

New Wind Farm Proposals Adjacent to the Pentland Hills Regional Park

Pentland Hills Regional Park Joint Committee

24th September 2010

Purpose of report

- 1 To provide the Joint Committee with a factual update about three currently proposed wind farm developments adjacent to the Pentland Hills Regional Park.

Main report

- 2 There are currently three proposed wind farm developments in the vicinity of the Regional Park. None are located within the Regional Park Boundary but would be sufficiently close to impact on the landscape setting to some degree.

Application Process for New Wind Farms

- 3 Proposals for new power generation schemes with a capacity in excess of 50 megawatts (MW) require the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Applications for these schemes are made to the Scottish Government's Energy Consents and Deployment Unit (ECDU). Applications for schemes of under 50 MW in capacity are made to the local Planning Authority.
- 4 Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000, Scottish Ministers are required to assess whether proposals for new large scale wind farms (over 50MW) are likely to have a significant effect on the environment. Developers are therefore required to prepare an Environmental Scoping Report. The ECDU will then produce a Final Scoping Opinion. The scoping process involves consultation with statutory and non-statutory bodies. The developer then submits a full application accompanied by a detailed Environmental Statement. The application is then determined by Scottish Ministers.

Role of Planning Authorities and Committees

- 5 Where applications are submitted under the Electricity Act, the Planning Authority within which the site lies and neighbouring authorities are able to comment on or object to the proposal. Their views will be taken into account by Scottish Ministers in determining the application. For proposals under 50MW,

the relevant planning authority will determine the application and neighbouring authorities can submit comments or objections.

- 6 The Pentland Hills Regional Park Authority can also comment on both types of applications. It could choose to make comment directly to the determining authority (either Scottish Ministers or Planning Authority depending on the size of the proposal) or it could make indirect comment to the Heads of Planning of member authorities to inform their response. For smaller proposals (i.e under 50MW) located within the City of Edinburgh, Midlothian or West Lothian boundaries, Members need to avoid the prejudicial consideration of applications which they may later be required to vote on determining. For the large scale (over 50MW) proposals considered under the Electricity Act, determination will be made by Scottish Ministers therefore impartiality of members is not threatened.

Fauchill

- 7 Fauchill Sustainable Energy Ltd. is proposing to develop a wind farm comprising 43, 100m high turbines at Fauchill to the South West of Harperrig Reservoir and over 50MW capacity.
- 8 The scoping process has been completed, and the Scottish Government has prepared a Final Scoping Opinion (available for reference at: www.scotland.gov.uk/Topics/BusinessIndustry/Energy/Infrastructure/Energy-Consents). The Scoping Opinion recognises the landscape setting of the Pentland Hills Regional Park and its location within the wider Pentland Hills Area of Great Landscape Value (AGLV).
- 9 Planning permission has been granted by West Lothian Council for the erection of one 80m tall wind monitoring mast. The mast will be a temporary structure and provide developers with more detailed wind direction and speed data.
- 10 The next stage is for the developers to submit a full application and Environmental Statement. The timescale is not known at this stage.
- 11 On the 20th September, Fauchill Sustainable Energy Ltd held a public meeting and presentation at Dalmahoy Hotel. Following the meeting, the developers propose to establish a 'Fauchill Windfarm Liaison Group' to provide a forum for wider community consultation. West Lothian Council, Scottish Natural Heritage and the Pentland Hills Regional Park have declined to participate given that they would be required to respond formally to an application consultation at a later stage. Instead, an early meeting between the developers, West Lothian Council, Scottish Natural Heritage and the Regional Park has been suggested.

Harburnhead

- 12 Arcus Renewable Energy Ltd, acting on behalf of Luz de Viento (a Spanish renewable energy company) is proposing to develop a 28 turbine wind farm of over 50MW capacity at Harburnhead. The site is located to the East of Cobbingshaw Reservoir, West Lothian.
- 13 The Harburnhead site is close to Fauchill (approximately 2km) and raises similar issues in terms of the landscape setting of the Pentland Hills.

- 14 The proposal is still at the scoping stage and the timescale for submission of a full application is not known at this stage.

Harrow's Law

- 15 In 2005, Scottish and Southern Electricity submitted an application for a 37 turbine wind farm at Harrows Law, 2km south of Tarbrax, South Lanarkshire. Following concerns raised about the environmental impact of the original scheme, a revised scheme of 17 turbines is now proposed.
- 16 Being just below 50MW in capacity, the revised scheme will be considered by the local planning authority rather than Scottish Ministers. An application has been submitted to South Lanarkshire Council (Reference CL/10/0095). The application has not been determined at this stage.
- 17 Harrow's Law is further from the Regional Park boundary compared to Fauchill and Harburnhead, but would still be clearly visible from the high ground within the Park.

Local Planning Policy

- 18 The proposed schemes at Fauchill and Harburnhead are located within the West Lothian Council area. The West Lothian Local Plan, adopted in January 2009, in its chapter on Renewable Energy highlights the sensitivities of the Pentland Hills when determining planning applications for renewable energy.
- 19 Policy NWR22 states that:
"The council will resist any proposal for renewable energy development that will affect the character, visual integrity or recreational qualities of both the Pentland Hills Regional Park and the wider area of the Pentland Hills in West Lothian. Proposals that are located outwith the Regional Park or the wider Pentland Hills but nevertheless undermine the landscape and outdoor recreational qualities of those areas will not normally be supported unless it can be conclusively demonstrated that the integrity of the landscape and outdoor recreational qualities are not adversely affected"
- 20 West Lothian Council has reflected this policy position in consultation responses to the scoping process for the Fauchill and Harburnhead schemes and has formally objected to the application for Harrow's Law. The City of Edinburgh Council has also submitted comments on the scoping reports for the Fauchill and Harburnhead proposals highlighting the need to consider the visual impacts on the setting of the Pentland Hills Regional Park.

Financial Implications

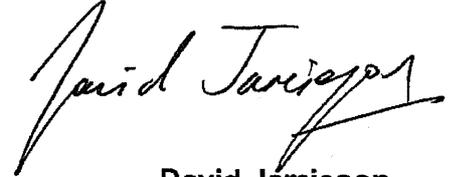
- 21 There are no financial implications for the Regional Park at this stage.

Environmental Impact

- 22 All three proposed schemes will have an impact on the landscape setting of the Regional Park and on the wider Pentland Hills AGLV.

Recommendations

- 23 It is recommended that the Joint Committee notes the status of the three wind farm proposals in the vicinity of the Regional Park.



David Jamieson
Parks & Greenspace Manager

Appendices	None
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Wards affected	All
Single Outcome Agreement	Relevant to the following National Outcomes: <ol style="list-style-type: none">1 We live in a Scotland that is the most attractive place for doing business in Europe.2 We realise our full economic potential with more and better employment opportunities for our people.6 We live longer, healthier lives.10 We live in well-designed, sustainable places where we are able to access the amenities and services we need.11 We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.12 We value and enjoy our built and natural environment and protect it and enhance it for future generations13 We take pride in a strong, fair and inclusive national identity.14 We reduce the local and global environmental impact of our consumption and Production.15 Our public services are high quality, continually improving, efficient and responsive to local people's needs.
Background Papers	<ol style="list-style-type: none">1. Scoping Opinions and details about the status of large wind farm proposals can be viewed at: www.scotland.gov.uk/Topics/BusinessIndustry/Energy/Infrastructure/Energy-Consents2. West Lothian Local Plan (Jan.2009)