

Appeal Decision Notice

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Decision by Allison Coard and Trevor A Croft, Reporters appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/290/169
- Site address: Auchencorth Moss, Harlaw Muir Road, Penicuik, Midlothian
- Appeal by E.ON UK Renewables Limited against the decision by Midlothian Council
- Application for planning permission 06/00067/FUL dated 1 February 2006 refused by notice dated 28 February 2008
- The development proposed: erection of 18 wind turbines and ancillary development, amended to 14 turbines in April 2009, as considered at the inquiry
- Dates of inquiry: 19-28 January and 24-25 March 2010

Date of appeal decision: 11 June 2010

Decision

We dismiss the appeal and refuse to grant planning permission.

An expenses claim against the appellant is dealt with in a separate notice.

Background

The proposed windfarm would be located on Auchencorth Moss some 2.7 kilometres south of Penicuik. The site includes an area of 540 hectares and the application as submitted proposed 18 turbines. Whilst the site boundary remains unchanged a revised proposal was submitted in April 2009. Fourteen turbines, 100 metre high to blade tip, are now proposed on the site and supplementary information has been submitted on the amended proposal to update the previous Environmental Statement.

A decision to proceed to determine the appeal on the basis of the revised proposal was made prior to the inquiry. Evidence was lead at the inquiry questioning this process and other aspects of the handling of the appeal, the presentation of the proposal and the associated environmental information. This notice can address these matters only in so far as they relate to planning issues and the adequacy and accuracy of the submitted environmental information. Other matters of process fall to be addressed through other avenues and are not given weight in our determination.



Reasoning

1. The main determining issues in this appeal, bearing in mind the relevant provisions of the development plan and Scottish Planning Policy, are whether the proposal would have an acceptable landscape and visual impact, including cumulative impact and effect on any designated areas. Other material considerations include noise and the potential impact on nature conservation interests, peat, and the recreational interests of the Pentland Hills Regional Park.

Midlothian Landscape Capacity Study

2. The Landscape Capacity Study for Wind Turbine Development in Midlothian, January 2007, was prepared in the context of policy NRG1 of the Midlothian Local Plan 2008. It concludes that capacity for windfarm development on Auchencorth Moss is restricted to smaller scale turbines, a maximum of four up to 30 metres high, rather than turbines of a commercial scale (over 90 metres high). The Auchencorth Moss is defined as of medium to high sensitivity due to its lowland context and proximity to the Pentland and Moorfoot Hills. We note the particular emphasis placed on the high sensitivity of this character area in respect of: landscape context; the degree of modification/remoteness; and the extent of its general visibility.

3. The study was commissioned in association with Scottish Natural Heritage and was considered positively at the local plan inquiry. However, we note that whilst reference to the study as a material consideration was retained, more prescriptive references to the height and number of turbines were deleted. Planning Advice Note 45 Annex 2: Spatial Frameworks and Supplementary Planning Guidance for Windfarms (PAN 45) suggests the identification of areas of search for windfarms. In addition, paragraph 184 of Scottish Planning Policy requires development plans to support all scales of renewable energy and to ensure that an areas renewable energy potential is optimised.

4. In this context, we accept the appellant's view that the study could have taken a different stance in seeking to contribute to national renewable energy targets. However, whilst national planning policy supports renewable energy development it does not set a target for each planning authority or require a set number of commercial scale windfarms. The study concluded that the generally lowland and small scale characteristics of Midlothian were generally not suited to commercial scale windfarms. However, this does not imply to us that the council set out to preclude such development. Scottish Planning Policy requires at paragraph 187 that: the environmental impact of windfarms be addressed; landscape and visual impact be minimised; and development should reflect the scale and character of the landscape.

5. Consequently, we do not find the appellant's concerns regarding the council's approach to the capacity study sufficient to negate its advice on Auchencorth Moss or its status as a relevant material consideration. In coming to a conclusion on the significant weight we attach to the landscape capacity study we have also taken account of the fact that its conclusions in regard to Auchencorth generally reflect the views of Scottish Natural Heritage, and the Scottish Borders Council, in addition to those of Midlothian Council. In

particular, Scottish Natural Heritage states that it broadly supports the statements in section 6.3 of the council's study.

Landscape Typology and Character

6. The proposed windfarm lies within the Upland Fringe - Auchencorth/Gladhouse Moorland as defined in the Lothians' Landscape Character Assessment (Scottish Natural Heritage 1998). This is refined to a more localised assessment through the council's landscape capacity study. This defines the windfarm site within the Lowland Moorlands character type. There was some divergence of views as to whether the landscape character should be defined as upland, based on its height, or lowland, based on its location in the valley between the Moorland and Pentland Hills. The appellant drew attention to the fact that the Lothian and the Borders Landscape Character Assessments define the area as upland fringe. Whilst this is the case, Scottish Natural Heritage and Scottish Borders Council stress the constraints arising from the more lowland character of Auchencorth Moss.

7. On the basis of our unaccompanied inspections, agreed with parties, we found the situation of Auchencorth Moss in relation to the wider landscape could be more easily assessed from the Pentland Hills than from lower ground. In particular, from Scald Law, viewpoint 11, the whole topography of the country between the Pentlands and the Moorfoots is clear. This is even clearer from a point some 100 metres south-east of the Law, where the land falls sharply away in the foreground. Whilst Auchencorth Moss appears slightly raised compared with the surrounding land, we agree that the Moss can reasonably be described as lowland in character when compared to the Moorfoot and Pentland Hill ranges that define the edges of the general lowland landscape character areas.

8. The Supplementary Environmental Information states that there would be a direct and significant impact on the local landscape character of Auchencorth Moss resulting in a lowland moorland with windfarm character type. We agree with the appellant's landscape evidence that the wide open landscape of the moor, the absence of complex topography and the avoidance of skyline development offers a landscape type suited to windfarm development. In addition, we accept that this is not untypical of other landscape typologies in Scotland which accommodate windfarms. Indeed this view is at least partly accepted in the Midlothian capacity study which states that commercial scale development "could relate to the expansive scale of this landscape".

9. There was no fundamental disagreement between parties that the windfarm would have a significant impact on the landscape character of the moss although the extent of change was described by Penicuik Environmental Protection Association (protection association) as creating a windfarm landscape character type. That aside, the main difference between parties is not the scale of the impact on the local landscape character but rather the acceptability of that impact.

10. Other landscape character areas in proximity to the appeal site are defined in the Lothians and Borders Character Assessments as: the Lowland River Valley: North Esk;

Upland: Pentland and Moorfoot Hills; and Upland Fringe: Rolling Farmland and Poor Rough Grassland. The Midlothian capacity study identifies the estate woodlands of Penicuik House within the North Esk River Valley, whilst the landscape around Newhall and Whim House, to the west and south of the appeal site, is defined as Moorland Fringe. The Supplementary Environmental Information concludes that these other landscape character areas are sufficiently removed in distance so that considerations of indirect character effects would not apply.

11. We accept that the character of these adjoining areas would remain intact, when assessed in isolation. However, we consider that the windfarm would become a significant feature within this wider landscape context. The Midlothian capacity study identifies a high degree of sensitivity in relation to landscape context and all parties accepted the strong visual relationship between the site and the Pentland Hills. As assessment of this issue is closely linked with value judgements and the extent of visual impact, we have considered these matters in the following sections.

Landscape Value.

12. The open and featureless landscape of Auchencorth Moss is considered by the council to be unusual in a lowland context, providing a contrast to the more urban character of Midlothian. We agree with this in so far as the Auchencorth landscape contributes to the overall sense of moving into undeveloped countryside. We note that the role of the moss in this respect is also recognised by Scottish Natural Heritage. Whilst we are not convinced that the character of the moss is particularly unique we share the views of the council, Scottish Natural Heritage, and the protection association regarding the value of its particular landscape context.

13. Whilst Midlothian has no national or international landscape designations, it has a Regional Park and Areas of Great Landscape Value as defined in the local plan. Scottish Planning Policy advises that these designations should be taken into account in preparing a spatial framework. The moss is in proximity to the: Pentland and Moorfoot Hills, Incised River Valley of the North Esk, and Penicuik House Estate Landscape areas of great landscape value; Penicuik House, Whim House and Newhall House Historic Designed Landscapes; and the Pentland Hills Regional Park.

14. At the inquiry there was criticism about the designation of the areas of great landscape value in the local plan. This concerned doubt as to whether it was one or multiple designations, and that there is no written justification regarding the landscape value of the areas. Whether there is one or more designations is not relevant. The lack of written justification appears to stem from the designated areas being brought forward from successive previous local plans when the intellectual rigour of describing the reasons for designation may not have been as strong as might be expected today. Despite this we have been able to reach our own conclusions, based on professional experience, of the high value of these areas in relation to the wider Midlothian landscape. In the case of Penicuik House, its value is confirmed by its inclusion in Historic Scotland's Inventory of Historic Gardens and Designed Landscapes.

15. The emphasis of the regional park is recreation rather than landscape in its designation under section 48A of the Countryside (Scotland) Act 1967. In this respect the designation is highly significant as the recreational enjoyment of the park has a clear relationship to its setting and the quality of its landscape.

Visual Impact

16. Our assessment of visual impact relies on the submitted photomontages, visualisations, and wireframe diagrams, along with our observations on our site inspections. There was some debate at the inquiry as to the extent that the appellant's wireframes produced in response to the protection association's document 12b could be relied upon. We accept that these are the appellant's best attempt at the location of the turbines within these viewpoints and as such they are not given the same weight as the wireframes and visualisation submitted with the Supplementary Environmental Information. During the accompanied site inspections a blimp was flown over the site at a verified height of 100 metres, the proposed blade tip height, under licence from the Civil Aviation Authority. We were able to see this from the viewpoints visited during our site inspection and it was helpful in being able to visualise the height and location of the turbines.

17. **Penicuik:** The zone of theoretical visibility over which all 14 turbines could be visible extends across most of the town. Viewpoints 9 and 15 demonstrate the extent to which all 14 turbines would be visible in two locations within the town. However, the turbines would be at least 2.5 kilometres distant. Changes in levels and the location of tree cover would limit the extent of visibility and the prominence of the turbines. Consequently, we do not consider that the turbines would be a dominant feature or result in an unacceptable loss of visual amenity to residents or visitors.

18. **Historic Designed Landscapes:** The windfarm would be some 0.5 kilometres from the boundary of the Penicuik House Designed Landscape. Given the wooded nature and changing levels of the landscape around Penicuik House there would be no widespread visibility of the windfarm. However, there would be partial views of a number of the turbines extending above the tree line, verified at our inspection by the blimp. In relation to Viewpoint 2, Figure 2a of the supplementary information dated September 2009, Penicuik House: view from footpath, the horizon is defined by mature woodland. The wireframe indicates visibility of seven turbine hubs along with the blade tips of the remaining seven. The photomontage indicates the screening effect of the woodland. From viewpoint 1 Penicuik House: view from Chinese Bridge, the wireframe shows visibility of 13 of the hubs and all 14 blade tips whilst the photomontage shows visibility of a limited number of blade tips.

19. Whilst the other viewpoints and wireframes related to the protection association's document 12b are not relied on, they do indicate potential visibility in a number of other important views. We have taken account of The Penicuik House and Policies Feasibility Study Volume 3: Conservation and Management Plan, particularly the description of the Bastion Terrace Walk as "an exceptional example of a mid 18th Century viewing terrace remarkable for the quality of its sequential views". We have also taken account of the

estate management plan which indicates the extent of proposed felling and the impact that this may have on the extent to which the windfarm would be visible.

20. If the views down key vistas had opened out and led the eye towards the windfarm then we would have shared the council's and protection association's concerns. However, the relevant vistas terminate in a wooded skyline. Only a few turbines, mainly blade tips, would be partially visible above the tree-line, even when the proposed woodland management plan is taken into account. Sight and movement of the blades may be distracting but we do not consider this would be a dominant feature or have an adverse visual impact to the extent that, on its own, would justify refusal. Whilst all 14 turbines may be visible from Newhall and The Whim we consider that a similar conclusion would apply, particularly as these designations are relatively more distant. It is notable that Historic Scotland has not objected to the proposal.

21. **Pentland and Moorfoot Hills:** Major public roads skirt along the foot of the Pentland Hills and the A7 and B7007 cross the Moorfoot Hills. People driving to and from Penicuik and Edinburgh, local residents, and users of various footpaths, currently see the hills across and in the vicinity of Auchencorth Moss in the context of the open farm and moorland and shelterbelt planting. Whilst views to and from the Moorfoot Hills are relatively more distant and less dramatic, submissions from local residents indicate the extent to which views towards the Pentlands are locally valued. Submissions from the council, Scottish Natural Heritage, and the protection association also stress the importance of Auchencorth Moss in providing a foreground to and emphasising the scale of the Pentland Hills. Viewpoints 3 and 23, from the A701, illustrate the extent of foreground that would be occupied by the windfarm as well as the height of the turbines relative to the ridge line of the Pentland Hills.

22. We accept that the proposal does not conflict with Scottish Natural Heritage guidance that turbines should not exceed one third of the height of a related landscape feature. We also agree with the appellant that location on the moss below the hills would provide a backdrop and avoid the skyline, at least as seen from a majority of viewpoints. Whilst the viewer would be able to see through and beyond the turbines, we share the concerns of the council and other objectors that in some views, as illustrated from viewpoint 23 for example, the turbines would appear higher than the Pentlands. We consider that this would detract from viewers' perceptions of the vertical scale and dominance of the hills. In addition, we are concerned that from the nearby settled fringes of Auchencorth, including transport and recreational routes, viewers would gain a full impression of the extent and height of the turbines. These perceptions would be assisted by proximity to houses and trees which would act as scale comparators. In this context, we find that the windfarm would interrupt and diminish regionally and locally valued views across the undeveloped moss to the consequent detriment of the setting of the Pentland Hills, including the area designated as an Area of Great Landscape Value. For these reasons we accept that it would also have a significant impact on the visual amenity of those few properties which face directly onto the site and currently enjoy an open aspect over the moor towards the Pentlands.

23. Turning to views from the hills themselves, Scald Law at 579 metres is the highest point in the Pentlands. Views from the Law illustrate that all 14 turbines would be visible

from the Pentlands Ridge. From our unaccompanied site inspection it was clear that Auchencorth Moss is a highly visible element in the landscape and the existing view from the ridge would be significantly altered by the proposed windfarm. We agree therefore with the council, Scottish Natural Heritage, the protection association, and others that there would be a consequent significant visual impact. This would be mitigated only slightly as the viewer would be looking down from some 470m above the height of the turbines. Some would undoubtedly view the introduction of the windfarm in a more positive context than others. However, the Regional Park is an important recreational and landscape resource which serves the City of Edinburgh and its surrounding communities and is enjoyed by a large number of visitors. The windfarm would, in our opinion, detract from the natural and open quality of its existing setting.

24. Consequently, we conclude that the proposal would have a highly significant adverse impact on the locally and regionally valued landscape setting of the Pentland Hills.

Cumulative Landscape Impact.

25. Other developed and consented windfarms are, or would be, only visible in relatively distant views. From our site inspections we found that under many weather conditions those already operational are difficult to see. In this context we agree with the appellants, Midlothian Council and Scottish Natural Heritage that the proposal does not raise significant issues of cumulative impact.

Conclusions in relation to landscape issues

26. The appellant's landscape evidence accepts there would be a significant impact on the landscape character of Auchencorth Moss, and a significant visual effect from a number of residential properties, in respect to parts of the Pentland Hills Regional Park, parts of landscapes that are highly valued at a local level, and from the A702, A701, A766, A6094, and the Moor Road as well as local footpaths and bridle-ways. We accept the appellant's view that the decision maker must determine whether these significant visual and/or landscape impacts would be adverse or beneficial before arriving at a conclusion as to the proposal's acceptability when balanced against other considerations.

27. From our reasoning above we are not persuaded by the appellant's opinion that the identified significant landscape and visual impacts could all be regarded positively. Indeed, as stated above we consider that the balance of evidence, including the Midlothian Landscape Capacity Study, indicates a significant adverse landscape and visual impact in relation to the proposed site's established landscape context and the contribution it makes to the setting of the Pentland Hills, including the Area of Great Landscape Value and the Regional Park. We are not convinced that the potentially short term and reversible nature of these impacts, over the 25 year lifespan of the turbines, the layout, colour or design of the turbines are sufficient to address our fundamental concerns regarding the landscape sensitivity of this location.

28. In coming to this conclusion we have also given weight to the findings of Scottish Natural Heritage, as the government's principal advisor on landscape matters. Its

submissions support our conclusions in stating that the proposal would: have an adverse effect on the rural character of the moss and surrounding landscape; have a significant impact in extending built development further out from Edinburgh and Penicuik; and diminish the contrast between the naturalistic character of the moss in relation to the policy landscapes of the adjacent hill ranges. In addition, Scottish Natural Heritage considers that the height of the turbines would have an adverse effect on the perception of the vertical scale of the Pentland Hills, and that there would be an adverse effect on views and visual amenity from key transport routes into Edinburgh and from popular footpaths within the Regional Park.

Other matters

29. We accept that the proposal does not fully meet the advice set out in the Scottish Executive advice Peat Landslide Hazard and Risk Assessments, December 2006. However, there would be some flexibility in the siting of the turbines, allowing for micro-siting within a 20 metre radius, and we note the appellant's intention to carry out comprehensive site investigations, and prepare a construction method statement and peat management plan prior to construction. In addition, we find insufficient reason to conclude that the peat characteristics at Auchencorth are particularly unusual or that the proposal presents the same risks which resulted in peat slide at Derrybrien in Ireland, as discussed at the inquiry.

30. Similarly, given the conclusions of the Supplementary Environmental Information, the evidence presented by the appellant and the withdrawal of the Scottish Environment Protection Agency's objection, we are satisfied that the hydrological conditions on this wind-farm site could be addressed through the construction management process and by appropriately worded planning conditions. In addition, we find no reason to doubt the appellant's view that, as the related hydrology is physically separate, there would be no impact on any known private water supply or an unacceptable risk to the operation of the nearby fishfarm.

31. In relation to noise, PAN 45 relies on ETSU-R-97 in providing guidance on good practice for assessing and rating noise from windfarms. In accepting the weakness of the background noise assumptions, due to equipment failure, the appellant reverted to an absolute limit of 40dB(A). This falls within the limits suggested in ETSU for low noise environments. Despite the unreliability of the appellant's baseline noise assumptions, we are satisfied that noise disturbance could be controlled, within acceptable limits, through planning conditions. We appreciate concerns about amplitude modulation and accept that guidance on this may be revised in the future. However, we agree with the appellant that in the absence of substantive evidence on this matter it is appropriate to continue to rely on the approach advocated by ETSU and through PAN 45.

32. We are satisfied that the evidence presented to the inquiry provides sufficient environmental information to meet statutory requirements. The council's roads department did not object to the proposal and there is potential to address maintenance of the local access road through an appropriately worded condition. We appreciate concerns that the turbines would not achieve adequate topple distance in relation to the road or gas pipeline.

However, the Health and Safety Executive has not objected and micro-siting provides a degree of flexibility. Whilst the turbines are relatively close to major roads we do not consider that there is sufficient evidence, on potential driver distraction, to demonstrate that this would raise unacceptable road safety issues.

33. Given the available environmental information and the withdrawal of an objection from Scottish Natural Heritage, we are not persuaded there would be a significant detrimental impact in relation to natural heritage interests, nor have we relied on this matter in coming to our decision. However, we recognise that an Appropriate Assessment (as required by The Conservation (Natural Habitats, &c.) Regulations 1994) of the relevant nature conservation interests associated with the Gladhouse and Westwater Reservoirs Special Protection Areas, would have been required had the balance of other considerations pointed to allowing this appeal.

34. We have considered concerns relating to the impact on tourism and recreation but find no evidence to persuade us that the proposal would demonstrably damage the local economy.

Scottish Planning Policy and UK Energy Policy

35. Scottish Planning Policy makes it clear that landscape and other designations provide potential constraints to windfarm development. However, planning authorities should recognise that these should not imply a blanket presumption against development. Paragraph 190 of the Scottish Planning Policy guards against the imposition of additional zones of protection around areas designated for their landscape protection. PAN 45, Annex 2, accepts that proposals outwith a designated area may nevertheless have an impact on that area and clarifies that the potential impact of proposals on such areas may be a material consideration. We accept that even if this proposal were located in an area of designated landscape importance this would not rule it out. Equally, proximity to an Area of Great Landscape Value or a Regional Park does not automatically presume against such development. Each proposal must be considered on its own merits and our concerns are focussed on the particular landscape context of Auchencorth.

36. National policy supports all scales of renewable energy proposals and makes it clear that it is not for us to consider whether there are other more suitable locations. We appreciate the strong support which the National Planning Framework 2 and the Scottish Planning Policy give for renewable energy schemes. The Scottish Planning Policy is recently published and the new sections on sustainable development, paragraph 37, and on climate change, paragraphs 41-44, are of relevance in supporting renewable energy provision. We have also taken account of the UK wide policy statements referred to in evidence.

37. All of this has to be balanced against our landscape conclusions which demonstrate that the proposal conflicts with the Scottish Planning Policy in so far as it would not minimise landscape and visual impact or reflect the scale and character of the landscape. We have covered matters of national planning policy and advice in so far as they relate to the Midlothian Landscape Capacity Study in paragraphs 3 and 4. We return to assessment

of the weight to be attached to the potential wider benefits of the proposal through our assessment of the relevant development plan policies.

Development Plan Policy

38. The Edinburgh and Lothians Structure Plan 2015, approved 2004, sets the strategic context for the Midlothian Local Plan, adopted 2008. Structure plan policy ENV 6 supports renewable energy proposals which can be achieved in an environmentally acceptable manner. However, it relies on the local plan to set out the criteria against which such developments should be assessed. Policy ENV 1(D) relates to designated areas and their settings, including the Pentland Hills Regional Park and Areas of Great Landscape Value. It states that development will only be permitted where the overall integrity of these areas will not be compromised or where the social and economic benefits outweigh the conservation or other interests of the site. Again it is left to the local plan to set out the relevant assessment criteria.

39. The Midlothian Local Plan is recently adopted and we have afforded it particular weight. For the reasons stated in paragraphs 26-28 we find that the proposal conflicts with local plan policy NRG1(A) as it would have a significant adverse effect upon the setting of the Pentland Hills Regional Park and on the scenic quality of the Pentland Hills Area of Great Landscape Value. However, reading this requirement alongside structure plan policy ENV 1(D) implies that this conclusion must also be weighed against the social and economic benefits of the proposal.

40. Local plan policy NRG1(B) and (C) apply a different test which is more explicit in requiring assessment of the acceptability or otherwise of the impact. Criterion (B) requires that the proposal will not have an unacceptable effect on the amenity of nearby residential properties whilst (C) requires an acceptable effect on the wider environment by reason of landscape and/or visual impact, noise safety, traffic generation or pollution control. In light of our reasoning above we consider that the only potential conflict with these criteria is in relation to the issue of landscape and visual impact. Criterion (C) effectively returns us to the main issue: whether the proposal would have an acceptable effect on the wider environment by reason of landscape and/or visual impact.

41. Consequently, reaching a conclusion in relation to the relevant considerations of local plan policy NRG1 requires a careful balancing exercise. We accept that there may be occasions where even a significant adverse impact might be acceptable when considered in the round and when weighed against the potential benefits of the proposal. In addition, the council accepted that a commercial scale windfarm proposal in Midlothian could be considered favourably even although it runs contrary to the conclusions of the council's landscape capacity study.

42. We appreciate the potential local economic benefits of the proposal and note the commitment by the appellant to a contribution towards the future maintenance of old Penicuik House and its Historic Designed Landscape. Whilst these potential local benefits would not alone outweigh our concerns, we accept that the wider benefits of enabling power generation through renewable sources provide compelling justification. When

weighed against these wider benefits, we do not consider that the proposal would result in an unacceptable degree of harm in relation to the few neighbouring properties facing onto the site and we are satisfied that the proposal would comply with local plan policy NRG1(B).

43. There is no suggestion in the council's development plan or in national policy that renewable energy targets or the climate change agenda should over-ride all other considerations. Significant, even adverse, environmental impacts may be considered as a necessary cost. However, there is inevitably a point at which the impacts of a proposal tip the balance of its acceptability. In this context, we find our conclusions in paragraphs 26-28 demonstrate a degree of landscape harm that would not be balanced or outweighed by the potential benefits.

44. Consequently, we find that the proposal would have a significantly adverse and unacceptable landscape impact contrary to local plan policy NRG1 (C). Our conclusions in this respect give weight to the findings of the Midlothian Landscape Capacity Study in accordance with footnote 2 to this policy. Given our particular concerns regarding impact on the Pentland Hills Regional Park and Area of Great Landscape Value, in conflict with policy NRG1(A), the proposal also fails to comply with local plan policy RP6: Areas of Great Landscape Value. The slightly different test of "may adversely affect" as applied through policy RP6 also applies to local plan policy RP7: Landscape Character. Our landscape conclusions lead us to find that the proposal would also conflict with this policy. In raising these wider local plan policy conflicts the proposal would also fail to meet the requirement of NRG1(G) to comply with all other relevant local plan policies. Issues raised regarding the Pentland Hills area of great landscape value are addressed at paragraph 14 above and do not affect the above conclusions.

45. Therefore, the proposal would conflict with criteria A, C and G of local plan policy NRG1, along with local plan policies RP6 and RP7. Consequently, the proposal would also conflict with structure plan policies ENV 1D and ENV 6.

Conclusion

46. Returning to the determining issues in light of the above reasoning we conclude that the proposal would be contrary to the development plan and the Scottish Planning Policy. It would result in a significantly adverse landscape and visual impact. We are not persuaded that this degree of harm would be acceptable or that, in the particular circumstances of the appeal site, it would be outweighed by the potential benefits of renewable energy generation. Having considered very carefully all the other matters raised we find nothing that would lead us to a different conclusion.

Allison Coard
Reporter

Trevor A Croft
Reporter

This is a true and certified copy of the decision issued on 11 June 2010