

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**28 MARCH 2016**

**APPLICATION FOR PLANNING PERMISSION**

|                   |   |
|-------------------|---|
| <b>ITEM:</b>      | <b>REFERENCE NUMBER:</b> 16/00024/FUL   |
| <b>OFFICER:</b>   | Dorothy Amyes   |
| <b>WARD:</b>      | Tweeddale West  |
| <b>PROPOSAL:</b>  | Erection of wind turbine 28.8m high to tip (renewal and amendment to previous consent 12/00950/FUL) |
| <b>SITE:</b>      | Land North West of Deanfoot Farmhouse, West Linton  |
| <b>APPLICANT:</b> | Mr Andrew Struthers   |
| <b>AGENT:</b>     | VG Energy Ltd   |

**SITE DESCRIPTION**

The site is located at the top of a small ridge located to the north east of West Linton, approximately 1km from the settlement boundary at its nearest point when leaving West Linton travelling north on the A702. The site is described in the Borders Landscape Assessment as ‘an undulating upland fringe landscape of large scale fields with mixed arable and pastoral land use.’

**PROPOSED DEVELOPMENT**

It is proposed to erect a single wind turbine with a hub height of 18.1m and a tip height of 28.6m. The blade diameter is 21m. The specific model is an ESPE FX-21. This is a renewal of a previous consent which expired on 15 January 2016 and it is also for a change of wind turbine. The current application was submitted on 13 January 2016.

In the previous year discussions had been ongoing with the agent and SBC staff, in particular, Environmental Health, to see if the change of wind turbine could be treated as a non-material variation. The change of turbine was required as the originally approved turbine was no longer available.

These discussions involved the submission of details related to the potential noise impact on the nearest residential receptors and whilst this matter was nearing completion it became clear that agreement could not be achieved before the original consent expired.

**PLANNING HISTORY**

- 11/00810/FUL – Erection of wind turbine 19.25m to tip approved in September 2011
- 12/00950/FUL – Erection of wind turbine 28.6m to tip approved in January 2013. This application was originally submitted for a turbine with a tip height of 34.2m. This height was considered to be excessive and the plans were revised for a 28.6m tip height.
- 15/01086/FUL – Formation of Access Track from Deanfoot Road to the turbine location
- approved in November 2015

Other relevant planning applications:

- Cottage Farm, West Linton: Erection of wind turbine 24.8m high to tip, approved in March 2013. Turbine erected in 2015 (13/00031/FUL)
- Kettleshill Farm, West Linton: Erection of wind turbine 18.6m high to tip (amendment to previous consent and retrospective) approved in November 2015 (14/00746/FUL). Turbine erected in 2014.
- South Slipperfield, West Linton: Erection of wind turbine 27.1m high to tip approved in November 2013 (13/00839/FUL). Turbine erected late 2015/early 2016.

## **REPRESENTATION SUMMARY**

Twelve letters of representation have been received. The eight objections to the proposal can be summarised as follows:

- detrimental to environment
- detrimental to residential amenity – close to housing and will impact on nearby residential properties due to high visibility and noise nuisance
- health Issues
- turbine is too high
- inadequate screening
- impact on road safety – visually intrusive for drivers on A702 trunk road on approach to conservation village
- detrimental effect on the landscape and highly visible in an area so far untouched by turbines of this size
- impact on tourism along tourist route between West Linton and Edinburgh

The loss of view and the impact on the value of property are not material planning considerations.

The four support comments can be summarised as follows:

- application is an extension of existing consent
- objections have already been dealt with and previous proposals considered to be acceptable in terms of SBC policies and guidelines
- site is screened from nearby houses by tree plantations

Wind turbines as an important source of income for upland farmers is not a material planning consideration.

It is noted that two of the supporters are related to the applicant.

## **APPLICANTS' SUPPORTING INFORMATION**

The agent has submitted noise reports relating to this turbine.

There is a Visual Impact Assessment on the public file for 12/00950/FUL which is relevant to this application although the turbine shown is 34.2m to tip. It should be noted that in the VIA reference is made to viewpoints from the A701, this should read Deanfoot Road.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Environmental Health:** Following Environmental Health's responses to the previous consent, the applicant has provided updated information in support of this application. No objection in principle subject to conditions.

**Landscape:** The Council's Landscape Architect concluded that there is no material change in this application from the previous application (12/00950/FUL) and therefore she stands by her response, dated 11th December 2012, that, on landscape and visual grounds, there are no objections to this application.

This response is copied below:

*This (amended) proposal is to erect an Endurance 3120 turbine with a tip height of 28.6m, on the ridge along which the Deanfoot Farm north western boundary runs.*

*The original application was for 19.25 m turbine which I deemed, due to its relatively small size in the context of trees and adjacent woodland, would not have a significant visual effect. I was more concerned about the visual impact of a 35.4m turbine from surrounding areas including the A702 and from residential receptors on the north and east side of the village of West Linton. The turbine even with a reduction in size down a tip height of 28.6m will be visible from surrounding areas but will not be completely unrelated to the landscape and landscape features of the area nor will sensitive receptors such as users of the A702 or walkers on footpaths to the north in the Pentland Hills Special Landscape Area be viewing it from such close proximity as to make it very prominent in the landscape. The adjacent shelterbelt woodland blocks and groups of trees will further reduce its visibility from surrounding areas and for all the above reasons I conclude that the landscape and visual impact of this turbine will not be so significant as to warrant objection to it.*

### **Statutory Consultees**

**Transport Scotland:** No objection subject to conditions relating to the movement of the turbine parts on the trunk road.

**MOD:** No objection subject to the following:

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 we would like to be advised of the following prior to commencement of construction;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

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 we must be consulted again as even the slightest change could unacceptably affect us.

**West Linton Community Council:** By a majority decision West Linton Community Council (WLCC) does not support the above application which came before it on 8 February due to the visible impact it will have and the potential distraction for drivers on the A702.

**NERL Safeguarding:** No safeguarding objections

## **Other Consultees**

None

## **DEVELOPMENT PLAN POLICIES:**

### **Consolidated Scottish Borders Local Plan 2011**

G1 - Quality Standards for New Development  
H2 - Protection of Residential Amenity  
D4 - Renewable Energy Development

### **Scottish Borders Local Development Plan 2016 (as proposed)**

PMD1 – Sustainability  
PMD2 – Quality Standards  
ED9 – Renewable Energy  
HD3 – Protection of Residential Amenity  
EP5 – Special Landscape Areas

## **OTHER PLANNING CONSIDERATIONS:**

Supplementary Planning Guidance:

- Wind Energy (2011)
- Landscape Capacity and Cumulative Impact (2013)
- Landscape and Visual Guidance on Single and Small Groups of Wind turbines in Berwickshire (2013)
- Local Landscape Designations (2012)
- Renewable Energy (2007)

Other

- Scottish Planning Policy (2014)

**KEY PLANNING ISSUES:** Whether it is appropriate to renew the planning consent for a wind turbine at this location and whether the proposed alternative turbine is acceptable, taking into consideration:

- the prevailing planning policy,
- landscape and visual impacts,
- impacts on residential amenity.

## **ASSESSMENT OF APPLICATION:**

### Planning Policy

Scottish Borders Local Plan Policy D4 and Local Development Plan Policy ED9 are supportive of renewable energy development, provided the development has no significant adverse impacts on the landscape, amenity, historic and natural environment, that no unacceptable cumulative or noise impacts are caused, or if any detrimental impacts are identified, that these can be satisfactorily mitigated.

Furthermore, the Wind Energy SPG's spatial strategy identifies the A702 as a major tourist receptor within a highly sensitive landscape and one which should be protected from wind

farm development. Paragraph 6.4.2 specifically relates to Tourist routes and states that wind turbines with 2km of identified tourist routes will not be supported unless it can be proven that they will have no unacceptable adverse impact from these routes. The SPG also relates to 'small scale' proposals including individual turbines and turbines between 20m-60m are considered to be medium scale developments. Policy 7 of the SPG states '.....single or very small scale wind turbines may be allowed in the significantly protected areas identified in areas of significant constraint in the spatial strategy. However, any such applications must demonstrate there will be no adverse impact of any of the significantly protected designations within the area, including cumulative impact issues.

When the previous application was assessed it was considered that a turbine of 34.2m to tip was too high and that it would not be of a scale to fit into the landscape in this area. This view has been consistently expressed by officers and in respect of other planning applications for wind turbines along both the A702 and A701 corridor. For example, turbines over 40m to tip could not be supported at South Slipperfield farm, south of West Linton (43.2m to tip ref 12/01190/FUL, application withdrawn), at Whitfield Farm between Rutherford and Deanfoot Road (two turbines 44.5m high to tip ref 14/01154/FUL, application withdrawn) or at Whitmuir Farm on the A701 where a turbine 34.2m to tip was proposed (12/00986/FUL, application refused)

It is considered that a turbine of 29m, or lower, is of a scale that will fit into the landscape of this area without any significant adverse impacts, subject to appropriate siting. As noted above in the planning history several other consents for individual turbines have been granted along the A702 corridor close to West Linton, all of these are below 29m to tip.

For above reason, the previous application was amended to a single turbine with a hub height of 19m with the same size of blades which gives a blade tip height of 28.6m. The current application is for a turbine with three blades and a hub height of 18.1m. It is considered that the change of turbine is not significant and in policy terms the proposal is acceptable. It is for this reason that the proposed changes to the turbine were being considered as a non-material variation to the previous consent. The main difference which needed to be assessed was noise and this is discussed in detail below.

## Landscape

The site lies centrally within the 8: Rolling Farmland (West Linton Synclinal Belt), described in the Borders Landscape Assessment as 'an undulating upland fringe landscape of large scale fields with mixed arable and pastoral land use.' Internal Intervisibility is described as 'Intermediate', covering 'a wide variation in range from relatively high in more elevated locations to other more enclosed, intimate locations.' External Intervisibility is High, adjoining a very large number and range of different landscape types, with views to and from them. Visual sensitivity is deemed as Moderate, since although this is a relatively well settled landscape, it is not generally prominent other than to local populations. The West Linton Character area is deemed to be locally more sensitive due to the presence of major road routes including the A701 and A702.

The site lies within 700m of the Pentland Hills Special Landscape Area, located on the north west side of the A702. . The Pentland Hills is one of the Upland Special Landscape Areas and in the SPG on Local Landscape Designations it states that in these areas the emphasis of policy should be on retaining their largely undeveloped and remote character. This means ensuring that any developments are located and designed to limit their wider visibility and, as far as possible, protecting open skylines and rugged summits.

It has already been accepted, through the previous approvals, that a smaller turbine, 19.25m to tip and a medium size turbine 28.6m to tip can be accommodated within this landscape

without a significant adverse impact at this site. Therefore, the main issue is whether the change of turbine to 28.8m to tip would have such a significant impact on the landscape that the application cannot be supported. It is noted that the proposed turbine and that already erected at Cottage Farm have approximately the same hub height in the region of 18m. The proposed turbine has a much larger blade diameter of 21m as opposed to 13m at Cottage Farm. The previously approved turbine had a blade diameter of 19.2m

As part of the previous application a Visual Impact Assessment was submitted and, as this current application is for the same site, this document is relevant to the current application. The photomontages demonstrate that, although the turbine will be visible from the A702 and the surrounding Pentland Hills, it will not be in such a close proximity to make it very prominent and the adjacent blocks of trees further reduce the visibility and due to their height mean that the turbine will not appear unrelated to the landscape. This also applies to view points along Deanfoot Road.

It is considered that the site remains acceptable and that the change of turbine will not have a significant adverse impact on the landscape.

#### Cumulative impact

As noted above there are three other turbines that have been erected close to West Linton along the A702 corridor at Cottage Farm, Kettleshill Farm and at South Slipperfield. The latter two are located on the south side of West Linton and due to the intervening topography are unlikely to be able to be seen together with the other two and their cumulative impact is considered to be negligible.

The turbine at Cottage Farm is relatively close to the application site but it is located on the opposite side of the A702. This turbine can be clearly seen when approaching West Linton from the north but is screened to a certain extent by trees and farm buildings when approaching it from the south. It is likely that the proposed turbine and the existing one at Cottage Farm will only be glimpsed for short periods by people travelling along the road as there is screening by way of shelter belts and clumps of trees which obscure the view to the proposed turbine. Any inter-visibility is considered to be acceptable.

It is noted that no objections were received from consultees or members of the public in relation to the turbine at Cottage Farm even though it is clearly visible from the A702. It is also noted that for the previous application for this site the objections were from the Community Council and Friends of The Pentlands. These objections were based on a turbine of 34.2m and no further comments were received to the amended application. There were no individual representations.

### **Residential Amenity**

#### **Noise**

The nearest residential properties have been identified in the noise reports and these are Cottage Farm (455m from turbine location), Linton Grange (632m), 5 Dryburn Brae (652m), Deanfoot Larches (460m), Greenlaw (463m), Hillhouse (594m) and Hazlieburn (573m).

The noise reports indicated that Cottage Farm is likely to be affected the most by noise from the turbine and although Cottage Farm has its own wind turbine, which in itself has noise implications, the owners of Cottage Farm are not financially involved with the current application. It is understood that the applicant and the owners of Cottage Farm have reached a financial agreement to compensate for any noise issues that may affect the property.

The noise report identified that at certain wind speeds there is potential for some noise nuisance likely to affect some of the properties noted above. Whilst Environmental Health has no objections to the proposal, this is subject to certain conditions being placed on the consent, if Members are minded to approve the application, which will minimise any potential impact.

### **Screening**

As noted above there are no properties within 450m of the application site and there are shelter belts and groups of mature trees on both sides of the hill slope which will provide some screening and which will help to reduce the visual impact of the proposed turbine.

It is not appropriate to locate turbines close to trees or buildings or to request additional screening as this would have the potential to affect the performance of the machine.

### **Other impacts**

The proposed turbine is some distance from the historic centre of West Linton which has conservation area status. It will have no impact on the conservation area.

There are no known archaeological or historical sites in the vicinity of the proposed turbine and there are no indications that it will have any adverse impact on the wildlife of the area. It is unlikely that the turbine will cause any driver distraction. It will only be glimpsed by travellers, it is not of an excessive height or of an unusual design and turbines are now familiar objects in the countryside. Transport Scotland has not raised any objections on grounds of driver distraction but has requested that conditions should be placed on any consent which relate to the transportation of the turbine to the site.

### **CONCLUSION**

In conclusion, it is considered that the site is acceptable for a small scale wind turbine and that the change of turbine type is not so significant that it cannot be supported. The turbine will not have a significant adverse impact on the landscape or visual amenity of West Linton, the conservation area or on the Pentland Hills Special Landscape area. Subject to appropriate conditions relating to noise, there will be no significant loss of residential amenity for nearby residents. It is recommended to Members that the consent should be for a temporary period of 20 years and that a condition should be placed on the consent requiring the land to be restored to its former condition. This will ensure that there is no long-term permanent impacts on the landscape.

Subject to the required conditions, the proposal complies with Scottish Borders Consolidated Local Plan policies G1, H2 and D4 and the emerging Local Development Plan policies PMD1, PMD2, ED9, HD3 and EP5 in that the wind turbine can be satisfactorily accommodated into the surroundings without any significant adverse effects on the landscape, environment or residential amenity of the area.

### **RECOMMENDATION BY CHIEF PLANNING OFFICER:**

I recommend the application is approved subject to the following conditions:

1. At wind speeds not exceeding 10m/s at rotor centre height, the wind turbine noise level at each noise sensitive property shall not exceed the levels in table 1

Table 1

| Location       |               | Wind speed at rotor height in m/s averaged over 10 minute periods. Sound pressure levels in dB LA90, 10mins |    |    |    |    |    |    |    |    |  |
|----------------|---------------|---|----|----|----|----|----|----|----|----|--|
| Property Name  | Map ref       | 4   | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |  |
| Cottage Farm   | 315280 652836 | 19  | 20 | 21 | 25 | 29 | 33 | 36 | 38 | 40 |  |
| Linton Grange  | 315355 652453 | 15  | 17 | 18 | 21 | 26 | 30 | 32 | 34 | 36 |  |
| 5 Dryburn Brae | 315424 652378 | 15  | 16 | 17 | 21 | 25 | 30 | 32 | 34 | 36 |  |
| 6 Dryburn Brae | 315467 652310 | 14  | 16 | 17 | 20 | 25 | 29 | 31 | 33 | 35 |  |

Reason: To protect the residential amenity of local residents

- At the request of the Planning Authority, following a complaint to Scottish Borders Council relating to noise immissions from the wind turbines, the wind turbine operator shall shut down the turbine not later than 24 hours after receipt of the request and at his own expense employ an independent consultant, approved by the Planning Authority, to assess the level of noise emissions from the wind turbines (inclusive of existing background noise). The background noise level shall also be measured without the wind turbine operating. The noise of the turbine alone can then be calculated by logarithmic subtraction. If requested by the Planning Authority the assessment of noise immissions shall include an investigation of amplitude modulation in a manner agreed with the Authority.

Reason: To protect the residential amenity of local residents

- Should the wind turbine sound pressure level exceed the level specified in the above conditions the turbine shall cease operation until such time as it has been demonstrated to the Planning Authority that the sound pressure level, referred to in condition 1, can be achieved.

Reason: To protect the residential amenity of local residents

- The development shall be removed, and the land restored to its former condition, within 20 years of the date of this planning permission, unless further planning permission in this regard is obtained.

Reason: To enable the planning authority to reconsider the planning position in the light of updated policy, and having regard to the nature of the development, which is likely to require to be upgraded as technology advances.

- No development shall commence until the developer has provided the Planning Authority with the date of commencement of construction; the date of completion of construction; the maximum height of construction equipment; the latitude and longitude of the turbine.

Reason: To allow the records of Defence Estates Safeguarding to be amended and updated

- 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.

Reasons:

(i) To maintain safety for both the trunk road traffic and the traffic moving to and from the development

(ii) To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network



7. 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.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

**DRAWING NUMBERS**

Location Plan

Site

Noise Information

**Approved by**

| Name       | Designation            | Signature |
|------------|------------------------|-----------|
| Ian Aikman | Chief Planning Officer |           |

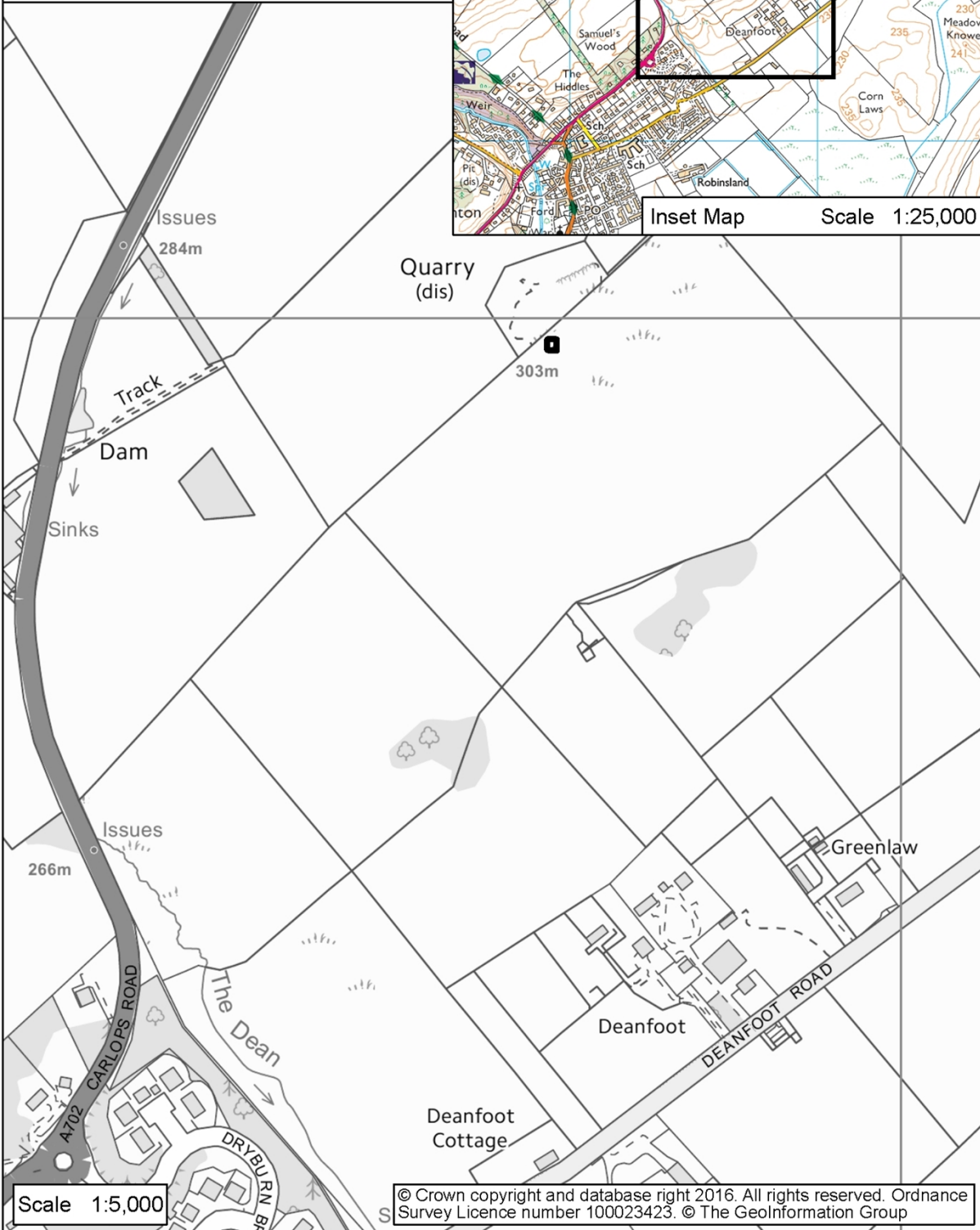
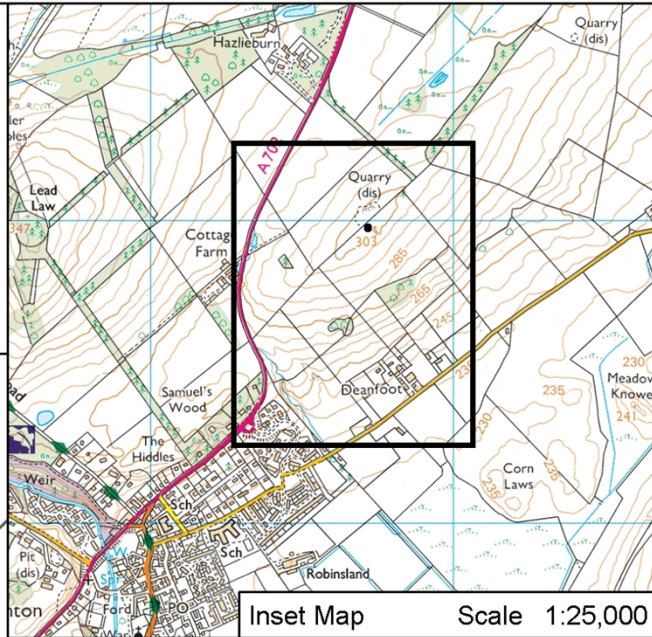
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

**Author(s)**

| Name          | Designation      |
|---------------|------------------|
| Dorothy Amyes | Planning Officer |



16/00024/FUL  
Land North West Of  
Deanfoot Farmhouse  
West Linton



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