natura 2000 site).
- 8.80 Proposed biodiversity sites also exist at Toxside Moss and Cockmuir Marsh on the southern edges of the site. Within the site there is a non-statutory designated site, which is the Mount Lothian Quarry Ponds Biodiversity Site, on the west side of the Cockmuir Road, about 1km south of the junction with the B6372.
- 8.81 The Mount Lothian Quarry Ponds site is designated for the presence of great crested newt which is long established at Mount Lothian, with records dating from 1976. This is a European Protected Species (EPS). Although affected by activities around the site in the past, the site is still one of the most important in the Edinburgh and Lothians Area.
- 8.82 Following initial concerns regarding inadequate survey information, the applicant has now presented further survey information.
- 8.83 The site comprises two main clusters of ponds associated with areas of former mineral workings that operated in the mid to late 1800s, along with an extensive network of highly suitable terrestrial and aquatic habitat including breeding ponds and hibernacula formed from the mineral workings.
- 8.84 The Wildlife Information Centre originally raised concerns regarding the acceptability of the desktop survey data used, as it had not been authorised for use. Following the submission of further survey data in particular relating to GCN, TWIC are now accepting of the findings, despite some elements of the work suggesting a less than ideal professional standard being attained. Likewise there is a concern that bat survey data is outdated and incomplete and further work is necessary.
- 8.85 SNH are now satisfied with the outstanding survey information relating to GCN as requested in its previous written response, as well as updated and revised proposals for mitigation and habitat enhancement, as outlined in Appendix 7.4 of the *Great Crested Newt Species Protection Plan in the ES*. SNH is confident that the survey provides

sufficient information on which to assess likely impacts, mitigation and management requirements.

- 8.86 Likewise, but to a lesser extent, concerns have been raised about bat survey work. Due to the survey report raising the possibility of Leisler's bats, further work should have been carried out to confirm their presence or otherwise, and this has been left inconclusive. Again, EPS work must be concluded prior to determination. SNH have advised that Noctule and Leisler's bats are two of the rarest species of bats found in Scotland. Due to their flight behaviour both species are considered to be at high risk from wind farm developments, in particular due to the risk of collision with turbines. SNH now consider that the survey results provide sufficient information to inform an assessment of the potential impacts on bats across the proposed development site. SNH would seek to ensure that any consent has the condition that "no part of any turbine blade should be closer than 150m (preferably more than this) from the nearest woodland". This is to mitigate against potential collision mortality. It is for the planning authority to determine whether conditions are necessary to secure this mitigation.
- 8.87 With regards to avian wildlife, the two nearby Special Protection Areas (Westwater and Gladhouse) are both listed for their value to birds, and in particular to pink footed geese. SNH considers that this proposal is likely to have a significant effect on the pink-footed goose interest of the three SPAs: Gladhouse Reservoir, Westwater, and Fala Flow, and consequently, the Council must carry out an appropriate assessment in view of each site's conservation objectives for its qualifying interest.
- 8.88 Whilst the current assessed mortality rate in the ES demonstrates that effects on national and SPA populations of pink-footed geese are likely to be negligible, there is outstanding survey information that could lead to a change in these predicted effects. The SNH advice is that the collision risk assessment for pink-footed goose must be updated when vantage point surveys are complete, with the revised assessment carried out on all data gathered for the proposal. Once this information has been submitted it will be possible to give further consideration to the proposal. Again it is not clear why the applicant has not carried out this work prior to submission.
- 8.89 The RSPB had previously objected because the survey work required to determine the potential impact of the project on the qualifying interest (pink-footed geese) of the Gladhouse Reservoir and West Water Reservoir SPA had not been completed. The RSPB is now in a position to withdraw its objection. The birds recorded at the site in the breeding and non-breeding seasons do not represent any locally or nationally significant species or populations, and the potential mortality or displacement of any of these birds is at a predicted level that is not cause for concern. However, due to less than optimum observations and counts being carried out, and in particular due to these mainly omitting the busiest periods for geese, the RSPB have made

recommendations for a goose monitoring and mitigation plan that should be attached to any consent.

- 8.90 Off-site habitat improvement for curlews should be provided, due to the recording of a pair of curlews on-site, and as this species is classified as globally 'Near Threatened' under IUCN criteria.
- 8.91 Pink footed geese are the qualifying feature of the nearby Gladhouse SPA. Only six hours of observations (covering two days) were undertaken during September 2012. This is the period of peak movement and, in most years, highest numbers of geese in the region. The developer should have ensured that September was adequately covered, and certainly to a greater extent than it has been, given the importance of the broader area to geese at this time. The RSPB therefore advise as a precautionary approach that there is a requirement for a goose monitoring and mitigation plan. Such a plan would require detailed monitoring of geese during peak periods, with criteria to trigger turbine shutdown as necessary, dependent upon the number of geese flights and their flight paths.
- 8.92 Osprey are a schedule 1 species of conservation importance, and have been recorded nesting at Gladhouse in 2013, only 2 km from the site. The wind farm does not lie directly on a route that the birds might be expected to follow to access water bodies to catch the fish upon which they feed, although Rosslynlee Fishery to the north west is almost on a direct line. The most likely feeding areas are Gladhouse itself and Portmore Loch to the south west and Roseberry Reservoir to the north east. Nevertheless, the presence of the birds in relative proximity to the proposed wind farm may be of concern.
- 8.93 The RSPB therefore recommends that as a precaution the developer liaise with the Southeast Scotland Raptor Study Group to determine the status of the ospreys in 2014. If the birds return and commence nest building or renovation, then Vantage Point (VP) watches should be undertaken to determine their behaviour and flight activity. The VP watches should continue until the outcome, successful or otherwise, of any nesting attempt. Such watches should be concentrated during the chick-provisioning period when the rate of foraging flights will be highest. At the cessation of breeding activity (including the provisioning of dependent fledglings), the results of the VP watches should be used to inform any mitigation that might be deemed necessary to minimise the potential impact of the proposed development on the birds. This may include turbine shutdown at appropriate periods. If it is found that the ospreys do not traverse the wind farm site at a significant level then the developer will not be required to present a plan of mitigation. RSPB strongly advise that this is made a condition of consent.
- 8.94 SEPA has raised issues with groundwater dependant terrestrial ecosystems (GWDTE's). These have been identified based on the Phase 2 National Vegetation Classification (NVC) survey that was undertaken on the site. In particular the concern relates to turbine 6

and its crane hardstanding. This effects what is deemed to have been identified as a highly groundwater dependent terrestrial ecosystem, and SEPA had requested that this turbine be moved to avoid loss of habitat. Also the borrow pits impact upon GWDTE's and again a request was made that these be relocated or mitigation measures be put in place. The applicant has responded to advise that micro-siting of turbines and relocation of borrow pits is not possible. It was also made clear that these aspects of the application had not changed, and yet these objections were not previously raised. The applicant advises that the impacts of the development are lower than SEPA claim, and they have provided evidence to this effect. They have also proposed mitigation measures with regards to both the turbine development and the borrow pit operation. Proposed measures to ensure that all tracks will avoid effecting hydrological connectivity across the site have also been submitted.

- 8.95 In summary, the construction of turbine 6 and associated hardstanding will result in a small direct loss of M23 habitat in a currently grazed area. Relocation of this infrastructure to avoid this GWDTE could not be achieved through micro-siting and as such would necessitate a re-design of the site layout and subsequent reassessment. This habitat is common within the site, and across Scotland, and the direct loss of habitat is small (0.2ha) and as such this impact is assessed as being not significant in EIA terms.
- 8.96 Mitigation measures are proposed to minimise effects of the infrastructure on this and other GWDTEs at the site, including those in proximity to the borrow pit, and as a result the predicted effects on GWDTEs at this site are of low significance.
- 8.97 SEPA have now agreed to this subject to these details being enforced by condition.
- 8.98 In conclusion there are several outstanding issues relating to European protected species and to European designated sites that will require to be managed through appropriate planning conditions should consent be granted.
- 8.99 Further work relating to geese, bats and osprey should be conducted pre-commencement in the event that planning permission is to be granted.
- 8.100 Furthermore, the agreement and implementation of a habitat management plan and the employment of an ecological clerk of works on the site should enable other wildlife issues to be satisfactorily mitigated. The detail of these measures, incorporating plans and monitoring programmes and times for implementation, would require to be agreed with the planning authority in consultation with all relevant advisory and regulatory parties, prior to the commencement of development.

Flood Risk, Water Supplies and Soil Systems

- 8.101 With regard existing water courses, groundwater, water supplies, and any areas of significant peat, the applicant has assessed these issues by means of a desktop study, key party consultations, walkover surveys, peat depth surveys, analysis of site hydrology and hydrogeology, the identification of water supplies and groundwater dependant terrestrial ecosystems, and soil analysis including peat landslide risk assessment.
- 8.102 In terms of any relevant designations, the proposed site area is within a designated Drinking Water Protected Area, associated with the Dalkeith bedrock and localised sand and gravel aquifers. Gladhouse Reservoir is also designated as a Drinking Water Protected Area, located approximately 2km to the southeast of the site, but the site is not within the reservoir catchment.
- 8.103 Mount Lothian Quarry Ponds, within Black Mount Quarry, is a Local Biodiversity Site in the Midlothian Local Biodiversity Action Plan (LBAP) for great crested newts, but this has been covered above.
- 8.104 The majority of the proposed development is located within the catchment of the Fullarton Water, which flows in a northerly direction to the east of the site. The western section of the site falls within the catchment of the Eddleston Water, a tributary of the River Tweed. The River Tweed is a Special Area of Conservation, and therefore any tributary to it has the potential to impact upon it.
- 8.105 The soils maps (James Hutton Soil Map Sheet 24) and British Geological Society's drift geology data suggests peat deposits are present across approximately 25% of the site and are located in the western and southern parts of the site, and along the parallel ditches in the eastern part of the site. The peat depth surveys confirmed this distribution of peat across the site and showed that peat depths ranged from 0.5m to 5m.
- 8.106 The peat land at the site is typically located on shallow slopes, and the likelihood of a peat landslide occurring is low to medium across the areas within the site. The peat land areas are mostly classified as being within the insignificant risk zone, with only localised areas falling within the significant risk zone. Both zones are considered acceptable for development, assuming that suitable mitigation, monitoring and contingency measures are put in place.
- 8.107 The groundwater vulnerability at the site has been assessed and has been classified as class 4 across the majority of the site. Where no drift deposits are mapped, the groundwater vulnerability increases to class 5. Class 4 is defined as being vulnerable to those pollutants not readily adsorbed or transformed, while class 5 is defined as vulnerable to most water pollutants with rapid impact in many scenarios.

- 8.108 With regards to water supplies, SEPA has confirmed that there are no abstractions registered under the Controlled Activities Regulations (CAR) identified within 2km of the proposed wind farm site. The consultation did however identify 16 private water supplies (PWS) within 2km of the proposed development, the closest of which are 120m and 470m from the proposed infrastructure, and are both springs.
- 8.109 In terms of impacts, the potential environmental impacts of surface water flow alterations and increased runoff, brought about by the introduction of hard and low permeability surfaces burn crossings and the borrow pit, is deemed by the ES to be of a low magnitude prior to mitigation measures given that the catchment will be subjected to minor disturbances associated with the construction of the tracks and watercourse crossings.
- 8.110 Groundwater flow may be affected by turbine foundations and the borrow pit workings. Pumping may be required in certain situations.
- 8.111 The impact on PWS is deemed to be low. All proposed infrastructure is sufficiently distant from the supply that there will be no impact. Where proposed works cross water supply infrastructure, mitigation to ensure that this supply is not disrupted during construction will be necessary.
- 8.112 The Council's Environmental Health Manager has some concerns in relation to effects on quality and sufficiency of these PWS, particularly during any future site preparation/construction works. In order to protect these supplies it is recommended a condition is attached to any grant of planning permission to obtain a scheme for water monitoring of private water supplies. This should include details of the monitoring locations, variables to be sampled and sampling frequency together with action to be taken in the event of any problems arising.
- 8.113 The ES recognises that the proposed development could lead to an increased risk of peat landslide. Any construction activities which load the peat will generally elevate the baseline risk of a slide occurring. This could be the stockpiling of components construction materials or excavated materials. Peat slide can also be triggered by amended drainage patterns or by blasting operations.
- 8.114 The majority of the site is within the insignificant peat landslide risk zone and the site layout has been designed to avoid peat areas. The ES deems the risk of peat instability is of low magnitude prior to mitigation.
- 8.115 These impacts would be experienced principally during construction, but also to a lesser extent during decommissioning.
- 8.116 Effects can be mitigated through the employment of surface water management techniques and careful peat management. A Peat landslide Risk Assessment has been carried out as part of the ES.

- 8.117 Peat depths exceed 2m in some areas but a phase 2 survey has been carried out to allow micro-siting of turbines and tracks, all of which will avoid areas of deep peat. For any pockets of peat deeper than 1m, a floating track design has been proposed.
- 8.118 Subject to SEPA's comments, all peat issues appear to be able to be handled successfully through the Peat Management Plan.
- 8.119 SEPA is satisfied with the proposals relating to peat management. It welcomes the confirmation that, in line with its previous comments on the withdrawn application, where peat is re-used as verges for floating roads or crane hard standings, these verges will be kept to a minimum size and constructed with care (Section 10.7.1 and associated sections of the ES).
- 8.120 SEPA has commented on the need to control erosion and run off as pollutants could enter the watercourse linking to the River Tweed and could impact upon the Special Area of Conservation which is designated for Atlantic salmon, 3 species of lamprey, otter and the plant water crowfoot.
- 8.121 SEPA's principle concerns relate to the construction activities and the creation of the access roads. The Construction Management Plan (CMP) will be critical in mitigating this and the prior production of a Construction Method Statement (CMS) is essential. This requires accurate baseline information relating to all environmental receptors on site, and so all survey work must be complete. The effectiveness of mitigation must be determined by regular monitoring on site and comparison with conditions on site prior to any works commencing. Monitoring proposals must be part of the CMS.
- 8.122 The CMS will only be effective with full co-operation of all operators on site, and here an ecological clerk of works (ECoW) becomes essential to monitor the works and the impacts. SEPA advises that some of the environmental mitigation relates to matters usually monitored by SEPA itself but that as SEPA will not be providing on site regulation, this needs to be controlled by condition, and will be one of the responsibilities of the appointed ECoW.
- 8.123 SEPA has made it clear that it objects to the development unless a planning condition is attached ensuring that no development can commence until a full site specific Environmental Management Plan (EMP) incorporating a Construction Method Statement (CMS) and a Site Waste Management Plan (SWMP) is submitted at least one month prior to commencement of development and approved by the planning authority, in consultation with SEPA and other agencies in particular SNH.
- 8.124 Therefore to conclude on matters relating to peat, water, flood risk and pollution, it is clear that whilst it has been demonstrated that these issues can be resolved and mitigated, this is critically dependent upon

the production of and strict adherence to a Habitat Management Plan, an Environmental Management Plan, a Construction Method Statement, a Site Waste Management Plan, and the appointment of an onsite Ecological Clerk of Works to oversee and report on these matters.

Cultural Heritage

- 8.125 The site and its surroundings have limited cultural heritage resources. The nearest statutory designation is St Mary's Chapel (Scheduled Ancient Monument). There is also the Moorfoot Chapel (Scheduled Ancient Monument) at the south of Gladhouse reservoir, and Uttershill Castle to the south of Penicuik. In terms of A listed buildings, the nearest are Penicuik House, New Penicuik House, Penicuik South Church, St Kentigern's Kirk Yard, and Roseberry House .
- 8.126 The nearest designed landscape is at Penicuik House, the nearest Conservation Area is at Howgate, 1.5km at the nearest point to a turbine.
- 8.127 The nearest of all the historic sites is St Mary's Chapel which is 1km from the turbines. It is on the north side of the B6372, and as a result it is not generally viewed in a direction whereby it would be read in the context of the turbines. The wind farm would however be very visible from the site. The ES photomontage view shows that all nine turbines would be visible in southward views from the monument; partly screened by a mature conifer shelterbelt. The ES concludes that it would remain possible to read the landscape and the Chapel's relationship with it. The localised rural setting of the chapel would remain largely intact, and there would be no significant effect on the ability to appreciate or understand the historical and archaeological setting of the site. HS considers that there would be sufficient physical separation between the monument and the wind farm to ensure that the turbines will neither dominate the monument, nor challenge it for dominance within its setting. Historic Scotland have therefore raised no concerns and are satisfied that the ES is correct in concluding that impacts will be moderately adverse, and as a result it does not object.
- 8.128 With regards to the Designed Landscape (DL) of Penicuik House, the ES identifies that whilst the wireline drawing suggests that some blades may be visible, the woodland plantations would in fact screen these, and it is 5km distant from the site. The effect of the proposed development on the setting of Penicuik DL is assessed as being of no more than low magnitude. Whilst HS consider that the ES has 'downplayed' the scenic value of the DL, it agrees with the conclusions that the overall impact on the designed landscape will be of minor significance.
- 8.129 The other buildings and sites of historic interest are deemed to be sufficiently distant and not affected to any significant degree.

- 8.130 With regards to archaeology, there are not any significant assets affected by ground works. There are four known sites directly affected, but these are of minor significance. The known remains are principally related to 18th Century farming, although there may be earlier unknown sites. As a result, the need for a programme of works including evaluation and a monitored strip has been requested by the Council's Archaeological Service.
- 8.131 This will record the upstanding historical remains and determine whether the development will disturb any buried archaeological deposits. If deposits are identified then there may be a requirement for further work or mitigation. The aim should however be to preserve archaeological deposits and historical features in situ as a first option.
- 8.132 Subject to an agreed methodology for the archaeological assessment, it is agreed that the impact should not be significant and mitigation is possible.
- 8.133 In conclusion, with regards to cultural heritage, it is deemed that there will be no significant adverse impacts upon the setting of any local assets, and that any direct impacts, which are archaeological, can be adequately addressed through an approved and monitored scheme of works.

Noise

- 8.134 The applicant has carried out a full assessment including background noise assessment in line with the recommendations of "ETSU-R-97 The Assessment and Rating of Noise from Wind Farms (DTI 1996)". This is still the recognised means for noise assessment from wind farms.
- 8.135 Planning Advice Note PAN 1/2011 Planning and Noise provides the relevant national planning advice, and it refers to ETSU.
- 8.136 ETSU recommends that, although noise limits should be set relative to existing background noise data, and should reflect the variation of both turbine and background noise with wind speed; this can imply very low noise limits in particularly quiet areas, in which case "it is not necessary to use a margin above background in such low-noise environments. This would be unduly restrictive on developments which are recognised as having wider global benefits. Such low limits are, in any event, not necessary in order to offer a reasonable degree of protection to the wind farm neighbour".
- 8.137 The range of acceptable noise limit is in the range of 35 to 40dB(A), or 5dB above the quiet day time noise reading if a background noise assessment has been carried out. The position taken within that range depends upon the number of noise sensitive receptors in the vicinity of the development.

- 8.138 If the occupier of a property has a financial involvement in the scheme then the level may be extended to 45dB(A).
- 8.139 The location of background noise measuring sites was agreed with the Council's Environmental Health Manager.
- 8.140 The predicted turbine noise levels associated with the operation of Mount Lothian Wind Farm meet the requirements of ETSU. The turbine chosen for the site has been selected to run in -3 dB mode to ensure that the predicted noise levels are below the noise limits by a good margin. The developer has given a commitment to meeting the ETSU noise limits and it is considered that no further mitigation measures are required. A warranty will be sought from the manufacturers of the turbine (Siemens SWT 2.3-82 2.3MW) for this site to ensure that the noise output will not require a tonal noise correction under the ETSU scheme.
- 8.141 There has been no objection from the Environmental Health Manager, and any operational noise issues can be mitigated by condition on any grant of planning permission.

Traffic and Aviation

- 8.142 There have been no objections made by consultees regarding road traffic matters. Detailed swept path drawings have been shown for sections of road where alterations are required for the long heavy goods vehicles that will be required to transport the turbine sections. There are areas where local roads will require to be upgraded over short distances to improve access for long vehicles which may otherwise overhang the verge or enter the opposite carriageway, and some trees and hedges may be removed in certain areas where the swept path extends beyond existing verge limits. This would require subsequent remedial work which could be controlled by condition.
- 8.143 A haul route to the agreed landing point for the turbine components would have to be agreed as part of any legal obligation for the scheme. The port where components would be landed would likely be Rosyth, or another east coast port. As this haul route would likely involve trunk roads (A1, M90, M8, and A720) Transport Scotland has advised that the proposed haul route on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any measures requiring the removal of street furniture, junction widening, and or traffic management must similarly be approved. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised quality assured traffic management consultant, to be approved by the trunk road authority before delivery commences. A Transport Management Plan would be a requirement of any grant of planning permission, and the applicant has indicated that they already propose to prepare this.

- 8.144 Access to the site requires a cut through the plantation to the south of the B6372. This access will have to remain for future maintenance and eventual decommissioning (after which it could be restored). It will also be used for the overhead grid connection pylon route.
- 8.145 With regards to air traffic matters, the original objection received from the Ministry of Defence (MOD) has now been withdrawn. Both the British Airports Authority (BAA) and National Air Traffic services (NATS) have examined the proposals and have not objected.
- 8.146 The MOD previously had concerns regarding potential impacts upon a low flying zone (area 20T). However this issue no longer raises concerns subject to perimeter turbines being fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration.
- 8.147 If the application is altered in any way then the aviation authorities must be consulted again as even the slightest change could have an unacceptable impact.

Other Matters and matters Raised by Representations

- 8.148 The applicant has proposed to remove some areas of plantation woodland, amounting to a net amount of 7.8 hectares. This is within the Toxside plantation and it is in order to improve wind yield (energy attainable from the wind resource). Initially the information submitted for compensatory planting was inadequate to enable the authority to make a determination to ensure compliance with the UK Forestry Standard and the Scottish Government's Control of Woodland Removal Policy. The preference is to manage the woodland in its current location, and a Forest plan should be set up between the developer and the Forestry Commission.
- 8.149 The developer and the estate's forestry agent have established that the estate would be agreeable to an approach whereby the area of woodland would be felled only when it reached a height critical for operation of the wind farm. Replanting with appropriate species would take place in the same location, and grown to a pre determined maximum height of 15 metres. This approach will secure the woodland habitat of Toxside Plantation and the trees would still reach a marketable size before harvesting. It would also allow some benefits from the public investment made in the establishment of the woodland through the Woodland Grant Scheme to be realised.
- 8.150 Forestry Commission Scotland would therefore recommend that the felling at Toxside Plantation is removed from scope of the planning permission and instead be regulated and controlled by FCS through a Forest Plan covering all the woodland on Rosebery Estate. The applicant has now agreed to amend the tree felling and compensatory planting proposals. They now intend to apply to the Forestry Commission for a licence to fell the identified 7.8ha of Toxside

Plantation as part of the wider Forest Plan for Rosebery Estate, under the Forestry Act 1967 as amended.

- 8.151 With regards to telecommunication, some concerns have been raised but these are not substantiated. The ES has carried out the necessary consultations with the relevant bodies. Only one concern was raised by the British Broadcasting Association which advised that the development would be likely to affect 1,489 homes for which there is no alternative off-air service. In addition, it may affect up to 29 homes for which there may be an alternative off-air service. This was based upon results of using the BBC wind farm assessment tool website.
- 8.152 Due to the subsequent switch to digital these results are now considered to be obsolete, in which case it is unclear as to why this exercise was completed and published. No outstanding issues are considered to remain regarding telecommunications, however monitoring with necessary mitigation should be considered in the event of planning permission being granted.
- 8.153 The ES demonstrates that no impacts on television reception are expected as a result of the proposed development. The applicant is prepared to remedy any interference to domestic television reception, should it occur, as is usual for wind farm applications.
- 8.154 There are no concerns regarding shadow flicker based upon the results of the ES.
- 8.155 With regards to rights of way, the Scottish Rights of Way and Access Society requests that all the above rights of way remain open and free from obstruction during both construction and operation of the proposed wind farm. Where the path has to be closed, this should be for the minimum period of time possible. The applicant has proposed alternative routes for the Tyne Esk trail and this matter has been suitably resolved.
- 8.156 With regards to tourism impacts, there is not adequate information to suggest that the impacts would be so severe as to warrant refusal. Clearly there will be a degree of subjectivity to the way people interpret wind farm impacts, but it is not clear that even the negative impacts would be sufficient in this case to discourage tourist based trips/stays to the area.
- 8.157 There had been some concern raised as to whether or not the proposed wind farm might impact upon the Eskdalemuir Seismological Monitoring Station (EKA). This is one of 170 seismic stations across the globe used to monitor compliance with the Comprehensive Nuclear-Test-Ban Treaty. Research has demonstrated that the impact of seismic vibration from wind turbines on the EKA decreases rapidly with distance from the Array and that the installation of wind turbines in close proximity to the EKA would rapidly exhaust any available headroom in the seismic ground vibration threshold. The site is

however just outside the 50km consultation zone, and for the time being there is no need to consider this application as being any threat to the effectiveness of the EKA.

- 8.158 With regards to the lack of appropriate wind speed data, the Council agrees that by submitting an application for planning permission for a wind monitoring mast subsequent to the full planning application for the wind farm appears to indicate a lack of preparatory work which should have been dealt with by the Environmental Impact Assessment and the ES. Wind Prospect Developments Ltd is however confident that the wind speeds on site are sufficient. The wind monitoring mast was erected in February 2014 and the data would be used for project finance should planning consent be granted for the wind farm proposal. The calculations presented in the ES Electricity production and reduction of greenhouse gas emissions are based on a UK mean capacity factor for 2008 to 2012 calculated by Renewable UK and can be considered conservative for Scotland. If the wind resource were found not to be adequate then the project would not be viable and would not proceed.
- 8.159 The level of electricity generation expected from the scheme is a material consideration, as stated in the SPP at paragraph 169. It is therefore a necessary input into the determination process to know the level of the wind resource. If there is a negative landscape impact to be offset by the benefits of the renewable energy production, then it is important to know what the level of the benefit is.
- 8.160 Some arguments have been presented to suggest the carbon savings to be made are not significant due in part to the poor performance of wind farms, their intermittent production pattern, and the disruption of peat soils on the site. Also, the level of carbon savings predicted by the applicant have been suggested to be higher than will be actually achieved.
- 8.161 This is a difficult argument for the planning authority to consider. What is clear is that renewable energy in the correct location, and where it is environmentally acceptable, should for the present time continue to be supported. This proposal will produce a significant renewable energy supply.

Conclusion

- 8.162 There are a significant number of impacts that the applicant has clearly demonstrated can be mitigated through the design of the scheme and by the implementation of ongoing management and monitoring regimes. The further survey work has resolved many of the outstanding ecological survey work issues that were raised against the 2013 application. There are some issues that still have an element of doubt, but these are no longer reasons for refusal but are issues that would require updated pre-commencement surveys in the event that planning permission were to be granted. In particular, the presence of Osprey is

a recent circumstance which will need to be monitored and mitigation proposed if necessary. Ongoing monitoring regarding bats and geese would also be necessary.

- 8.163 There are however a number of impacts that are considered to be unacceptable, most notably in relation to landscape visual impact. These are consequences of the physical appearance of the development and are not as a consequence of the construction or operation activities.
- 8.164 The proposed development is in a location where a wind farm of this scale cannot be accommodated without significant adverse impact upon the landscape area of the site and the landscape beyond it. The capacity for the landscape to accommodate wind energy development on this site is considerably less than what the applicant has proposed. This would result in long lasting and negative impacts upon the surrounding landscape. The benefits of renewable energy are undeniable, although there is debate about how significant the net benefits are, however this is not considered to adequately outweigh the adverse landscape and environmental impacts.
- 8.165 Furthermore, without specific wind speed data, it is not possible to quantify the energy benefits from the scheme to justify outweighing the negative impacts upon the environment.

9 RECOMMENDATION

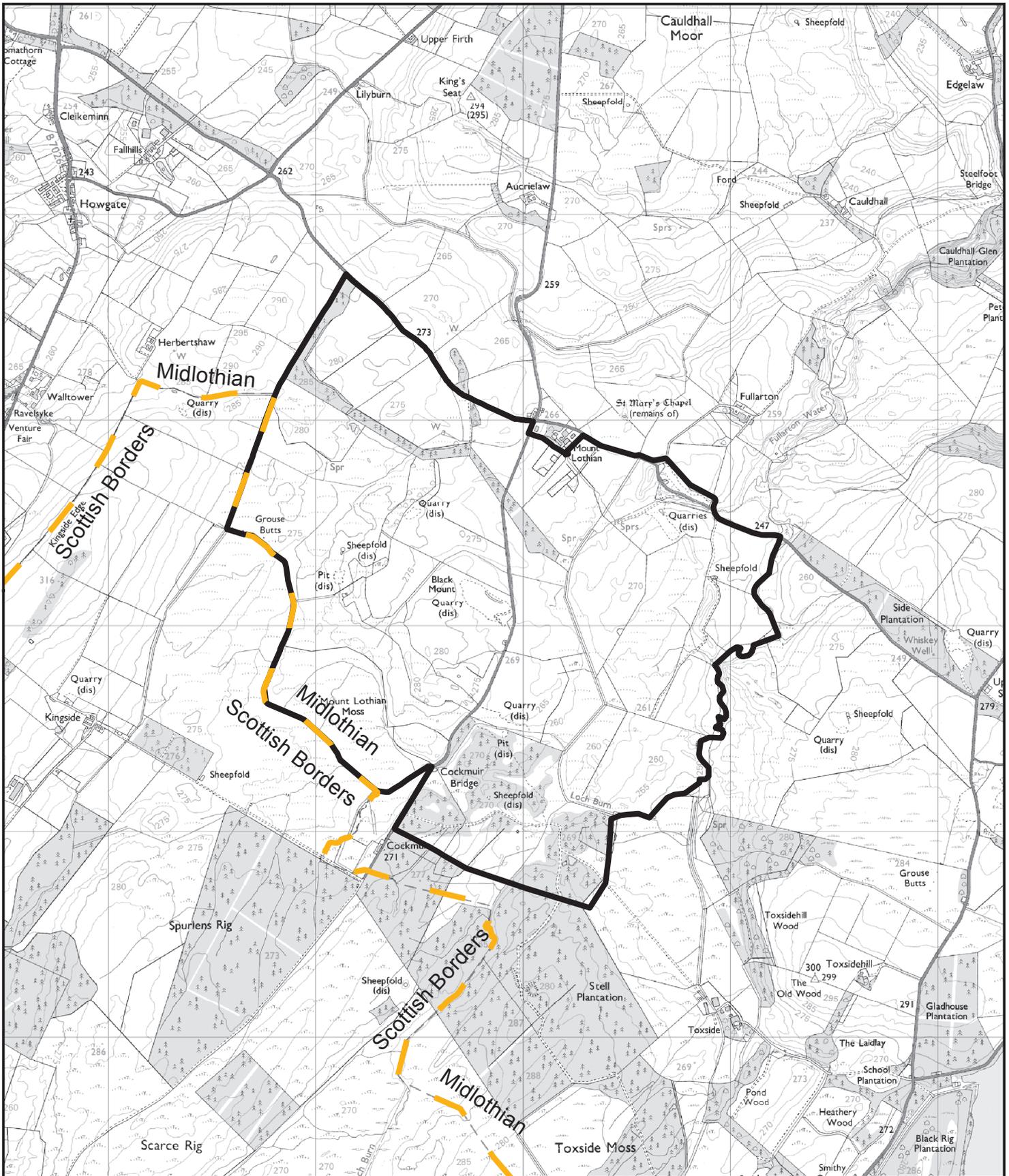
- 9.1 It is recommended that planning permission be refused for the following reasons:
- 1. The scale of the proposed development will significantly exceed the capacity of the "Moorland Fringes" landscape around Mount Lothian to accommodate a wind farm development of this scale, to an extent that it will have a significant adverse impact upon the landscape character and visual amenity of the area, the setting and the integrity of the Gladhouse Reservoir and Moorfoot Scarp Special Landscape Area, and the setting of the Moorfoot Hills contrary to Midlothian Local Plan policies RP6, RP7 and NRG1, and the findings of the Landscape Capacity Study for Wind Turbine Developments in Midlothian in relation to the "Moorland Fringes" landscape character area.*
 - 2. The proposed wind farm development is contrary to the recommendations of the Landscape Capacity Study for Wind Turbine Development in Midlothian, adopted by Midlothian Council as a non-statutory guideline in February 2007, as this site, which is within the "Moorland Fringes" landscape character area, as defined by that study, is classified as being of medium to high sensitivity with no capacity to accommodate large scale wind farm development without significant adverse landscape and visual impacts.*

3. *The proposed wind farm development is contrary to policy NRG1 of the 2008 Midlothian Local Plan as;*
 - a. *it will have an unacceptable effect on the wider environment by reason of landscape and visual impact;*
 - b. *without the implementation of further survey work, the development could have an unacceptable adverse impact upon the wildlife interests of the adjacent and nearby RAMSAR site at Gladhouse Reservoir, with particular regards to its ornithological interests, and on the regionally important population of great crested newt within the site;*
 - c. *with reference to policy RP6, it will have a significant adverse impact upon the special scenic qualities and integrity of the Area of Great Landscape Value; and*
 - d. *it fails to comply with the capacity for development and guidance on siting and design for wind farm development in the Moorland Fringes character area in the report "Landscape Capacity Study for Wind Turbine Development in Midlothian".*
4. *Due to the significant difference in turbine size between the proposed wind farm and the cumulatively visible operational wind farms at Bowbeat and Dun Law, there would be an unnatural relationship between the wind farms which would lead to a confusion in the scale of the respective landscapes on which the opposing wind farms are located, including the sense of scale of the Moorfoot and Lammermuir Hills, to the detriment of the landscape character of the area contrary to Midlothian Local Plan policies RP6, RP7 and NRG1 and the Landscape Capacity Study for Wind Turbine Developments in Midlothian.*
5. *The benefits of the renewable energy resource provided by the development is not sufficient to outweigh the significantly adverse landscape impacts of the development.*
6. *The applicant has carried out insufficient survey work relating to two protected species at Gladhouse reservoir, and without the further survey work requested by RSPB Scotland, the proposals cannot be recommended for approval without risk to the qualifying interests of the Special Protection Area.*

Ian Johnson
Head of Planning and Development

Date: 23 September 2014

Application No: 14/00044/DPP (Available online)
Applicant: Wind Prospect Developments Limited
Agent: -
Validation Date: 28 January 2014
Contact Person: Kingsley Drinkwater
Tel No: 0131 271 3315
Background Papers: 12/00658/PAC, 12/00495/PREAPP,
13/00063/DPP, 13/00142/DPP



**Education,
Communities &
Economy**
Midlothian Council
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Erection of 9 wind turbines (up to 102m tip height) and associated transformers; erection of switchgear building; erection of anemometer; formation of access tracks; and associated works at Mount Lothian Farm, Penicuik

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File No. 14/00044/DPP

Scale: 1:25,000



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