

**APPLICATION NO. 14/00049/FULL
APPLICANT: CROFTS FARM RENEWABLES LTD
ERECTION OF TWO WIND TURBINES OF 55.6M TO HUB HEIGHT AND 79.6M
TO BLADE TIP AND ANCILLARY DEVELOPMENT AT LAND 625M TO THE
NORTH OF CROFTS FARM CARMYLLIE**

ANGUS COUNCIL'S SUBMISSION

CONTENTS

Ref No.	Item
1	AC1 Report on Handling
2	AC2 Policy Tests (Angus Local Plan Review 2009) Policy S1: Development Boundaries Policy S6: Development Principles including Schedule 1 Policy ER5: Conservation of Landscape Character Policy ER11 : Noise Pollution Policy ER16 : Development Affecting the Setting of a Listed Building Policy ER18 : Archaeological Sites of National Importance Policy ER19 : Archaeological Sites of Local Importance Policy ER20 : Historic Landscapes and Designed Landscapes Policy ER34 : Renewable Energy Developments Policy ER35 : Wind Energy Developments
3	AC3 TAYplan Strategic Development Plan Policy 3D : Natural and Historic Assets Policy 6C : Consider Criteria as Minimum
4	AC4 Strategic Landscape Capacity Assessment for Wind Energy in Angus (Ironslope Farrar – March 2014) TAY13: Dipslope Farmland Appeal Decision 14/00012/FULL (Montquhir Farm)
5	Consultation Responses AC5 Aberdeenshire Council - Archaeology Service 29.01.14 & 14.02.14 AC6 Civil Aviation Authority – 11.02.14 AC7 Atkins – 13.02.14 AC8 Spectrum – 14.02.14 AC9 Head Of Technical & Property Services (Roads) 18.02.14 AC10 Historic Scotland – 24.02.14 AC11 Joint Radio Company – 21.02.14 AC12 Royal Society for Protection of Birds 25.02.14 AC13 Dundee Airport Limited – 27.02.14 AC14 Head of Environmental Health 27.02.14, 15.04.14 & 03.07.14 AC15 Ministry of Defence – 02.06.14 AC16 Planning Advisor (Angus Council) 24.07.14

- 6** **Letters of Representation**
- AC17** East of Scotland Growers Limited – 11.02.14
 - AC18** Alan & Anne Dorman – 18.02.14
 - AC19** Bill Longair (Clayholes Farm) – 18.02.14
 - AC20** Mrs Rhona Booth – 20.02.14
 - AC21** Norman & Gladys Paterson – 20.02.14
 - AC22** Colin Thom - 28.02.14
 - AC23** H Stewart Gray – 28.02.14
 - AC24** Hamish Robertson – 28.02.14
 - AC25** Richard S Burnett – 06.03.14
 - AC26** Mervyn Ollernshaw – 31.01.14
 - AC27** Crawford Taylor – 02.02.14
 - AC28** Andrew Vivers – 04.02.14 & 04.02.14
 - AC29** Mr & Mrs B Menzies – 05.02.14
 - AC30** Marion Preston – 13.02.14
 - AC31** Raymond Miller – 19.02.14
 - AC32** James & Sheilla Bigham – 20.02.14
- 7** **Application Drawings**
- AC33** OS Map
 - AC34** Refused Drawings
- 8** **Further Information Relevant to Assessment**
- AC35** Site Photographs
 - AC36** Decision Notice
 - AC37** Screening Opinion
 - AC38** Landscape and Visual Impact (Chapter 7)
 - AC39** Non- Technical Summary
 - AC40** Environmental Survey
 - AC41** Habitat Map (Appendix 1)
 - AC42** LVIA Residential Assessment (Appendix 3)
 - AC43** Cultural Heritage/Archaeology Statement (Appendix 4)
 - AC44** Hydrological Drawing (Appendix 5)

Angus Council

Application Number:	14/00049/FULL
Description of Development:	Erection Of Two Wind Turbines Of 55.6m To Hub height And 79.6m To Blade Tip, And Ancillary Development
Site Address:	Land 625M To The North Of Crofts Farm Carmyllie
Grid Ref:	357256 : 744483
Applicant Name:	Crofts Farm Renewables Ltd

Report of Handling**Site Description**

The application site, which measures approximately 10,000 square metres in area is located 610 metres to the north of the C52 classified road and 862 metres north east of the village of Redford. The site is located at a ground level of between 155 and 161 metres Above Ordnance Datum (AOD) and is currently in use as agricultural land as is the surrounding land. Croft Cottage is the closest residential property to the development and is located 650 metres to the south of the proposed turbines.

Proposal

The application proposes the erection of two 800kW wind turbines with hub heights of 55.6 metres, rotor diameters of 48 metres and an overall height of 79.6 metres to blade tip. The turbines are of three blade design. The application incorporates the upgrading of 360 metres of an existing access track along with the construction of approximately 750 metres of new access track which would be typically 4 metres wide. An electrical building that has a footprint of approximately 60 square metres is proposed adjacent to turbine number 2. Whilst the proposed turbine falls within Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011, it is not considered likely to have significant environmental effects by virtue of its nature, size and location. EIA is therefore not required. The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 7 February 2014 for the following reasons:

- Schedule 3 Development

The nature of the proposal did not require a site notice to be posted.

Planning History

None.

Applicant's Case

Supporting documentation has been provided to assist in the determination of the application and contains information pertaining to the matters considered relevant in the determination of the application for a turbine of this scale. The documentation consists of:

An outline of the Proposed Development
 Planning and Environmental Policy Context
 Local Economic Benefit
 Site Selection and Design Evolution
 Ecology/Fauna

Landscape and Visual (this documentation includes a desktop study of the existing landscape; Zone of Theoretical Visibility (ZTV) drawing to assess potential viewpoints to gain a better understanding of the potential impact on the landscape by the proposed development. Photomontages and wireframes have been produced to indicate the potential impact of the development from identified viewpoints. Impacts of the proposed development have been assessed in terms of their magnitude, sensitivity and significance on the landscape character, designations, nearby ancient monuments and historic sites and local communities).

Noise

Cultural Heritage and Archaeology
 Surface and Groundwater Hydrology
 Shadow Flicker

Existing Infrastructure, Telecommunications, Television, Aviation (including a radar mitigation scheme (to address potential impacts on Air Traffic Control radar at RAF Leuchars) and Electromagnetic Safety
 Climate Change

Consultations

Angus Council Environmental Health - No objections subject to conditions.

NERL Safeguarding - No objections.

Spectrum - No objections.

Joint Radio Co Ltd - No objections.

RSPB Scotland - No objections.

Civil Aviation Authority - No objections.

Dundee Airport Ltd - No objections.

Ministry Of Defence - No objections subject to conditions.

Atkins - No objections.

Community Council - There was no response from this consultee at the time of report preparation.

Angus Council - Roads - No objections subject to conditions.

Scottish Water - There was no response from this consultee at the time of report preparation.

Natural & Built Environment - Landscape - Comments provided in relation to landscape and visual impacts associated with the proposed development.

Aberdeenshire Council Archaeology Service - No objections subject to a condition.

Historic Scotland - Archaeology - No objections.

Representations

16 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 7 objected to the proposal and 9 supported the proposal.

The main points of concern were as follows:

Points of Support

- The proposal conforms with national policy and guidance.
- The scale of the development is appropriate for the landscape.
- Diversification of an existing farming business by reducing its carbon footprint.
- Significant benefits to local economy.

Comment - The substantive issue in this case is not whether wind power is good but is whether the proposed development subject of this application is appropriate on the application site. The substantive issues are addressed under Planning Considerations below.

Points of Objection

- Contrary to policy and guidance
 - Adverse landscape and visual impacts
 - Cumulative impact with other windfarms
 - Noise & shadow flicker
 - Light pollution from aviation lighting
 - Impacts on residential amenity
 - Lack of socio-economic benefits
 - Adverse impacts on built and cultural heritage
 - Adverse impacts on ecology and wildlife
 - Adverse impact on tourism and Angus economy
 - Detriment to users of local viewpoint and footpaths
 - Impact on RAF radars and air traffic movement
 - Inappropriate decommissioning
 - Benefits do not outweigh disbenefits
 - Small contribution towards Government targets
 - Misrepresentative supporting information

The above matters are discussed under Section 8, Planning Considerations below.

○ Turbines are inefficient and lack of energy benefits to the local economy is not proportionate to the environmental impact - the effectiveness or efficiency of wind turbines or the appropriateness of Government targets/policy is not a matter for Council to consider in the determination of this application. However, an evaluation of the environmental impact of the development balanced against the environmental benefit of renewable energy generation is provided under Planning Considerations below.

○ Adverse health consequences - the Scottish Government's Specific Advice Sheet on Onshore Wind indicates that a recent report prepared for the Department of Energy and Climate Change concluded that there is no evidence of health effects arising from infrasound or low frequency noise generated by wind turbines. I do not consider that the proposal should give rise to any other significant health issues provided it is capable of complying with relevant conditions in relation to matters such as noise levels and shadow flicker.

○ Safety issues - in respect of turbines and safety, the Scottish Government's Specific Advice Sheet on Onshore Wind indicates that:- Companies supplying products and services to the wind energy industry operate to a series of international, European and British Standards. The build-up of ice on turbine blades is unlikely to present problems on the majority of sites. When icing occurs the turbines' own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines. Site operators also tend to have rigorous and computer aided maintenance regimes and control rooms can detect icing of

blades. Danger to human or animal life from falling parts or ice is rare. Similarly, lightning protection measures are incorporated in wind turbines to ensure that lightning is conducted harmlessly past the sensitive parts of the nacelle and down into the earth.

O The 21 day notification period is inadequate to allow the public to comment on planning applications - the notification period is specified by the Scottish Government and Angus Council has undertaken this process in accordance with the requirements of relevant Regulations. Notwithstanding this, third party representations have been accepted outwith the 21 day minimum period.

O Creation of a precedent - every application is considered on its own merits against relevant development plan policies and other material planning considerations. The acceptability of this application is assessed below.

O Devaluation of property value - Members will be aware this is not a valid planning objection.

O Loss of view - Members will be aware this is not a valid planning objection.

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

Policy S6 : Development Principles (Schedule 1)

Policy ER5 : Conservation of Landscape Character

Policy ER11 : Noise Pollution

Policy ER16 : Development Affecting the Setting of a Listed Building

Policy ER18 : Archaeological Sites of National Importance

Policy ER19 : Archaeological Sites of Local Importance

Policy ER20 : Historic Landscapes and Designed Landscapes

Policy ER34 : Renewable Energy Developments

Policy ER35 : Wind Energy Developments

TAYplan Strategic Development plan

Policy 3D : Natural and Historic Assets

Policy 6C : Consider Criteria as Minimum

Other Guidance

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during

this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

In addition to the development plan a number of matters are also relevant to the consideration of the application and these include: -

- o National Planning Framework for Scotland 3 (NPF3);
- o Scottish Planning Policy (SPP);
- o Scottish Government 'Specific Advice Sheet' on Onshore Wind Turbines;
- o Tayside Landscape Character Assessment;
- o Angus Council Implementation Guide for Renewable Energy Proposals (2012);
- o Strategic Landscape Capacity Assessment for Wind Energy in Angus (Ironsides Farrar - March 2014);
- o Angus Wind farms Landscape Capacity and Cumulative Impacts Study (Ironsides Farrar, 2008);
- o Siting and Designing Wind Farms in the Landscape (SNH, Version 2 May 2014)
- o Siting and Design of Small Scale Wind Turbines of Between 15 and 50 metres in height (SNH, March 2012);
- o 'Assessing The Cumulative Impact of Onshore Wind Energy Developments' (SNH, March 2012)
- o Planning Advice Note 1/2011: Planning and Noise.

NPF3 states that the Government is committed to a Low Carbon Scotland and through the priorities identified in the spatial strategy set a clear direction to tackling climate change through national planning policy. Renewable energy technologies, including onshore wind, are identified as key aspects to realising this aim whilst recognising that a planned approach to development is required to find the correct balance between safeguarding assets which are irreplaceable while facilitating change in a sustainable way.

The Scottish Planning Policy (SPP, June 2014) represents a statement of government policy on land use planning. In relation to onshore wind, the SPP states that 'Planning authorities should set out in the development plan a spatial framework identifying areas that are likely to be most appropriate for onshore wind farms... The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community and cumulative impacts... Proposals for onshore wind should continue to be determined while spatial frameworks are and local policies are being prepared and updated'. Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- o net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- o the scale of contribution to renewable energy generation targets;
- o effect on greenhouse gas emissions;
- o cumulative impacts - planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- o impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- o landscape and visual impacts, including effects on wild land;
- o effects on the natural heritage, including birds;
- o impacts on carbon rich soils, using the carbon calculator;

- o public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- o impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- o impacts on tourism and recreation;
- o impacts on aviation and defence interests and seismological recording;
- o impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- o impacts on road traffic;
- o impacts on adjacent trunk roads;
- o effects on hydrology, the water environment and flood risk;
- o the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- o opportunities for energy storage; and
- o the need for a robust planning obligation to ensure that operators achieve site restoration.

The Scottish Government's Planning Advice Notes relating to renewable energy have been replaced by Specific Advice Sheets (SAS). The 'Onshore Wind Turbines SAS' identifies typical planning considerations in determining planning applications for onshore wind turbines. The considerations identified in the SAS are similar to those identified by policies ER34 and ER35 of the ALPR and the SPP as detailed above.

Angus Council has produced an Implementation Guide for Renewable Energy Proposals. It provides guidance for development proposals ranging from small single turbines to major windfarms. It indicates that wind developments are the primary area of renewable energy proposals in Angus and the planning considerations are strongly influenced by the scale and location of the proposal including landscape and visual impact, potential adverse effects on designated natural and built heritage sites, protected species, residential amenity, soils, water bodies and access.

Scottish Natural Heritage in conjunction with Angus and Aberdeenshire Councils commissioned Ironside Farrar to review current landscape sensitivity and capacity guidance in relation to wind energy development. The Strategic Landscape Capacity Assessment for Wind Energy in Angus (November 2013) provides updated information on landscape capacity for wind energy development and the potential cumulative impact of proposals in the context of operational and consented developments.

Proposals for wind turbine developments and associated infrastructure are primarily assessed against policies ER34 and ER35 of the ALPR although other policies within the plan are also relevant. The policy position provides a presumption in favour of renewable energy developments recognising the contribution wind energy can make in generating renewable energy in Scotland. These policies also require consideration of impacts on ecology including birds; cultural heritage including listed buildings, scheduled monuments, designed landscapes and archaeology; aviation; amenity in the context of shadow flicker, noise and reflected light; landscape and visual impact including cumulative impacts; future site restoration; transmitting or receiving systems; any associated works including transmissions lines, road and traffic access/safety and the environmental impact of this. These policy tests overlap matters contained in other policies and therefore these matters are discussed on a topic by topic basis.

Environmental and Economic Benefits

Policy 6 of TAYplan indicates that one of its aims for the city region is to deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets. The local plan indicates that Angus Council supports the principle of developing sources of renewable energy in appropriate locations. The SPP sets out a "commitment to increase the amount of electricity generated from renewable sources" and includes a target for the equivalent of 100% of Scotland's electricity demand to be generated from renewable sources by 2020 along with a target of 30% of overall energy demand from renewable sources by 2020. Paragraph 154 of the SPP indicates that planning authorities should help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate

locations that contributes to electricity and heat from renewable sources.

The supporting information indicates the wind turbine development would allow the applicant to diversify his existing farm business by creating an additional sustainable source of income. It is indicated that the existing business has a carbon footprint the produces in excess of 6,000 tonnes of CO₂ and the proposed wind turbines could generate 2,900MWh per annum which would offset the emission of approximately 1,300 tonnes of CO₂ for every year of operation. In this respect I accept that the proposed turbines could make a contribution towards renewable energy generation and as such the proposals attract in principle support from the development plan. I have had regard to that contribution in undertaking my assessment of the proposal. To assess the acceptability of the proposals in terms of the more detailed technical issues, the policy tests must be explored.

Landscape Impact

Policy 6 of TAYplan indicates that in determining proposals for energy development consideration should be given to landscape sensitivity. Local Plan Policy ER5 (Conservation of Landscape Character) requires development proposals to take account of the guidance provided by the Tayside Landscape Character Assessment (TLCA), prepared for Scottish Natural Heritage (SNH) in 1999, and indicates that, where appropriate, sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape. Policy ER34 of the Local Plan indicates that proposals for renewable energy development will be assessed on the basis of no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints.

The application site lies within an area identified in the Tayside Landscape Character Assessment as 'Dipslope Farmland' Landscape Character Type (LCT) which is a 'medium' scale landscape type with interrupted views and a tamed naturalness. The site is located within an area of 'medium constraint' for windfarm development and the TLCA recognises that the suitability of this area will vary considerably. However, it acknowledges that the different character and quality within this area suggests that it may be better for wind farm development. It suggests that such developments should favour the shallow bowls on the dipslopes.

The Angus Windfarms Landscape Capacity and Cumulative Impacts Study undertaken by Ironside Farrar in September 2008 acknowledges that the Dipslope Farmland LCT is varied between small scale enclosed farmland to large open fields or small areas of heather moorland.

The Council's Implementation Guide for Renewable Energy Proposals suggests that this landscape character type has scope for turbines circa 80m in height. That does not mean that all sites will be capable of accommodating a turbine of that height and similarly it does not mean that turbines above that height will not be acceptable anywhere within the area. It provides some guidance which then requires site specific assessment.

The Strategic Landscape Capacity Assessment for Wind Energy in Angus (Finalised March 2014) classifies the area within which the turbine is proposed as Dipslope Farmland LCT and Redford Farmland landscape character area (sub-area iii). This centrally placed sub-area is the largest scale, highest and most open within the Dipslope Farmland. This is partly reflected in the scale of farms and field sizes. There are significant areas of large open fields with scattered settlement and roads, although it borders more populated areas. There are more sensitive areas including the Guynd designed landscape, and to the south of the linear ridge referred to above, proximity to the Coast LCA and settlements. An electricity transmission line crosses the southern part, descending to Arbroath. The Capacity Assessment advises that Redford Farmland has capacity for turbines up to 80m in height. The guidance indicates that this sub-area has the highest underlying capacity for wind energy in the Dipslope Farmland and is capable of accommodating medium/large turbines, subject to local constraints. The largest size turbines (medium/large) would be most suitable in the largest scale areas located in the centre and north of the sub area. Turbine groupings should remain relatively small and well separated to avoid overwhelming the underlying character.

In this instance the proposed turbines are 79.5 metres to blade tip and located at ground levels of 155 and 161 metres AOD. In the vicinity of the proposed development, there are trees, field boundary features, farm buildings and houses that provide a human scale to the landscape thereby creating a medium scale landscape. Whilst the turbines might generally be considered to be of an acceptable scale for the landscape character type, the proposed turbines are located on rising ground that form the ridge running between Boath Hill and Cairnconon Hill. The ridge of Cairnconon Hill is located at 183 metres AOD and the proposed turbines would be higher than the aforementioned ridge with their nacelle and blades projecting above the ridge. The turbines would commonly be viewed in direct scale comparison with the ridge and given the relative height of both, the turbine would affect the perception of landscape scale; in essence the ridge would look smaller and less pronounced than is currently the case. Whilst it is acknowledged that any wind turbine will have a substantial impact on the landscape of its immediate locality it is considered that the proposed turbines relate poorly to the scale of the surrounding landscape and that significant effects upon landscape character are likely to occur over an area of

Visual Impact

Policy S6 of the Angus Local Plan Review requires that proposals should not give rise to unacceptable visual impacts. Policy ER34 of the Local Plan also indicates that renewable energy development will be assessed on the basis of no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints. In assessing visual impact I consider that it is appropriate to have regard to recent appeal decisions within Angus where this issue has been considered in order to secure a degree of consistency in the decision making process.

Planning appeal decisions have generally accepted that residents should be treated as of high sensitivity in assessing the significance of visual impact. The magnitude of change (and, thus, the significance of the impact they will experience) will vary with the context of the house that they occupy: its distance from the proposed wind farm and orientation in relation to it; the presence of intervening screening from vegetation and other buildings; and the presence of other significant visual features. However it is not only the views from principal rooms that are of importance as residents also use the space around their house and the impact on occupiers and visitors approaching or leaving the properties must also be considered.

There are 20 residential properties located within 1km of the proposed turbines. The closest property Croft Cottage is located 651 metres to the south of the proposed turbines. This property has a 1½ storey garage located to the north of the house which screens any views from the house towards the turbines however there would be unobstructed views of the turbines from the side garden. Ardalinish and Coonawarra are located 748 metres to the south of the turbines. The turbine would be evident from the track that provides access to these properties however the screen planting along their northern boundaries and their relationship with Croft Cottage would reduce the visual impact of the turbines. Bonnycheer 810 metres to the south west of the turbines would have views of the turbines screened by enclosing vegetation along its northern boundary and I note that the occupants of this property have submitted a letter in support of the proposal and are therefore more likely to be prepared to accept any significant impacts associated with the development. Laverockhall, Dalveen, Inverbute, Three Trees and Willowdeen are located between 773 metres and 964 metres from the proposed turbines. These properties all have enclosing vegetation along their north and east boundaries which would significantly reduce the visual impact of the turbines. School House and Station House are located 850 metres to the west of the turbines. Station House would have no views towards the turbines but there would be unobstructed views of the turbines from the garden. School House is set back behind mature enclosing vegetation at its east boundary which reduces any views of the turbines from this property. The properties to the north and north west, Windyedge, West Cairnconon, Scotia House, Dummiesholes, West Grange of Conon Farmhouse, West Grange of Conon Bothy have principal elevations that face towards the proposed turbine. However, some of the properties would experience screening of the turbine from boundary hedging and trees and others have principal elevations that are at oblique angles to the turbines. Whilst I accept there will clearly be a visual impact from those properties nearest to the turbine, having regard to the physical relationship between the houses and the turbines I do not consider that the

impact on their residential amenity would be so significant as to be unacceptable and justify refusal of the application as a result.

The visualisation at viewpoint 18 gives an impression of the impact that would be experienced from Redford which lies 1.1km to the south west. The applicant's assessment suggests that the overall visual impact would be Major/Moderate at this location. The properties adjacent to the B961 opposite the junction with the C52 are located on an east/west axis with the front of the properties facing towards the turbines. These properties have screen planting along their east boundaries and Three Trees has substantial screen planting at its south and west boundaries which further reduces the views in the direction of the turbines. The properties along Burnhead Terrace have principal elevations that face north and south which would result in oblique views of the proposed turbines. In addition to the oblique nature of the views these would be partially screened by existing vegetation. Whilst I accept there will clearly be a visual impact from the village of Redford, having regard to the physical relationship between the houses in the village and the turbines I do not consider that the impact on their residential amenity would be so significant as to be unacceptable and justify refusal of the application as a result. In relation to the Guynd, viewpoint 1 illustrates the impact that would be experienced from this location. The Guynd in theory could have views of both turbines at a distance of 2.3km however due to enclosing vegetation this receptor would be unlikely to experience significant views of the turbines. I do not consider that the impacts at the Guynd would be so significant as to merit refusal of the application.

The turbine would have significant impacts on other residential property in the surrounding area and would also have significant impacts on roads and footpaths. However, I do not consider that any of those impacts would be so significant as to merit refusal of the application.

Cumulative Landscape and Visual Impact

An assessment of cumulative landscape and visual effects is also required by local and national policy. SNH Guidance on 'Assessing The Cumulative Impact of Onshore Wind Energy Developments' (March 2012) indicates that cumulative landscape effects can include effects on the physical aspects of the landscape and effects on landscape character. Cumulative visual effects can be caused by combined visibility and/or sequential effects. Combined visibility may be in combination i.e. where several wind farms are in the observers arc of vision or in succession where the observer has to turn to see various wind farms. Sequential effects occur when the observer has to move to another viewpoint to see different developments.

The Council's Implementation Guide identifies the Dipslope Farmland Landscape Character Type as a 'Landscape with Views of Windfarms' and suggests that it has capacity to change to a 'Landscape with Occasional Windfarms'. The Strategic Landscape Capacity Assessment for Wind Energy in Angus (Finalised March 2014) indicates most of the remaining lowland and coastal areas of Angus have some underlying capacity for wind energy development but are generally not suited to larger turbines, large groupings or extensive concentrations of wind turbine development. The proposed development is located within the LCT 13 Dipslope Farmland (Sub-Area iii). The proposed "limits to future development" for this part of the Sub-Area is landscape "with wind turbines".

In this case there are a number of other wind turbines operating, approved or currently within the planning system in the wider area and landscape character type and adjacent landscape character types. The following medium/large turbines are located within 7.7km of the application site. A 67 metre high turbine has been erected at North Mains of Cononsyth, 2.25km to the north; a 77 metre high turbine has been approved but not erected at Cuthlie, Arbroath, 2.35km to the south east; a 45.5 metre high turbine has been erected at Parkconon Farm, Colliston, 1.46km to the north east; a 47.5 metre high turbine has been erected at Newton of Idvies Farm, Letham, 4km to the north west; a 77 metre high turbine has been approved but not erected at Ascurry Farm, Letham, 4.2km to the north west; a 45.9 metre high turbine has been erected at Lochlair Farm, Carmyllie, 5.22km to the west; a 67 metre high turbine has been approved at Greenhillock, Kirkbuddo, 7.6km to the west; a 77 metre high turbine has been erected at Pickerton, Guthrie, 7.7km to the north. The following medium and small/medium turbines have been consented 2 x 24.8 metre high turbines have been erected at Muirhouses Farm, Arbroath, 2.99km to the

north east and a 17.75 metre high turbine has been erected at Dumbarrow Farmhouse 3.44km to the north west. There are undetermined planning applications for a 47.5 metre high turbine at Janestone Farm, Colliston, 3.2km to the north east; 48.5 metre high turbine at Newton of Boysack, Arbroath, 3.8km to the north east; 48.5 metre high turbine at East Mains of Colliston Farm, Arbroath, 4km to the east; 45.9 metre high turbine at Waulkmill Quarry, Inverkeilor, 8km to the north east and a 77 metre high turbine at Montquhir Farm, Carmyllie 4.28km to the south east is currently subject of an appeal to the Directorate for Planning and Environmental Appeals.

The Strategic Landscape Capacity Assessment suggests a maximum number of turbines in a group should be five with a separation distance between medium turbines of between 3-6km and a separation distance between medium/large turbines of 5-10km in this sub-area. Having regard to that guidance a separation distance between 4-8km would be desirable between medium and medium/large turbines. The development proposes 2 turbines which would result in the creation of a grouping of 10 medium/large turbines which exceeds the number highlighted above. The spacing distances with medium/large operational/approved turbines at North Mains of Cononsyth, Cuthlie, Ascurry Farm, Idvies Farm, Greenhillock, Stotfaulds, Lochlair, Parkconon and Pickerton would be considered too close based on the distances highlighted above. The existing grouping of medium turbines would be seen "in-combination" with the proposed turbine and sometimes "in-sequence". The varying distances between the operational/approved turbines would not be close enough to form a coherent group, but would similarly not be sufficiently separated to avoid significant cumulative effects. The turbines at North Mains of Cononsyth, Idvies Farm, Parkconon and Pickerton would commonly be seen "in-combination" with the proposed turbines when viewed from Strathmore generally to the south of Montreathmont Moor. More locally, they would be most commonly viewed "in-succession". Combined visibility of turbines would also be experienced from locations along the A933, B961, B9113, C51 and C53 classified roads. Taking all these points into account, the close proximity of the proposed turbines to other existing turbines is likely to lead to a landscape typology of "landscape with wind turbines". This is above the level anticipated by the Council's Implementation Guide and the cumulative landscape and visual impacts associated with the development are considered significant and unacceptable.

Amenity (Noise/Shadow Flicker/Reflected Light)

Criterion (a) of Policy ER34 requires the siting and appearance of renewable energy apparatus to be chosen to minimise its impact on amenity, while respecting operational efficiency. Policy ER35(c) indicates wind energy developments must have no unacceptable detrimental effect on residential amenity, existing land uses or road safety by reason of shadow flicker, noise or reflected light. Policy S6 Schedule 1 also refers to amenity impacts whilst Policy ER11 deals specifically with noise pollution.

The Environmental Health and Roads Services have raised no concerns regarding such impacts. On this basis I do not consider that there are any unacceptable amenity impacts from noise, shadow flicker, light, surrounding land uses or road safety that cannot be satisfactorily addressed by conditions.

Impact on Natural Heritage

The Angus Local Plan Review contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. It also indicates that the Local Biodiversity Action Plans will constitute material considerations in determining development proposals. Policy ER35 specifically requires that proposals should demonstrate that there is no unacceptable interference to birds.

It is relevant to consider that the site holds no statutory or non-statutory nature conservation designations. The Firth of Tay & Eden Estuary Special Protection Area (SPA), SAC and Ramsar Site is located 13km to the south of the application site. This area is a complex of estuarine and coastal habitats with the SAC designated for its marine habitats and mammals. The SPA supports populations of European important species and internationally important wintering migratory species. The supporting information does not identify potential for any significant impacts on this site. The supporting information also indicates there are no mammals of significance on the site.

It is noted that third parties have raised concern regarding the potential ecological impact of the development on pink footed geese. The RSPB has been consulted on the proposal and has not identified any significant concern. Other turbine proposals in the wider area and closer to the area that are generally considered more sensitive due to their goose populations are now operational and I am not aware of any significant impacts arising from their operation. Based on information available, the ecological effects of the wind turbine are not likely to be significant, and there appear to be no reasons why this proposal should be rejected on ecological grounds. Accordingly, on the basis of available environmental information, consultation responses and site visits I am satisfied that the ecological impact of the development does not justify refusal of this application.

Cultural Heritage

The development plan provides a number of policies that seek to safeguard cultural heritage. These include policies ER16, ER18 and ER19 of the Angus Local Plan Review. Policy ER34 requires proposals for renewable energy development to have no unacceptable detrimental effect on any sites designated for natural heritage, scientific, historic or archaeological reasons.

Within 2km of the proposed turbine there are no Scheduled Ancient Monuments or category A listed buildings. Between 2 - 5km of the proposed turbines there are Scheduled Ancient Monuments at West Mains of Colliston, enclosure; Mains of Colliston, enclosure; Colliston Castle, enclosure; Newton of Boysack, ring ditch; Dumbarrow Hill, fort; Kellyfield, enclosure; Damside Cottages, pit circle; Friock Mains, settlement and Cairn Knap. Between 2 - 5km there is a category A listed building at Gardyne Castle. The Guynd Historic Garden and Designed Landscape is located 2.3km to the south of the proposed turbines.

Historic Scotland has considered the proposal and has offered no objections in respect of impacts on interests within its remit. Aberdeenshire Council's Archaeological Service has indicated the application site is located in proximity to previously recorded archaeological sites dating to the prehistoric period and that a watching brief condition should be attached to any planning permission in relation to the remains of souterrains dating to the Iron Age (NO54SE0024 & NO54NE0012). The potential impact of the development on the setting of the aforementioned archaeological features has been considered and I am satisfied that the proposed development will not have any unacceptable impact on these features. The development is not considered to have unacceptable impacts on the other interests identified above.

In relation to the other listed buildings in the wider area the impact of the proposed development on these buildings has been assessed and is considered acceptable. Overall it is considered that the proposed development would not give rise to unacceptable impacts in terms of any cultural heritage interests.

Remaining Issues / Other Development Plan Considerations

The remaining policy tests cover the impact of transmission lines associated with energy generation developments; impacts on transmitting or receiving systems; impact of transporting equipment via road network and associated environmental impacts; impact on authorised aircraft activity; and arrangements for site restoration.

The submitted information indicates that power from the turbine will be transmitted along an 11kV or 33kV underground cable connecting the turbines to a substation adjacent to turbine 2 which is shown on the plans. I consider that a buried cable would have negligible impact in this area given the cultivated nature of the surrounding land.

With regards to impacts on TV and other broadcast reception it is recognised that wind turbine development can give rise to interference. However it is generally accepted that digital signals are more robust to such disruption than the previous analogue system. In this case technical consultees have not raised any concern and this matter can be addressed by planning condition.

In terms of access and road safety the applicant proposes to utilise an existing access track and vehicular

access and the Roads Service has considered the application and has no objections subject to conditions.

In relation to impacts on aircraft activity the MOD (subject to conditions), NATS, CAA and Dundee Airport have not objected to the application. On this basis I am satisfied that the proposal is unlikely to give rise to any significant impacts on authorised aircraft activity.

The applicant has indicated that the turbines would be located on site for a period of 25 years. A planning condition could be used to secure removal of the apparatus and restoration of the site.

Other Material Considerations

Scottish Government policy supports the provision of renewable energy development including wind farms. The SPP confirms that planning authorities should support the development of wind farms in locations where amongst other matters the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. The SPP also indicates that areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

In this case I accept that the wind turbines would contribute to meeting government targets and in this regard attracts some support from national policy and from the development plan. However, as discussed above I consider that this proposal would result in significant adverse landscape impacts. Whilst wind turbines are necessary to meet government energy targets and I accept that this is a location where the technology could operate, I do not consider that the environmental impacts have or can be satisfactorily addressed. Accordingly I do not consider that the proposal receives unqualified support from the SPP.

I recognise the benefit of producing electricity by renewable means, but I do not consider that there is anything in government policy that suggests this should be at the expense of landscape considerations. In the particular circumstances of this case, I do not consider that the environmental or economic benefit of the production of renewable energy outweighs the very direct harm that this proposal would cause to the landscape.

Conclusion

Regard has been given to the environmental information provided in relation to the application and comments received from consultees. Account has also been taken of all relevant representations made. As discussed above, it is concluded that although the proposed wind turbines would comply with some relevant policies and criteria in the development plan, this must be balanced against the significant and adverse landscape impacts identified. These impacts are considered to be unacceptable, and in this respect the proposal is considered to be contrary to the objectives of development plan policy. It is accepted that the development would contribute towards the meeting Government energy targets; however, Government guidance confirms that schemes should only be supported where technology can operate efficiently and where environmental and cumulative impacts can be satisfactorily addressed. In this case it is accepted that whilst the technology would operate efficiently the environmental impacts identified herein would not be satisfactorily addressed. Accordingly the proposed development is contrary to development plan policy. There are no material considerations that justify approval of the application contrary to the provisions of the development plan.

No legal agreement is required.

Human Rights Implications

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or

apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

Equalities Implications

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

Decision

The application is Refused

Reason(s) for Decision:

1. That the application is contrary to policies S1, S6, ER34 and ER35 of the Angus Local Plan Review (2009) as the provision of wind turbines of the height proposed would have an unacceptable landscape impact.

2. That the application is contrary to policies S1, S6, ER5, ER34 and ER35 of the Angus Local Plan Review (2009) as the provision of a wind turbine of the height proposed would have an unacceptable cumulative landscape and visual impact when viewed with other existing wind turbines.

Notes:

Case Officer: Ruari Kelly
Date: 4 December 2014

Appendix 1 - Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles

Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke,

soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
 (b) Proposals should not result in unacceptable visual impact.
 (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
 (e) Access to housing in rural areas should not go through a farm court.
 (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
 (g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
 (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
 (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
 (k) The planting of native hedgerows and tree species is encouraged.
 (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
 (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
 (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
 (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
 (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
 (r) Development should minimise waste by design and during construction.

Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Policy ER5 : Conservation of Landscape Character

Development proposals should take account of the guidance provided by the Tayside Landscape

Character Assessment and where appropriate will be considered against the following criteria:

- (a) sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape;
- (b) where required, landscape mitigation measures should be in character with, or enhance, the existing landscape setting;
- (c) new buildings/structures should respect the pattern, scale, siting, form, design, colour and density of existing development;
- (d) priority should be given to locating new development in towns, villages or building groups in preference to isolated development.

Policy ER11 : Noise Pollution

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere.

Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise-sensitive land uses. Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

Policy ER16 : Development Affecting the Setting of a Listed Building

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.

Policy ER18 : Archaeological Sites of National Importance

Priority will be given to preserving Scheduled Ancient Monuments in situ. Developments affecting Scheduled Ancient Monuments and other nationally significant archaeological sites and historic landscapes and their settings will only be permitted where it can be adequately demonstrated that either:

- (a) the proposed development will not result in damage to the scheduled monument or site of national archaeological interest or the integrity of its setting; or
- (b) there is overriding and proven public interest to be gained from the proposed development that outweighs the national significance attached to the preservation of the monument or archaeological importance of the site. In the case of Scheduled Ancient Monuments, the development must be in the national interest in order to outweigh the national importance attached to their preservation; and
- (c) the need for the development cannot reasonably be met in other less archaeologically damaging locations or by reasonable alternative means; and
- (d) the proposal has been sited and designed to minimise damage to the archaeological remains.

Where development is considered acceptable and preservation of the site in its original location is not possible, the excavation and recording of the site will be required in advance of development, at the developer's expense

Policy ER19 : Archaeological Sites of Local Importance

Where development proposals affect unscheduled sites of known or suspected archaeological interest, Angus Council will require the prospective developer to arrange for an archaeological evaluation to determine the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording any archaeological information. The evaluation will be taken into account when determining whether planning permission should be granted with or without conditions or refused.

Where development is generally acceptable and preservation of archaeological features in situ is not feasible Angus Council will require through appropriate conditions attached to planning consents or through a Section 75 Agreement, that provision is made at the developer's expense for the excavation and recording of threatened features prior to development commencing.

Policy ER20 : Historic Landscapes and Designed Landscapes

Sites included in the “Inventory of Gardens and Designed Landscapes in Scotland”, and any others that may be identified during the plan period, will be protected from development that adversely affects their character, amenity value and historic importance. Development proposals will only be permitted where it can be demonstrated that:

- (a) the proposal will not significantly damage the essential characteristics of the garden and designed landscape or its setting; or
- (b) there is a proven public interest, in allowing the development, which cannot be met in other less damaging locations or by reasonable alternative means.

Protection will also be given to non-inventory historic gardens, surviving features of designed landscapes, and parks of regional or local importance, including their setting.

Policy ER34 : Renewable Energy Developments

Proposals for all forms of renewable energy developments will be supported in principle and will be assessed against the following criteria:

- (a) the siting and appearance of apparatus have been chosen to minimise the impact on amenity, while respecting operational efficiency;
- (b) there will be no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints;
- (c) the development will have no unacceptable detrimental effect on any sites designated for natural heritage, scientific, historic or archaeological reasons;
- (d) no unacceptable environmental effects of transmission lines, within and beyond the site; and
- (e) access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable permanent change to the environment and landscape, and
- (f) that there will be no unacceptable impacts on the quantity or quality of groundwater or surface water resources during construction, operation and decommissioning of the energy plant.

Policy ER35 : Wind Energy Developments

Wind energy developments must meet the requirements of Policy ER34 and also demonstrate:

- (a) the reasons for site selection;
- (b) that no wind turbines will cause unacceptable interference to birds, especially those that have statutory protection and are susceptible to disturbance, displacement or collision;
- (c) there is no unacceptable detrimental effect on residential amenity, existing land uses or road safety by reason of shadow flicker, noise or reflected light;
- (d) that no wind turbines will interfere with authorised aircraft activity;
- (e) that no electromagnetic disturbance is likely to be caused by the proposal to any existing transmitting or receiving system, or (where such disturbances may be caused) that measures will be taken to minimise or remedy any such interference;
- (f) that the proposal must be capable of co-existing with other existing or permitted wind energy developments in terms of cumulative impact particularly on visual amenity and landscape, including impacts from development in neighbouring local authority areas;
- (g) a realistic means of achieving the removal of any apparatus when redundant and the restoration of the site are proposed.

TAYplan Strategic Development plan

Policy 3D : Natural and Historic Assets

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:-

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate

assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;

- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geo-diversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; and,
- identifying and safeguarding parts of the undeveloped coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development and set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate. Policy 6C : Consider Criteria as Minimum
Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations:-
- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;
- Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
- Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;
- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;
- Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,
- Consistency with the National Planning Framework and its Action Programme.

DEVELOPMENT BOUNDARIES

1.29 Angus Council has defined development boundaries around settlements to protect the landscape setting of towns and villages and to prevent uncontrolled growth. The presence of a boundary does not indicate that all areas of ground within that boundary have development potential.

Development boundaries:

Generally provide a definition between built-up areas and the countryside, but may include peripheral areas of open space that are important to the setting of settlements.

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Public interest: *Development would have benefits for the wider community, or is justifiable in the national interest.*

Proposals that are solely of commercial benefit to the proposer would not comply with this policy.

DEVELOPMENT PRINCIPLES

1.44 The principles in Schedule 1 provide a 'checklist' of factors which should be considered where relevant to development proposals. They include amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information. The Local Plan includes more detailed policies relating to some principles set out. Not all development proposals will require to comply with all of the principles.

Policy S6 : Development Principles

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles**Amenity**

- a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- b) Proposals should not result in unacceptable visual impact.
- c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

- d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- e) Access to housing in rural areas should not go through a farm court.
- f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17: Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary
- g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

- h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- k) The planting of native hedgerows and tree species is encouraged.
- l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

- m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

Waste Management

- q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).
- r) Development should minimise waste by design and during construction.

Supporting Information

- s) (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Landscape Character

3.10 The landscape of Angus is one of its most important assets. It ranges in character from the rugged mountain scenery of the Angus Glens, through the soft rolling cultivated lowland landscape of Strathmore to the sandy bays and cliffs of the coast.

3.11 A small part of north-west Angus is statutorily designated as part of a larger National Scenic Area (NSA). The character and quality of this landscape is of national significance and special care should be taken to conserve and enhance it. Part of the upland area of Angus, including the NSA, is contained within the Cairngorms National Park which is excluded from the Angus Local Plan Review. The guidance provided by the adopted Angus Local Plan will remain in force until it is replaced by a Cairngorms National Park Local Plan prepared by the National Park Authority. The Cairngorms was made a National Park in September 2003 because it is a unique and special place that needs to be cared for – both for the wildlife and countryside it contains and for the people that live in it, manage it and visit it. It is Britain's largest national park.

3.12 In seeking to conserve the landscape character of the area it is important to assess the impact of development proposals on all parts of the landscape. To assist in this the "Tayside Landscape Character Assessment (1999)" commissioned by Scottish Natural Heritage establishes landscape character zones and key character features within the local plan area to provide a better understanding of them and thus to enable better conservation, restoration, management and enhancement. Landscape Character Zones for the Local Plan Area are shown in Figure 3.2.

National Scenic Area:

Nationally important area of outstanding natural beauty, representing some of the best examples of Scotland's grandest landscapes particularly lochs and mountains.

National Park (Scotland) Act 2000 sets out four key aims for the park:

- *To conserve and enhance the natural and cultural heritage of the area;*
- *To promote sustainable use of the natural resources of the area;*
- *To promote understanding and enjoyment (including recreation) of the special qualities of the area by the public;*
- *To promote sustainable economic and social development of the area's communities.*

Tayside Landscape Character Assessment 1999:

A detailed hierarchical assessment based on variations in the Tayside landscape, with a series of management and planning guidelines designed to conserve and enhance its distinctive character.

Figure 3.2 : Landscape Character Zones



- 1a** Upper Highland Glens
- 1b** Mid Highland Glens
- 3** Highland Summits & Plateaux
- 5** Highland Foothills
- 8** Igneous Hills
- 10** Broad Valley Lowland

- 12** Low Moorland Hills
- 13** Dipslope Farmland
- 14a** Coast with sand
- 14b** Coast with cliffs
- 15** Lowland Basin

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3.13 Where appropriate, development proposals will be considered in the context of the guidance provided by the Tayside Landscape Character Assessment. The assessment identifies different landscape character zones, considers their capacity to absorb change, and indicates how various types of development might best be accommodated to conserve characteristic landscape features and to strengthen and enhance landscape quality. Particular attention is focussed on the location, siting and design of development and the identification of proposals which would be detrimental to the landscape character of Angus.

Policy ER5 : Conservation of Landscape Character

Development proposals should take account of the guidance provided by the Tayside Landscape Character Assessment and where appropriate will be considered against the following criteria:

- (a) sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape;**
- (b) where required, landscape mitigation measures should be in character with, or enhance, the existing landscape setting;**
- (c) new buildings/structures should respect the pattern, scale, siting, form, design, colour and density of existing development;**
- (d) priority should be given to locating new development in towns, villages or building groups in preference to isolated development.**

Noise Pollution

3.20 Noise can have a significant impact on our health, quality of life and the general quality of the environment. The planning system has an important role in preventing and limiting noise pollution and the noise implications of development can be a material consideration in determining applications for planning permission adjacent to existing noise sensitive development or where new noise sensitive development is proposed.

Policy ER11 : Noise Pollution

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere. Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise sensitive land uses.

Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

*Planning Advice Note 56 -
Planning and Noise (1999)
Noise sensitive land uses should
be generally regarded as including
housing, hospitals, educational
establishments, offices and some
livestock farms.*

LISTED BUILDINGS

3.34 The relationship of a listed building with the buildings, landscape and spaces around it is an essential part of its character. The setting of a listed building is, therefore, worth preserving and may extend to encompass land or buildings some distance away. Insensitive development can erode or destroy the character and/or setting of a listed building. Consequently planning permission will not be granted for development which adversely affects the setting of a Listed Building. Trees and landscaping, boundary walls and important elevations may be particularly sensitive to the effects of development.

Policy ER16 : Development Affecting the Setting of a Listed Building

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.

Ancient Monuments and Archaeological Sites

3.36 Angus has a rich heritage of archaeological remains ranging from crop marks and field systems through to structures such as standing stones, hill forts, castles and churches. They are evidence of the past development of society and help us to understand and interpret the landscape of today. They are a finite and non-renewable resource to be protected and managed.

3.37 Sites considered to be of national importance are scheduled by Scottish Ministers as Ancient Monuments. There are over 200 such sites in Angus with additional sites regularly being incorporated into the List. In addition, there are other monuments of regional or local significance. All of these sites and monuments, whether scheduled or not, are fragile and irreplaceable.

3.38 The owner or occupier of a scheduled ancient monument is required to obtain consent from Historic Scotland for repairs, alterations, demolition, or any work affecting the monument. In order therefore to protect the scheduled monument any planning application that may affect it will be notified to Historic Scotland and their comments taken into account in determining development proposals.

Policy ER18 : Archaeological Sites of National Importance

Priority will be given to preserving Scheduled Ancient Monuments in situ. Developments affecting Scheduled Ancient Monuments and other nationally significant archaeological sites and historic landscapes and their settings will only be permitted where it can be adequately demonstrated that either:

- a) the proposed development will not result in damage to the scheduled monument or site of national archaeological interest or the integrity of its setting; or
- b) there is overriding and proven public interest to be gained from the proposed development that outweighs the national significance attached to the preservation of the monument or archaeological importance of the site. In the case of Scheduled Ancient Monuments, the development must be in the national interest in order to outweigh the national importance attached to their preservation; and
- c) the need for the development cannot reasonably be met in other less archaeologically damaging locations or by reasonable alternative means; and
- d) the proposal has been sited and designed to minimise damage to the archaeological remains.

Where development is considered acceptable and preservation of the site in its original location is not possible, the excavation and recording of the site will be required in advance of development, at the developer's expense.

NPPG 5: Planning and Archaeology (1994)

Sets out the role of the planning system in protecting ancient monuments and archaeological sites and landscapes. The Government seeks to encourage the preservation of our heritage of sites and landscapes of archaeological and historic interest. The development plan system provides the policy framework for meeting the need for development along with the need for preserving archaeological resources.

PAN 42 : Archaeology – the Planning Process and Scheduled Monument Procedure (1994)

Archaeological remains offer a tangible, physical link with the past. They are a finite and non-renewable resource containing unique information about our past and the potential for an increase in future knowledge. Such remains are part of Scotland's identity and are valuable both for their own sake and for education, leisure and tourism. The remains are often fragile and vulnerable to damage or destruction; care must therefore be taken to ensure that they are not needlessly destroyed.

Scheduled Ancient Monument (SAM):

The site of a scheduled monument and any other monument which in the opinion of the Scottish Ministers is of public interest by reason of its historic, architectural, traditional, artistic or archaeological interest.

3.39 While the best examples of valuable archaeological sites are designated of national importance there are numerous examples of historic sites in both urban and rural areas that are of local significance. There are also other sites where finds may have been made in the past but no remains are known to date.

3.40 Within the mediaeval burghs of Arbroath, Brechin, Forfar and Montrose areas of primary and secondary archaeological significance were identified through the Scottish Burgh Surveys undertaken in the late 1970s. This provides an indicator for prospective developers that where redevelopment is being proposed an archaeological assessment may be required prior to commencement of works or at least a watching brief during excavations.

Policy ER19 : Archaeological Sites of Local Importance

Where development proposals affect unscheduled sites of known or suspected archaeological interest, Angus Council will require the prospective developer to arrange for an archaeological evaluation to determine the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording any archaeological information. The evaluation will be taken into account when determining whether planning permission should be granted with or without conditions or refused.

Where development is generally acceptable and preservation of archaeological features in situ is not feasible Angus Council will require through appropriate conditions attached to planning consents or through a Section 75 Agreement, that provision is made at the developer's expense for the excavation and recording of threatened features prior to development commencing.

Historic Gardens and Designed Landscapes

3.41 There are many fine examples of estates, parks and gardens, which help to form the landscape quality of Angus. The contribution of these historic and designed landscapes to the appearance of Tayside is recognised in the Tayside Landscape Character Assessment (1999).

3.42 Angus Council will seek to protect and enhance historic gardens and designed landscapes currently included in the Inventory of Gardens and Designed Landscapes in Scotland (1989), and any others that may be identified during the plan period as well as non-inventory sites of local or regional importance. Although it is recognised that non-inventory sites make an important contribution to the character of the landscape of Angus, further research is required to determine their number and location.

Inventory of Gardens and Designed Landscapes in Scotland(1989):

A detailed list compiled by Historic Scotland and Scottish Natural Heritage as being of architectural or historic interest. Inventory sites in Angus include:

*Airlie Castle
Ascreavie
Brechin Castle
Cortachy Castle
Edzell Castle
Glamis Castle
Guthrie Castle
The Guynd
House of Dun
House of Pitmuies
Kinnaird Castle*

Policy ER20 : Historic Gardens and Designed Landscapes

Sites included in the “Inventory of Gardens and Designed Landscapes in Scotland”, and any others that may be identified during the plan period, will be protected from development that adversely affects their character, amenity value and historic importance. Development proposals will only be permitted where it can be demonstrated that:

- (a) the proposal will not significantly damage the essential characteristics of the garden and designed landscape or its setting; or**
- (b) there is a proven public interest, in allowing the development, which cannot be met in other less damaging locations or by reasonable alternative means.**

Protection will also be given to non-inventory historic gardens, surviving features of designed landscapes, and parks of regional or local importance, including their setting.

Renewable Energy

3.72 The Scottish Executive is strongly supportive of renewable energies and has set a target of 17-18% of Scotland's electricity supply to come from renewable sources by 2010. NPPG6: Renewable Energy Developments (Revised 2000) considers a range of renewable energy technologies and encourages the provision of a positive policy framework to guide such developments. The Scottish Executive's aspiration is for renewable sources to contribute 40% of electricity production by 2020, an estimated total installed capacity of 6GW (Minister for Enterprise, July 2005). This will require major investment in commercial renewable energy production and distribution capacity throughout Scotland.

3.73 The Dundee and Angus Structure Plan acknowledges the advantages of renewable energy in principle but also recognises the potential concerns associated with development proposals in specific locations. Angus Council supports the principle of developing sources of renewable energy in appropriate locations. Large-scale developments will only be encouraged to locate in areas where both technical (e.g. distribution capacity and access roads) and environmental capacity can be demonstrated.

3.74 Developments which impinge on the Cairngorms National Park will be considered within the context of the National Park Authority's Planning Policy No1: Renewable Energy.

Renewable Energy Sources

3.75 Offshore energy production, including wind and tidal methods, has the potential to make a significant contribution to the production of renewable energy in Scotland. Other than small-scale onshore support buildings, such developments currently fall outwith the remit of the planning system.

3.76 All renewable energy production, including from wind, water, biomass, waste incineration and sources using emissions from wastewater treatment works and landfill sites will require some processing, generating or transmission plant. Such developments, that can all contribute to reducing emissions will have an impact on the local environment and will be assessed in accordance with Policy ER34.

Policy ER34 : Renewable Energy Developments

Proposals for all forms of renewable energy development will be supported in principle and will be assessed against the following criteria:

NPPG6: Renewable Energy Developments (Revised 2000)

The Scottish Ministers wish to see the planning system make positive provision for renewable energy whilst at the same time:

- *meeting the international and national statutory obligations to protect designated areas, species, and habitats of natural heritage interest and the historic environment from inappropriate forms of development; and*
- *minimising the effects on local communities.*

Large-scale projects which may or will require an Environmental Assessment. These are defined as hydroelectric schemes designed to produce more than 0.5MW and wind farms of more than 2 turbines or where the hub height of any turbine or any other structure exceeds 15m.

SNH's EIA Handbook identifies 6 types of impact which may require an assessment:

- *Landscape and visual;*
- *Ecological;*
- *Earth heritage;*
- *Soil;*
- *Countryside access; and*
- *Marine environment.*

- (a) the siting and appearance of apparatus have been chosen to minimise the impact on amenity, while respecting operational efficiency;
- (b) there will be no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints;
- (c) the development will have no unacceptable detrimental effect on any sites designated for natural heritage, scientific, historic or archaeological reasons;
- (d) no unacceptable environmental effects of transmission lines, within and beyond the site; and
- (e) access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable permanent and significant change to the environment and landscape.

Wind Energy

3.77 Onshore wind power is likely to provide the greatest opportunity and challenge for developing renewable energy production in Angus. Wind energy developments vary in scale but, by their very nature and locational requirements, they have the potential to cause visual impact over long distances. Wind energy developments also raise a number of environmental issues and NPPG 6 advises that planning policies should guide developers to broad areas of search and to establish criteria against which to consider development proposals. In this respect, Scottish Natural Heritage Policy Statement 02/02, Strategic Locational Guidance for Onshore Wind Farms in Respect of the Natural Heritage, designates land throughout Scotland as being of high, medium or low sensitivity zones in terms of natural heritage. Locational guidance is provided to supplement the broad-brush zones.

3.78 A range of technical factors influence the potential for wind farm development in terms of location and viability. These include wind speed, access to the distribution network, consultation zones, communication masts, and proximity to radio and radar installations. Viability is essentially a matter for developers to determine although annual average wind speeds suitable for commercially viable generation have been recorded over most of Angus, other than for sheltered valley bottoms. Environmental implications will require to be assessed in conjunction with the Council, SNH and other parties as appropriate.

Strategic Locational Guidance for Onshore Windfarms in Respect of the Natural Heritage - Scottish Natural Heritage Policy Statement No 02/02

Zone 3 – high natural heritage sensitivity. Developers should be encouraged to look outwith Zone 3 for development opportunities

Zone 2 – medium natural heritage sensitivity. ...while there is often scope for wind farm development within Zone 2 it may be restricted in scale and energy output and will require both careful choice of location and care in design to avoid natural heritage impacts.

Zone 1 - ...inclusion of an area in Zone 1 does not imply absence of natural heritage interest. Good siting and design should however enable such localised interests to be respected, so that overall within Zone 1, natural heritage interests do not present a significant constraint on wind farm development

Figure 3.4 : Geographic Areas



1 Highland

2 Lowland and Hills

3 Coast

TLCA Designation

- 1a Upper Highland Glens
- 1b Mid Highland Glens
- 3 Highland Summits & Plateaux
- 5 Highland Foothills

TLCA Designation

- 8 Igneous Hills
- 10 Broad Valley Lowland
- 12 Low Moorland Hills
- 13 Dipslope Farmland

TLCA Designation

- 14a Coast with sand
- 14b Coast with cliffs
- 15 Lowland Basin

3.79 Scottish Natural Heritage published a survey of Landscape Character, the Tayside Landscape Character Assessment (TLCA), which indicates Angus divides naturally into three broad geographic areas – the Highland, Lowland and hills and the Coast. The Tayside Landscape Character Assessment provides a classification to map these areas based on their own particular landscape characteristics (Fig 3.4).

Area	TLCA Classification	Landscape Character
1 Highland	1a, 1b, 3, 5	Plateaux summits, glens and complex fault line topography
2 Lowland and hills	8, 10, 12,13	Fertile strath, low hills and dipslope farmland.
3 Coast	14a, 14b, 15	Sand and cliff coast and tidal basin

The impact of wind farm proposals will, in terms of landscape character, be assessed against the TLCA classifications within the wider context of the zones identified in SNH Policy Statement 02/02.

3.80 The open exposed character of the Highland summits and the Coast (Areas 1 and 3) is sensitive to the potential landscape and visual impact of large turbines. The possibility of satisfactorily accommodating turbines in parts of these areas should not be discounted although locations associated with highland summits and plateaux, the fault line topography and coast are likely to be less suitable. The capacity of the landscape to absorb wind energy development varies. In all cases, the scale layout and quality of design of turbines will be an important factor in assessing the impact on the landscape.

3.81 The Highland and Coast also have significant natural heritage value, and are classified in SNH Policy Statement 02/02 as mainly Zone 2 or 3 - medium to high sensitivity. The development of large scale wind farms in these zones is likely to be limited due to potential adverse impact on their visual character, landscape and other natural heritage interests.

3.82 The Lowland and Hills (Area 2) comprises a broad swathe extending from the Highland boundary fault to the coastal plain. Much of this area is classified in Policy Statement 02/02 as Zone 1- lowest sensitivity. Nevertheless, within this wider area there are locally important examples of higher natural heritage sensitivity such as small- scale landscapes, skylines and habitats which will influence the location of wind turbines. In all cases, as advocated by SNH, good siting and design should show respect for localised interests.

3.83 Wind farm proposals can affect residential amenity, historic and archaeological sites and settings, and other economic and social activities including tourism. The impact of wind farm developments on these interests requires careful assessment in terms of sensitivity and scale so that the significance can be determined and taken into account.

3.84 Cumulative impact occurs where wind farms/turbines are

visually interrelated e.g. more than one wind farm is visible from a single point or sequentially in views from a road or a footpath. Landscape and visual impact can be exacerbated if wind turbines come to dominate an area or feature. Such features may extend across local authority, geographic or landscape boundaries and impact assessments should take this into account. Environmental impacts can also be subject to cumulative effect – for example where a number of turbine developments adversely affect landscape character, single species or habitat type.

3.85 SNH advise that an assessment of cumulative effects associated with a specific wind farm proposal should be limited to all existing and approved developments or undetermined Section 36 or planning applications in the public domain. The Council may consider that a pre-application proposal in the public domain is a material consideration and, as such, may decide it is appropriate to include it in a cumulative assessment. Similarly, projects outwith the 30km radius may exceptionally be regarded as material in a cumulative context.

Policy ER35 : Wind Energy Development

Wind energy developments must meet the requirements of Policy ER34 and also demonstrate:

- (a) the reasons for site selection;**
- (b) that no wind turbines will cause unacceptable interference to birds, especially those that have statutory protection and are susceptible to disturbance, displacement or collision;**
- (c) there is no unacceptable detrimental effect on residential amenity, existing land uses or road safety by reason of shadow flicker, noise or reflected light;**
- (d) that no wind turbines will interfere with authorised aircraft activity;**
- (e) that no electromagnetic disturbance is likely to be caused by the proposal to any existing transmitting or receiving system, or (where such disturbances may be caused) that measures will be taken to minimise or remedy any such interference;**
- (f) that the proposal must be capable of co-existing with other existing or permitted wind energy developments in terms of cumulative impact particularly on visual amenity and landscape, including impacts from development in neighbouring local authority areas;**
- (g) a realistic means of achieving the removal of any apparatus when redundant and the restoration of the site are proposed.**

NPPG6 : Renewable Energy Developments (Revised 2000)

Large-scale projects which may or will require an Environmental Assessment. These are defined as hydroelectric schemes designed to produce more than 0.5MW and wind farms of more than 2 turbines or where the hub height of any turbine or any other structure exceeds 15m.

Local Community Benefit

3.86 Where renewable energy schemes accord with policies in this local plan there may be opportunities to secure contributions from developers for community initiatives. Such contributions are not part of the planning process and as such will require to be managed through other means than obligations pursuant to Section 75 Planning Agreement. Community contributions are separate from planning gain and will not be considered as part of any planning application.

Managing TAYplan's Assets: Safeguarding resources and land with potential to support the sustainable economic growth.

Delivering the vision and objectives of this Plan requires management of land and conservation of resources. This recognises that good quality development and the right type of development in the right places can lead to a series of social, economic and environmental benefits for those areas and the TAYplan region as a whole. This Plan balances these factors with the sometimes competing nature of different land uses.

This Plan safeguards for present and future generations important resources and land with potential to support the economy. It also requires us to ensure that development and growth in the economy occur in a way that does not place unacceptable burdens on environmental capacity and increase the exposure of users or inhabitants to risks. This can be achieved by directing development to specific locations (Policies 1, 4, 5, 6 and 7); ensuring that development is fit for place (Policies 2 and 8); and, that some areas or assets are safeguarded for a specific range of land uses (Policy 3).

This is important to support the growth of emerging sectors of the economy, such as the off-shore renewable energy sector through the protection of the region's ports for port-related uses, particularly Dundee and Montrose Ports. Similarly employment land, particularly in rural areas, can be affected through redevelopment for alternative uses or by alternative uses nearby. This could hinder or even prevent the start up of businesses in the future and/or limit business operations.

The economic recovery of the region and new development will need to be supported by appropriate infrastructure, particularly transport infrastructure. This will also contribute to behavioural change and reducing reliance on the car and on road-based freight. Ensuring that this can be delivered will require land and routes to be protected from prejudicial development. It also requires the public and private sectors to work jointly to deliver infrastructure.

Supporting future food and resource security will require the protection of finite resources like minerals, forestry and prime agricultural land* by management as one consideration in the prioritisation of land release under Policy 1.

Limiting the types of land uses that can occur within green belts at Perth and St. Andrews will contribute to protecting the settings and historic cores of those settlements from inappropriate development and prevent coalescence with neighbouring areas.

It is essential to grow the economy within environmental limits and build-in resilience to climate change, natural processes and increased risk from sea level rise. Identifying environmentally sensitive areas and important natural and historic assets where no or very limited development would be permitted, such as some coastal areas, Natura 2000** sites and other locations, will contribute to this. It will also be important to ensure that plans for managed realignment of coast and other coastal management are devised in liaison with Scottish Natural Heritage and Marine Scotland.



*Prime agricultural land: Land classes 1, 2 and 3.1 – these are the most suited to arable agriculture.

**Natura 2000: European-wide designations to protect habitats and species – special protection areas (SPAs), Ramsar sites and special areas of conservation (SACs)

Policy 3: Managing TAYplan's Assets

- identifying and safeguarding at least 5 years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements;
- safeguarding areas identified for class 4 office type uses in principal settlements; and,
- further assisting in growing the year-round role of the tourism sector.

- continuing to designate green belt boundaries at both St. Andrews and Perth to preserve their settings, views and special character including their historic cores; assist in safeguarding the countryside from encroachment; to manage long term planned growth including infrastructure in this Plan's Proposals Map and Strategic Development Areas in Policy 4; and define appropriate forms of development within the green belt based on Scottish Planning Policy;

Perth Core Area



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- using Perth green belt to sustain the identity of Scone, and provide sufficient land for planned development around key villages and settlements.

using the location priorities set out in Policy 1 of this Plan to:

- safeguard minerals deposits of economic importance and land for a minimum of 10 years supply of construction aggregates at all times in all market areas; and,
- protect prime agricultural land, new and existing forestry areas, and carbon rich soils (where identified) where the advantages of development do not outweigh the loss of productive land.

Employment Land

Greenbelts

Natural and Historic Assets*

Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets by:

Transport

Finite Resources

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; and,
- identifying and safeguarding parts of the undeveloped coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development and set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate.

- safeguarding land at Dundee and Montrose Ports, and other harbours, as appropriate, for port related uses to support freight, economic growth and tourism; and,
- safeguarding land for future infrastructure provision (including routes), identified in the Proposal Map of this Plan or other locations or routes, as appropriate, or which is integral to a Strategic Development Area in Policy 4 of this Plan, or which is essential to support a shift from reliance on the car and road-based freight and support resource management objectives.

*Natural and historic assets: Landscapes, habitats, wildlife sites and corridors, vegetation, biodiversity, green spaces, geological features, water courses and ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and other designed landscapes, and other features (this includes but is not restricted to designated buildings or areas).

Energy and Waste/Resource Management Infrastructure: Ensures that energy and waste/resource management infrastructure are in the most appropriate locations.

This Plan seeks to reduce resource consumption through provision of energy and waste/resource management infrastructure* in order to contribute to Scottish Government ambitions for the mitigation of and adaptation to climate change and to achieve zero waste. It also aims to contribute towards greater regional energy self-sufficiency.

This requires us to use less energy and to generate more power and heat from renewable sources and resource recovery; and, to consider waste from start to finish; becoming better at resource management. This is strongly tied into resource security and living within environmental limits. It also presents opportunities to grow the renewable energy and waste/resource management sector as a whole within the TAYplan region. The issue is no longer about whether such facilities are needed but instead about helping to ensure they are delivered in the most appropriate locations.

Land use planning is only one of the regulatory requirements that energy and waste/resource management operators must consider. This Plan does not provide the locations for energy infrastructure; this role is for Local Development Plans. It sets out a series of locational considerations for all energy and waste/resource management infrastructure as the impacts and operations of these share similar characteristics.

This Plan ensures consistency between Local Development Plans in fulfilling Scottish Planning Policy requirements to define areas of search for renewable energy infrastructure and it applies this to a wide range of energy and waste/resource management infrastructure.

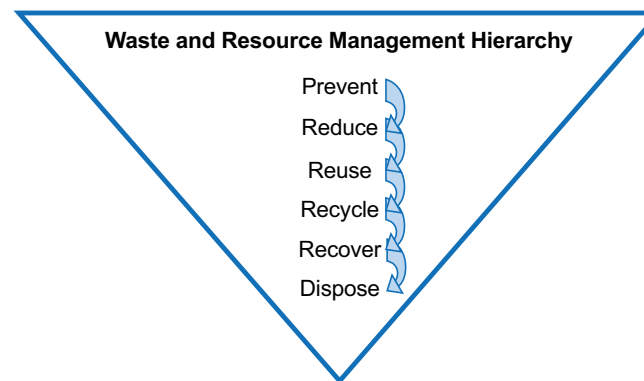
It recognises the different scales – property (eg micro-renewables or individual waste facilities), community (eg district heating and power or local waste facilities) and regional/national (eg national level schemes and waste facilities for wide areas) at which this infrastructure can be provided and both the individual and cumulative contribution that can be made, particularly by community and property scale infrastructure, to Scottish Government objectives for greater decentralisation of heat and energy.

Changes in the law allowing surplus power to be sold back to the national grid and other incentives could stimulate interest from local authorities, businesses, householders, community land trusts and other groups to obtain loans for energy infrastructure to enable development to meet local or individual needs in future. Similarly the price of materials in the global market place may continue to stimulate business interests in resource recovery.

Many of the region’s existing waste management facilities have additional capacity or could be expanded in situ, including the strategic scale facilities at Binn Farm near Glenfarg and DERL at Baldovie in Dundee. No requirement for new landfill sites has been identified before 2024 and successful implementation of the Scottish Government’s Zero Waste Plan and expansion of other treatment facilities could extend this to and beyond 2032.

This Plan encourages new strategic scale waste/resource management infrastructure to be within or close to the Dundee and Perth Core Areas reflecting the proximity of materials and customers for heat and other products.

Modern waste/resource management infrastructure is designed and regulated to high standards and is similar to other industrial processes. Subject to detailed site specific considerations, waste management facilities can be considered appropriate land uses within industrial and employment sites.



*Energy and waste management infrastructure: Infrastructure for heat and power generation and transmission; and, collection, separation, handling, transfer, processing, resource recovery and disposal of waste. This includes recycling plants, anaerobic waste digesters, energy from waste plants, wind turbines, biomass plants, combined heat and power plants, solar power, hydro electric power plants and similar facilities.

Policy 6: Energy and Waste/Resource Management Infrastructure

To deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets:

A. Local Development Plans should identify areas that are suitable for different forms of renewable heat and electricity infrastructure and for waste/resource management infrastructure or criteria to support this; including, where appropriate, land for process industries (e.g. the co-location/proximity of surplus heat producers with heat users).

B. Beyond community or small scale facilities waste/resource management infrastructure is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).

C. Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations:

- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;
- Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
- Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on off-site properties;
- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;
- Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,
- Consistency with the National Planning Framework and its Action Programme.

TAY13: DIPSLOPE FARMLAND

The *Dipslope Farmland* LCA is an extensive area of lowland farmland extending from Dundee in the west to Montrose in the north. It slopes gradually from the Sidlaw and Forfar Hills in the north and west to near sea level in the south and east. At over 40km by a maximum of 15km the often open character is dominated by productive predominantly arable land use with simple geometric field patterns. Nevertheless there are subtle variations according to elevation, tree cover and surrounding landscape context. Generally medium scale, but with areas of medium-large scale, as well as more intimate settled areas. The LCA has been divided into six sub-areas on the basis of differences in landscape character and potential sensitivity to wind energy. There is a linear ridge which delineates the different relationship of *Dipslope Farmland* with the coast to the south and undulating plateau to the north, defining the scale of acceptable turbines. This is further developed in the detailed sub-area guidance.

(i) TEALING FARMLAND

The sub-area north of Dundee is characterised by the backdrop of the Sidlaw Hills and the influence of development including several electricity transmission lines converging on a major substation (proposed for expansion); the A90 and a higher density of settlement, although Dundee itself is substantially screened from areas north of the city by a rounded ridgeline. Nevertheless there are areas of less developed character in the east and north where the farmland merges into the lower slopes of the Sidlaw Hills.



Electricity lines, settlement and lines of trees characterise the Tealing Farmland

(ii) CROMBIE/ MONIKIE FARMLAND

The sub-area northeast of Dundee is less contained to the north than sub-area (i) and is characterised by farmland and extensive woodland and forestry planting. There is settlement over much of the area, two country parks and estate policies of the former Panmure house. This has a slightly smaller more enclosed scale than much of the surrounding *Dipslope Farmland*. It is visually sensitive due to its proximity to roads, settlements and nearby hills, although tree cover limits visibility in many areas. It is crossed by an electricity transmission line.

(iii) REDFORD FARMLAND

This centrally placed sub-area is the largest scale, highest and most open within the *Dipslope Farmland*. This is partly reflected in the scale of farms and field sizes. There are significant areas of large open fields with scattered settlement and roads, although it borders more populated areas. There are more sensitive areas including the Guynd designed landscape, and to the south of the linear ridge referred to above, proximity to the Coast LCA and settlements. An electricity transmission line crosses the southern part, descending to Arbroath.



Open panoramic views near Redford

(iv) LETHAM, LUNAN WATER AND ARBROATH VALLEYS

This sub-area, lying between three areas of higher *Dipslope Farmland* and the *Low Moorland Hills*, follows the Lunan Water and other more minor drainage lines flowing to Arbroath. In places there is a distinct valley landform. There is extensive settlement and road network through much of the area. This has a smaller more enclosed scale than the higher areas of *Dipslope Farmland* and is visually sensitive due to the higher resident population. There are designed landscapes and listed buildings at Guthrie and Pitmuies in the north.



More enclosed landscape in the Lunan Valley

(v) ETHIE FARMLAND

This small sub-area of higher farmland is adjacent to the coast and bordered on the inland sides by the Lunan Water and other drainage lines flowing to Arbroath. Settlement and the road network are relatively sparse. There are two large houses with policies that operate as country house hotels. The high exposed boundary with a *Coast with Cliffs* LCA is potentially sensitive.

(vi) ROSSIE MOOR

This sub-area of isolated higher ground at the north eastern end of the LCA is widely visible. It has coastal exposure, merging with the *Usan Coast with Cliffs* and *Lunan Bay Coast with Sand* LCAs to the east, and Montrose Basin to the north. It is also bordered by the Lunan Water to the south where it slopes into a distinctive valley. It forms a backdrop to Montrose Basin and town.

Settlement and the road network is relatively sparse and fields are often large scale.

A relatively extensive area of unimproved moorland popular with walkers lies on the higher ground. There is a designed landscape and listed buildings at Dunninald Castle.

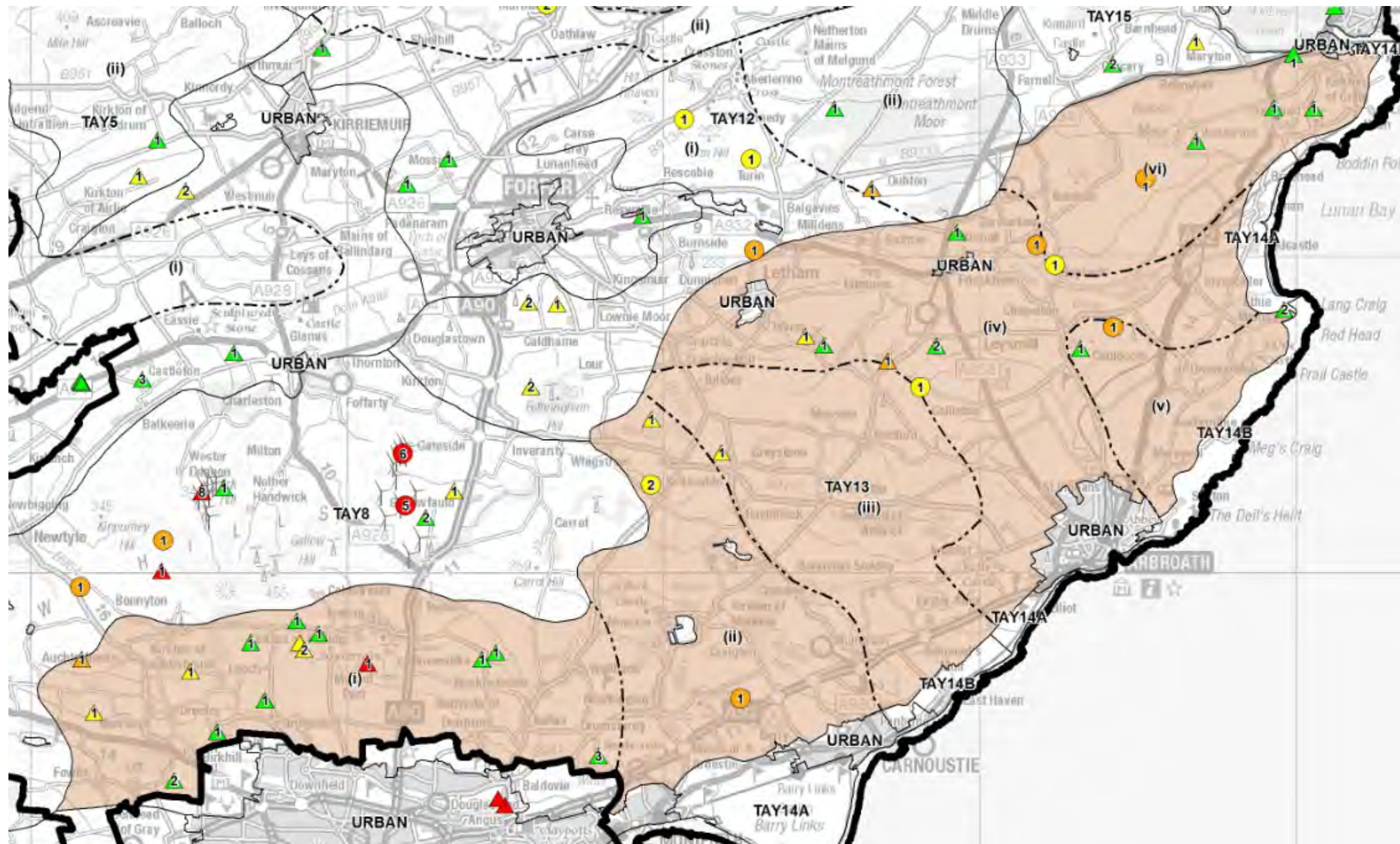


Table 6.1(g) Summary of Landscape Capacity, Cumulative Effects and Guidance for Future Wind Energy Development: Dipslope Farmland

LANDSCAPE CHARACTER TYPE TAY 13: DIPSLOPE FARMLAND																		
Key: <input type="radio"/> No Capacity <input type="radio"/> Low Capacity <input type="radio"/> Medium Capacity <input type="radio"/> High Capacity																		
Turbine Size: Small/Medium=15-<30m; Medium=30-<50m; Medium/Large=50-<80m; Large=80-<125m; Very Large=125m+																		
BASE LANDSCAPE CAPACITY (i.e. not taking account of current wind energy development)					CURRENT CONSENTED DEVELOPMENT			PROPOSED LIMITS TO FUTURE DEVELOPMENT (i.e. proposed acceptable level of wind energy development)										
Landscape Sensitivity to Wind Energy Development				Landscape Capacity (Related to turbine size)					Existing/ Consented Developments	Current Wind Energy Landscape Type(s)	Future Wind Energy Landscape Type(s)	Remaining Landscape Capacity (Related to turbine size)					Current Applications	Analysis & Guidelines (Refer to Detailed Guidance for Further Information on Siting and Design)
Landscape Character Sensitivity	Visual Sensitivity	Landscape Sensitivity	Landscape Value	S/M	M	M/L	L	VL				S/M	M	M/L	L	VL		
Landscape Character Area: Southeast Angus Lowland Sub Area: (i)Tealing Farmland																		
Med	Med	Med	Med	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Currently a concentration of single and paired turbines ranging from small/medium to large between Dundee and the Sidlaw Hills. Predominantly small/medium and medium, but Tealing turbine is over 90m	Dipslope Farmland with Wind Turbines/ Occasional Wind Turbines	Dipslope Farmland with Wind Turbines	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Currently no further applications within the area. Current application for windfarm with large turbines in the southern edge of the Sidlaws at Frawney lies close to this area.	Landscape analysis: This sub-area north of Dundee is characterised by the backdrop of the Sidlaw Hills and the influence of development. Limited opportunity for larger turbines due to potential scaling against hill backdrop and overbearing effects on residential amenity. Turbine development should follow established pattern of small/medium and medium turbines. Comments on Consented and Proposed Turbines: Current turbines are of varied sizes and lie in closely spaced clusters with potential capacity issues. The large Tealing turbine is significantly larger than other consented turbines. Current applications for medium turbines would continue the established pattern of turbines. Current applications for windfarms in the southern Sidlaws would have strong visual influence on the east of this sub-area.
											Max. Numbers in Group	1-3	1-3					
											Min Group Separation Distances (km)	2-4	2-4					
Landscape Character Area: Southeast Angus Lowland Sub Area: (ii)Monikie/ Crombie Farmland																		
Med	Med/ High	Med/ High	Med/ High	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Currently one consented medium turbine in the north and one just east of boundary near Kirkbuddo	Dipslope Farmland with Occasional/ No Wind Turbines	Dipslope Farmland with Occasional Wind Turbines/ with Wind Turbines	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Currently applications for 2 medium turbines S of Kirkbuddo. Application for one medium/large turbine N of A92 near Barry at New Downie.	Landscape analysis: This sub area has a slightly smaller more enclosed scale than the surrounding <i>Dipslope Farmland</i> and is visually sensitive due to its proximity to roads, settlements and nearby hills. Small/medium and medium turbines can be accommodated, but only limited opportunities for medium/large turbines in more open areas to the north. Comments on Consented and Proposed Turbines: Current consents and applications are within capacity An application for 3 large turbines at East Skichen was turned down in 2009 due to visual impacts on the village and Country Park at Monikie.
											Max. Numbers in Group	1-5	1-3	1				
											Min Group Separation Distances (km)	2-4	3-6	5-10				

LANDSCAPE CHARACTER TYPE TAY 13: DIPSLOPE FARMLAND																		
Key: <input type="radio"/> No Capacity <input type="radio"/> Low Capacity <input checked="" type="radio"/> Medium Capacity <input type="radio"/> High Capacity																		
Turbine Size: Small/Medium=15-<30m; Medium=30-<50m; Medium/Large=50-<80m; Large=80-<125m; Very Large=125m+																		
BASE LANDSCAPE CAPACITY (i.e. not taking account of current wind energy development)					CURRENT CONSENTED DEVELOPMENT			PROPOSED LIMITS TO FUTURE DEVELOPMENT (i.e. proposed acceptable level of wind energy development)										
Landscape Sensitivity to Wind Energy Development				Landscape Capacity (Related to turbine size)					Existing/ Consented Developments	Current Wind Energy Landscape Type(s)	Future Wind Energy Landscape Type(s)	Remaining Landscape Capacity (Related to turbine size)					Current Applications	Analysis & Guidelines (Refer to Detailed Guidance for Further Information on Siting and Design)
Landscape Character Sensitivity	Visual Sensitivity	Landscape Sensitivity	Landscape Value	S/M	M	M/L	L	VL				S/M	M	M/L	L	VL		
Landscape Character Area: <i>Southeast Angus Lowland</i> Sub Area: <i>(iii)Redford Farmland</i>																		
Med	Med	Med	Med/ Low	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Currently 1 medium/large turbine at Cononsyth on sub area boundary in the northeast; one medium east of Kirkbuddo and one near Hayhillock	Dipslope Farmland with Occasional / No Wind Turbines	Dipslope Farmland with Wind Turbines	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Current application for one medium turbine in the NE.	<p>Landscape analysis: This sub-area is the largest scale, highest and most open within the <i>Dipslope Farmland</i> and this is partly reflected in the scale of farms and field sizes. There are areas with minimal settlement and roads although it borders the populated coastal area in the south. This has the highest capacity for wind energy in the <i>Dipslope Farmland</i> and can accommodate medium/large turbines, subject to local constraints. Groupings should remain relatively small and well separated to avoid overwhelming the underlying character. Turbines should not interfere with the ridge that marks the break of slope above the A92.</p> <p>Comments on Consented and Proposed Turbines: Current consented turbines and applications fall well within capacity. A previous application for 3x110m turbines at Dusty Drum in the centre of this area was refused in 2009 due to aviation issues but also due to landscape and visual impacts. 7 very large turbines at Corse Hill between Carnoustie and Arbroath on the boundary with the Coast LCA were dismissed at appeal in 2013.</p>
											Max. Numbers in Group	1-5	1-5	1-5				
											Min Group Separation Distances (km)	2-4	3-6	5-10				

LANDSCAPE CHARACTER TYPE TAY 13: DIPSLOPE FARMLAND																		
Key: <input type="radio"/> No Capacity <input type="radio"/> Low Capacity <input checked="" type="radio"/> Medium Capacity <input type="radio"/> High Capacity																		
Turbine Size: Small/Medium=15-<30m; Medium=30-<50m; Medium/Large=50-<80m; Large=80-<125m; Very Large=125m+																		
BASE LANDSCAPE CAPACITY (i.e. not taking account of current wind energy development)					CURRENT CONSENTED DEVELOPMENT			PROPOSED LIMITS TO FUTURE DEVELOPMENT (i.e. proposed acceptable level of wind energy development)										
Landscape Sensitivity to Wind Energy Development				Landscape Capacity (Related to turbine size)					Existing/ Consented Developments	Current Wind Energy Landscape Type(s)	Future Wind Energy Landscape Type(s)	Remaining Landscape Capacity (Related to turbine size)					Current Applications	Analysis & Guidelines (Refer to Detailed Guidance for Further Information on Siting and Design)
Landscape Character Sensitivity	Visual Sensitivity	Landscape Sensitivity	Landscape Value	S/M	M	M/L	L	VL				S/M	M	M/L	L	VL		
Landscape Character Area: <i>Southeast Angus Lowland</i> Sub Area: <i>(vi)Rossie Moor</i>																		
Med	Med/High	Med/High	Med	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Currently 4 consented small/medium turbines in the northeast.	<i>Dipslope Farmland with Occasional/ No Wind Turbines</i>	<i>Dipslope Farmland with Occasional Wind Turbines</i>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	One application for a single medium/large turbine at Pamphry. Applications for a medium and medium/large turbine on edge of the sub area at Lunan Valley near Friockheim.	<p>Landscape analysis: This sub-area of higher ground is adjacent to the coast, also bordered by the Lunan Water to the south and Montrose Basin to the north. Settlement and road network is relatively sparse and fields often large scale. There is capacity mainly for smaller turbines in small groupings. Medium/large turbines should be set well back from the coastal area.</p> <p>Comments on Consented and Proposed Turbines: Current consents and applications would not exceed capacity. An application for 3x110m turbines at Mountboy near Rossie School was dismissed on appeal in 2009. Two very large (137m) turbines at GSK Montrose adjacent to this area were dismissed on appeal. Both due partly to landscape and visual impacts.</p>
											Max. Numbers in Group	1-5	1-5	1-3				
											Min Group Separation Distances (km)	2-4	3-6	5-10				

GUIDANCE: TAY13 DIPSLOPE FARMLAND

The *Dipslope Farmland* LCA is capable of accommodating wind energy development due to its scale, often open character and productive land use with simple geometric field patterns. The capacity varies according to subtle variations between the six sub-areas as described below. The sub-areas are identified on the basis of differences in landscape character and sensitivity to wind energy. There is a linear ridge which delineates the different relationship of *Dipslope Farmland* with the coast to the south and undulating plateau to the north, defining the scale of acceptable turbines. This theme is further developed in the relevant detailed sub-area guidance.

(i) TEALING FARMLAND

Proposed Limits to Future Development: Dipslope Farmland with Wind Turbines

Turbine Sizes: 15-<30m (small/medium); 30-<50m (medium).

Group Sizes: 1-5 (small/medium; medium).

Separation Distances: 2-4km (small/medium and medium)

Detailed Guidance

This sub-area has an establishing pattern of medium turbines at just under 50m, and small/medium turbines under 30m. One large (93m) turbine has been consented at the former Tealing airfield. Whilst medium/large turbines could theoretically be accommodated in this scale of landscape, continuation of the establishing development pattern is more appropriate. The medium turbines should primarily be located in central areas of the farmland, avoiding skyline effects on/ domination of Dundee suburbs and scale effects on the Sidlaw Hills to the north and west (slope heights varying from 100m-250m above adjacent farmland). Small/medium turbines can be accommodated closer to the Sidlaw escarpment. Proximity to residential properties may also limit opportunities for locating larger turbines and/or turbine groups.

Relate turbines clearly to landscape features such as field boundaries, breaks in slope and larger farm buildings. Carefully assess positioning in relation to the several electricity transmission lines and substation to avoid cumulative visual clutter.

Provide sufficient separation between turbine groupings to ensure that proximity and intervisibility is moderated and turbine groupings do not dominate the landscape or visually coalesce to create a *Wind Turbine Landscape*. This can be achieved through selecting appropriate turbine sizes, separation distances and/or the intervention of landforms and tree groups. Existing small/medium turbines are often screened from longer distance visibility by trees. Where there are two or three closely located applications for single turbines of the same size, exploit opportunities for clustering as a group in preference to separation.

(ii) CROMBIE/ MONIKIE FARMLAND

Proposed Limits to Future Development: Dipslope Farmland with Occasional Wind Turbines

Turbine Sizes: 15-<30m (small/medium); 30-<50m (medium); 50-<80m (medium/large).

Group Sizes: 1-5 (small/medium; medium); 1-3 (medium/large).

Separation Distances: 2-4km (small/medium); 3-6km (medium); 5-10km (medium/large)

Detailed Guidance

The principal concern in this sub-area is to avoid locating larger turbines close to visually sensitive areas including settlements, country parks and listed buildings. An application for 3 large turbines at East Skichen was turned down in 2009 due to visual impacts on the village and Country Park at Monikie.

Medium/large turbines may be located in the limited more open larger scale areas to the north of Monikie and Crombie.

Position of turbines so as to relate clearly to landscape features such as field boundaries, breaks in slope and larger farm buildings. Positioning in relation to the electricity transmission line should be carefully considered to avoid cumulative clutter.

Allow sufficient separation between turbine groupings to ensure that the landscape is not dominated and that clear intervisibility between turbine groupings is infrequent. This can be achieved through selecting appropriate turbine sizes and separation distances and through exploiting the extensive areas of trees and forestry in this sub-area to screen views. Where there are two or three closely located applications for single turbines of the same size, exploit opportunities for clustering as a group in preference to separation. Use tree belts to discretely accommodate small/medium turbines amongst larger turbines in this area.

(iii) REDFORD FARMLAND

Proposed Limits to Future Development: Dipslope Farmland with Wind Turbines

Turbine Sizes: 15-<30m (small/medium); 30-<50m (medium); 50-<80m (medium/large).

Group Sizes: 1-5 (small/medium; medium and medium/large); 1-3 (large).

Separation Distances: 2-4km (small/medium and medium); 5-10km (medium/large)

Detailed Guidance

This sub-area has the highest underlying capacity for wind energy in the *Dipslope Farmland* and is capable of accommodating medium/large turbines, subject to local constraints. It is noted that a previous application for 3 large (110m) turbines at Dusty Drum in the centre of this area was recommended for refusal in 2009 due to aviation issues but also due to landscape and visual impacts. However a single 67m turbine is now operational at Cononsyth in the north.

The largest size turbines (medium/large) would be most suitable in the largest scale areas located in the centre and north of the sub area. Turbine groupings should remain relatively small and well separated to avoid overwhelming the underlying character. Proximity to residential properties may also limit opportunities for locating larger turbines and/or turbine groups in most other locations. The designed landscape at Guynd and areas towards the *Coast LCA* are more sensitive and medium/large turbines should not be used in close proximity to these. A recent application for 7x125m turbines at Corse Hill on the boundary with the *Coast LCA* was dismissed at appeal in 2013. Medium/large turbines should be located north of the break in slope above the A92, north of a line marked by the course of the Rottenraw Burn from the B9128 in the west and then north of Kellyfield and Cuthlie in the east.

Relate turbines clearly to landscape features such as field boundaries, ridges and larger farm buildings. Where the flatness and featurelessness of the terrain in some locations gives no obvious local clues, group composition from key viewpoints and other environmental factors should guide positioning. Positioning in relation to the electricity transmission line should also be carefully considered to avoid cumulative visual clutter.

Separation between turbine groupings should ensure that intervisibility is moderated and that turbine groupings do not dominate the landscape or visually coalesce to create a *Wind Turbine Landscape*. This may be achieved through selecting appropriate turbine sizes, separation distances and/or the intervention of landforms and tree groups.

Due to the openness of the landscape in the highest part of this sub-area, mixing of turbine sizes will be more difficult to achieve than in areas to the east or west. It is therefore recommended that, where a suitable development pattern becomes established, this is followed. Where there are two or three closely located applications for single turbines of the same size, exploit opportunities for clustering as a group in preference to separation.

(iv) LETHAM, LUNAN WATER AND ARBROATH VALLEYS

Proposed Limits to Future Development: Dipslope Farmland with Occasional Wind Turbines/ with Wind Turbines

Turbine Sizes: 15-<30m (small/medium); 30-<50m (medium)

Group Sizes: 1-5 (small/medium); 1-3 (medium)

Separation Distances: 2-4km (small/medium); 3-6km (medium)

Detailed Guidance

This sub-area has a smaller more enclosed scale than much of the *Dipslope Farmland*, is visually sensitive and is more suited to smaller turbines associated with settlement or intensive agriculture.

The principal concern in this sub area is to avoid dominating smaller scale and/or sensitive landscapes, settlements and modest valley side landforms. This includes the two Designed Landscapes and numerous listed buildings at Guthrie and Pitmuies as well as the smaller settlements of Letham, Friockheim, Arbilot and Inverkeilor. Medium turbines would be most appropriate in flatter, larger scale

areas around Friockheim, whereas small/medium turbines (15-<30m tall) would be more appropriate to the smaller scale landscapes of the Lunan Valley where larger turbines could exceed the height of the valley slopes in locations where these are clearly expressed (50m-100m from valley floor to crest). Views towards and from Lunan Bay along the valley should also be protected.

Positioning turbines to relate clearly to landscape features such as field boundaries, breaks in slope and larger farm buildings, industrial or mineral extraction locations. Avoid excessive skylining.

Separate groups of turbines sufficiently to ensure that the landscape is not dominated and that clear intervisibility between turbines is infrequent. This can be achieved through selecting appropriate turbine sizes and separation distances and through exploiting landforms and areas of trees to screen views. Where there are two or three closely located applications for single turbines of the same size, exploit opportunities for clustering as a group in preference to separation.



Lunan Water Valley: Small/medium (15-30m high) turbines do not dominate the modest valley slope and blade tips can be aligned with trees and buildings on the horizon

(v) ETHIE FARMLAND

Proposed Limits to Future Development: Dipslope Farmland with Occasional Wind Turbines

Turbine Sizes: 15-<30m (small/medium); 30-<50m (medium)

Group Sizes: 1-3 (small/medium; medium)

Separation Distances: 2-4km (small/medium); 3-6km (medium)

Detailed Guidance

This small sub-area has capacity mainly for small/medium and medium turbines in small groupings. The principal concern is to avoid dominating sensitive landscape settings associated with large estate houses (now hotels) at Kinblethmont and Ethie Castle and the coastal strip. Medium size turbines should be sited west of the A82 due to the high exposed position of the boundary with the *Coast with Cliffs* LCAs on this headland.

Position turbines so that they relate clearly to landscape features such as field boundaries, breaks in slope and larger farm buildings. Avoided excessive skylining or domination.

Separation between turbine groupings should be sufficient to ensure that clear intervisibility is infrequent. This can be achieved through selecting appropriate turbine sizes and separation distances and through exploiting landforms and areas of trees and forestry to screen views. Where there are two or three closely located applications for single turbines of the same size, exploit opportunities for clustering as a group in preference to separation.

(vi) ROSSIE MOOR

Proposed Limits to Future Development: Dipslope Farmland with Occasional Wind Turbines

Turbine Sizes: 15-<30m (small/medium); 30-<50m (medium); 50-<80m (medium/large).

Group Sizes: 1-5 (small/medium; medium); 1-3 (medium/large).

Separation Distances: 2-4km (small/medium); 3-6km (medium); 5-10km (medium/large)

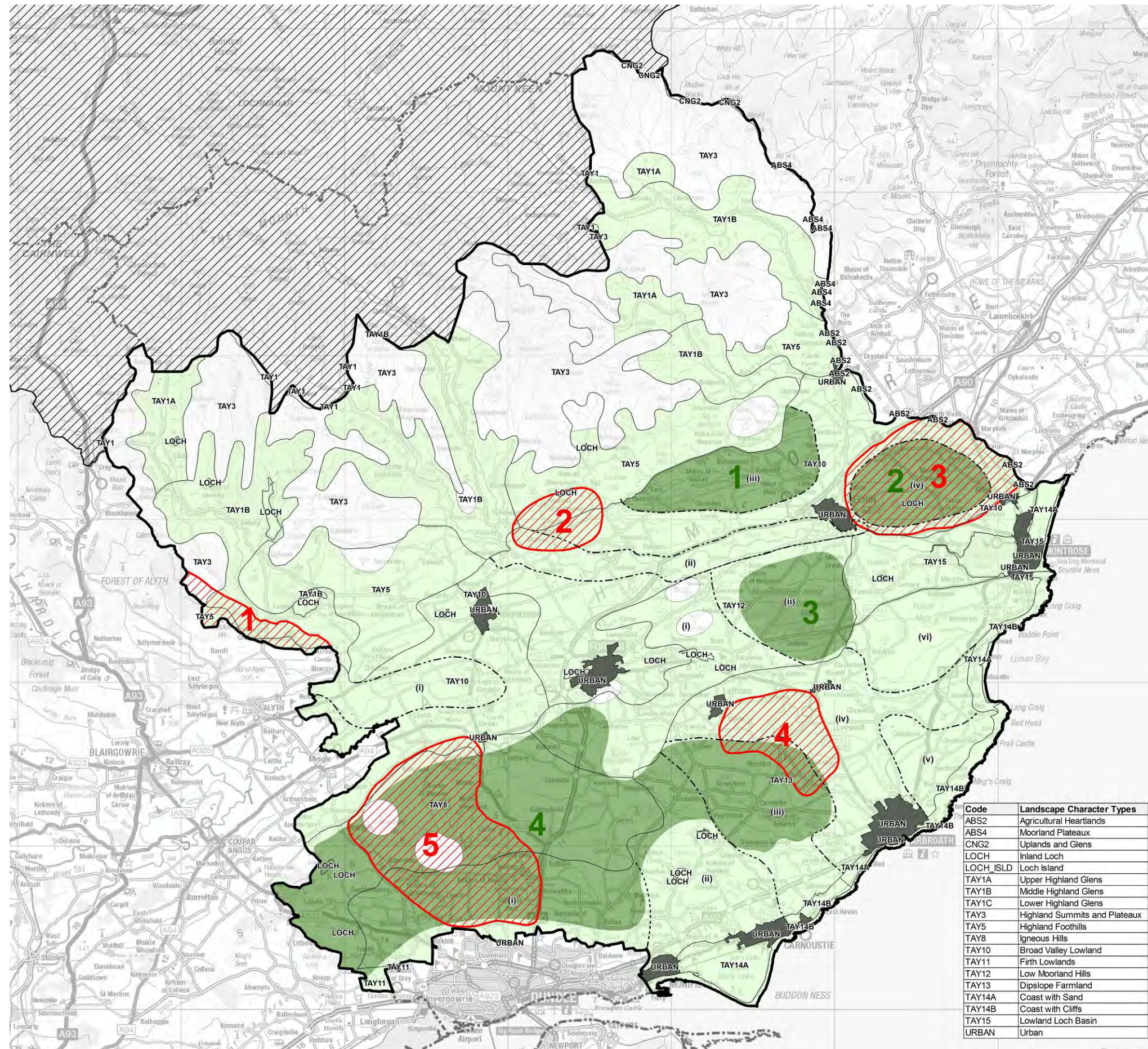
Detailed Guidance

Further to the findings of an inquiry which dismissed an application for three large (110m) turbines at Mountboy, the largest recommended size of turbine is 50-<80m (medium/large). These would be most suitable in the largest scale areas located in the centre and south of the sub area.

The principal issues in this sub-area include the avoidance of skylining effects on Montrose Basin and the visual domination of sensitive landscape and visual receptors, including residential properties, Rossie Moor, Rossie School, Dunninald designed landscape and A listed buildings. Medium/large turbines should be located well to the west of the A92 and well north of the Lunan Water to avoid effects on the coastal landscapes, Lunan valley and Lunan Bay.

Position turbines to relate clearly to landscape features such as ridges, field boundaries and larger farm buildings. In some locations the removal of field boundaries gives no obvious local clues for positioning. In this case landform, composition from key views and other environmental factors should take precedence.

Separation turbine groupings sufficiently to ensure that the landscape is not dominated and that clear intervisibility between turbines is infrequent. This can be achieved through selecting appropriate turbine sizes and separation distances and through exploiting landforms and areas of trees and forestry to screen views. Where there are two or three closely located applications for single turbines of the same size, exploit opportunities for clustering as a group in preference to separation.



March 2014 7933 ANC 139

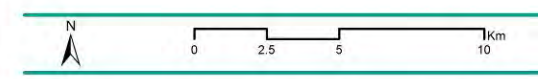
Legend

- Study Area
- Scottish Local Authority Boundaries
- Cairngorms National Park
- Landscape Character Type / Area Boundary (see Table 3.1 for list)
- LCA Sub Areas (Ref. Table 6.1)
- Settlements
- Areas with Highest Underlying Capacity:
 1. Careston Farmland
 2. Muir of Pert
 3. Montreatmont Forest
 4. Sidlaw Hills and Dipslope Farmland
- Areas with Limited Underlying Capacity
- Areas with No Underlying Capacity
- Areas where Cumulative Impact Limits Development:
 1. Alyth Foothills / Glen Clova
 2. Menmuir / Hill of Ogil
 3. Brechin and Muir of Pert
 4. Letham to Firth Muir of Boysack
 5. Central Sidlaws and Tealing

Code	Landscape Character Types
ABS2	Agricultural Heartlands
ABS4	Moorland Plateaux
CNG2	Uplands and Glens
LOCH	Inland Loch
LOCH_ISLD	Loch Island
TAY1A	Upper Highland Glens
TAY1B	Middle Highland Glens
TAY1C	Lower Highland Glens
TAY3	Highland Summits and Plateaux
TAY5	Highland Foothills
TAY8	Igneous Hills
TAY10	Broad Valley Lowland
TAY11	Firth Lowlands
TAY12	Low Moorland Hills
TAY13	Dipslope Farmland
TAY14A	Coast with Sand
TAY14B	Coast with Cliffs
TAY15	Lowland Loch Basin
URBAN	Urban

Figure 6.4

Wind Turbine Development Opportunities and Constraints



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Table 6.2: Areas Where Cumulative Impact Limits Further Development: Description and Key Objectives (see Figure 6.4 for Map)

1. Alyth Foothills and Glen Clova	
<p>Description</p> <p>The boundaries of this area include:</p> <ul style="list-style-type: none"> • The Angus/ Perthshire boundary between Black Hill in the north and Airlie Castle to the south; • The crest of Black Hill and Hill of Fernyhirst though Little Kilry to the River Isla at Bridge of Craigisla; • The course of the River Isla to Airlie Castle 	<p>Development Situation and Key Objectives</p> <p>The Alyth Hills on the boundary with Perthshire are <i>Highland Foothills with Wind Turbines</i> due to the presence of Drumderg Windfarm in Perthshire and several small/medium to medium/large turbines along the border within the Alyth Hills LCA and Glen Isla. Several further large turbines are proposed at Tullymurdoch in Perthshire on the border with Angus. The objectives governing the area are:</p> <ol style="list-style-type: none"> 1) Retaining sufficient spacing between individual windfarms and turbines to maintain the <i>Landscape with Wind Turbines</i> character and avoid a <i>Wind Turbine Landscape</i> character in the <i>Highland Foothills</i>; 2) To prevent further extension of the <i>Landscape with Wind Turbines</i> onto the floor of Glen Isla; 3) To protect the skyline ridge to the southwest of Glen Isla from over-development with turbines; 4) To protect the setting of and views from visually sensitive locations including Reekie Linn, Airlie Castle and Designed Landscape and small settlements in Glen Isla.
2. Memus and Hill of Ogil	
<p>Description</p> <p>The boundaries of this area include:</p> <ul style="list-style-type: none"> • the <i>Highland Foothills</i> LCA between the Noran Water and Glen Clova, including Hill of Ogil and Den of Ogil; • <i>The Broad Valley Lowland</i> south of Hill of Ogil east of the Cortachy policies and the River South Esk to Shielhill Bridge and thence northeast across farmland to Meikle Couil and the Noran Water at Milton of Ogil; 	<p>Development Situation and Key Objectives</p> <p>Currently this area has a single large turbine consented at Memus and a small/medium turbine near Cortachy. The visual influence of the large turbine creates an area of <i>Highland Foothills with Wind Turbines</i> on the south side of Hill of Ogil, extending south into the <i>Broad Valley Lowland</i>. A further medium size turbine is proposed near Cortachy. The objectives governing the area are:</p> <ol style="list-style-type: none"> 1) Avoiding further extension of the <i>Landscape with Wind Turbines</i> character into the <i>Highland Foothills</i>, <i>Broad Valley Lowland</i> and <i>Mid Highland Glens</i> 2) Retaining sufficient spacing between turbines so as not to exceed the <i>Landscape with Wind Turbines</i> character and avoid areas of <i>Wind Turbine Landscape</i> character in the <i>Highland Foothills</i> and <i>Broad Valley Lowland</i>; 3) To prevent development of or influence of large turbines on the north side of Hill of Ogil and into Den of Ogil; 4) To protect the setting of and views from Cortachy designed landscape; 5) To support an organised pattern of development by maintaining sufficient spacing/ screening between groups of larger and smaller turbines. 6) To prevent potential cumulative visual clutter by proximity of turbines to the electricity transmission line crossing the hills in this location.
3. Broad Valley Lowland: Brechin and Muir of Pert	
<p>Description</p> <p>The boundaries of this area include:</p> <ul style="list-style-type: none"> • The A90 between Brechin and the North Esk • The North Esk east to Hillside Village • The edge of Hillside, the House of Dun and the A935 from Mains of Dun to Brechin • The northeastern edge of Brechin 	<p>Development Situation and Key Objectives</p> <p>Currently this area has consents for eleven small turbines, three medium turbines and two medium/large turbines, creating an extensive area of <i>Broad Valley Lowland with Wind Turbines</i>. There is a proposal for a further medium turbine. The objectives governing the area are:</p> <ol style="list-style-type: none"> 1) Avoiding coalescence with the <i>Landscape with Wind Turbines</i> in Aberdeenshire by minimising development in the North Esk corridor; 2) Retaining sufficient spacing between individual turbines to maintain a <i>Landscape with Wind Turbines</i> and avoid a <i>Wind Turbine Landscape</i> character; 3) Avoiding excessive skylining of larger wind turbines to the crests of the escarpments which important but modestly scaled backdrops to the A90, Brechin and Montrose Basin; 4) To support an organised pattern of development by maintaining sufficient spacing/ screening between groups of larger and smaller turbines; 5) To prevent unacceptable proximity of larger turbines to settlements and other visually sensitive locations including Brechin, Hillside, Craigo, House of Dun and the Caledonian Railway.

4. Dipslope Farmland Between Letham and Firth Muir of Boysack	
<p>Description</p> <p>The boundaries of this area include:</p> <ul style="list-style-type: none"> • The village of Letham to the northwest and the small settlement of Firth Muir of Boysack to the southeast • The course of the Lunan Water between Letham and Friokheim • The A933 between Friockheim and Colliston • A line south of the hill crests between Hillhead, Boath Hill and West Grange of Conon. 	<p>Development Situation and Key Objectives</p> <p>Currently this area has one medium/large turbine, three small turbines and one medium turbine creating a small area of <i>Dipslope Farmland with Wind Turbines</i>, with proposals for a further medium size turbine. The objectives governing the area are:</p> <ol style="list-style-type: none"> 1) Retaining sufficient spacing between individual turbines to maintain a <i>Landscape with Wind Turbines</i> and avoid a <i>Wind Turbine Landscape</i> character; 2) Avoiding excessive skylining of larger wind turbines to the crest of the farmland either side of Boath Hill which forms an important but modestly scaled backdrop to lower ground in the north and east; 3) To support an organised pattern of development by maintaining sufficient spacing/ screening between groups of larger and smaller turbines; 4) To prevent unacceptable proximity of larger turbines to settlements and other visually sensitive locations including Letham, Colliston and the smaller scale more settled landscape surrounding the Lunan Water.
5. Central Sidlaw Hills and Tealing Farmland	
<p>Description</p> <p>The boundaries of this area include:</p> <ul style="list-style-type: none"> • The <i>Igneous Hills</i> between the B954, Newtyle to Glamis; A928 to Milton of Ogilvie and Gallow Hill Ridge descending to Tealing; • The <i>Dipslope Farmland</i> south of the Igneous Hills between Auchterhouse, Dronley, Bridgefoot and the A90 north to Tealing; 	<p>Development Situation and Key Objectives</p> <p>Ark Hill Windfarm and Scotston with large size turbines creates a <i>Landscape with Wind Turbines</i> in the central Sidlaw Hills. There are several turbines consented in the <i>Dipslope Farmland</i> between Tealing and Auchterhouse including a large turbine at former Tealing Airfield. There are proposals for two other medium/large turbines in the central Sidlaw Hills. The objectives governing the area are:</p> <ol style="list-style-type: none"> 1) Retaining sufficient spacing between individual windfarms and turbines to maintain the <i>Landscape with Wind Turbines</i> character and avoid areas of <i>Wind Turbine Landscape</i> character in the <i>Igneous Hills</i> and <i>Dipslope Farmland</i>; 2) To prevent development of turbines on the southern escarpment and skyline of the Sidlaw Hills which is prominent from areas to the south of Dundee; 3) To protect the setting of and views from the prominent hillforts and hilltop viewpoints of Kinpurney Hill, Auchterhouse Hill and Balluderon Hill; 4) To support an organised pattern of development by maintaining sufficient spacing/ screening between groups of larger and smaller turbines; 5) To prevent unacceptable proximity of larger turbines to settlements and other visually sensitive locations. 6) To prevent potential cumulative visual clutter by proximity of turbines to other structures prevalent in this area including transmitter masts, electricity transmission lines and the Tealing substation.

Appeal Decision Notice

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Decision by Don Rankin, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-120-2037
- Site address: land by Montquhir Farm to north west of B961, Carmyllie, DD11 2QS
- Appeal by Mrs Louise Gray against the decision by Angus Council
- Application for planning permission 14/00012/FULL dated 9 January 2014 refused by notice dated 8 October 2014
- The development proposed: Installation of a single wind turbine (measuring up to 77 metres to blade tip) and associated sub-station and transformer kiosk, hard standing area and access road.
- Date of site visit by Reporter: 6 January 2015

Date of appeal decision: 20 January 2015

Decision

I dismiss the appeal.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Additionally the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires special regard be given to the desirability of preserving the setting of any affected listed buildings.
2. Having regard to the provisions of the development plan and the aforementioned Act the main issues in this appeal are: (1) whether the proposal is contrary to policies ER5 and ER34 of the Angus Local Plan Review 2009 (ALPR) with respect to the impact on the landscape; (2) whether the proposal would have an adverse impact on the setting of Carmyllie Church and the adjacent Manse, contrary to ALPR Policy ER16 and the Act noted in paragraph 1 above; and (3) whether other material considerations would justify either the grant or refusal of permission.
3. The appellant's claim for expenses will be dealt with by a separate decision notice.
4. Scottish Government policy is generally supportive of proposals for the development of sustainable on-shore energy, in acceptable locations. This approach is carried through into TAYplan where the thrust of policy is to locate wind turbines where there is no significant adverse impact on the landscape. The ALPR Policy ER5, cited in the council's first reason for refusal, requires development proposals to take account of the guidance provided by the Tayside Landscape Character Assessment (TLCA) prepared for Scottish

Natural Heritage in 1999. In this context the ALPR Policy ER34 requires that proposals for renewable energy, i.e. wind turbines such as that proposed, will be assessed on the basis of no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints. I note that Policy ER34 is not cited in the council's reasons for refusal but I regard it as directly relevant to the landscape impact of wind energy development. A number of landscape studies over the last 15 years inform the assessment process implicit in ALPR policies ER5 and ER34.

5. The site of the proposed wind turbine lies within an area classified in the TLCA as Dipslope Farmland where wind farm development would be subject to medium constraint. Within this landscape of interrupted views and tamed naturalness the TLCA recognises that there will be considerable variation in suitability for wind energy development and asserts that such may be better located in shallow bowls on the dipslopes. The Angus Windfarms Capacity and Cumulative Impacts Study 2008 acknowledges there can be significant variations in the suitability of sites within this landscape character type. The Strategic Landscape Capacity Assessment for Windfarms in Angus 2014 (SLCA) classifies the area around the appeal site as Dipslope Farmland and Redford Farmland Landscape Character Area (Sub-area iii). This type of landscape is deemed to have the capacity for turbines up to 80 metres in height, the highest underlying capacity for wind energy in the dipslope farmland. This is qualified however with the proviso that such development would be subject to local constraints.

6. The council officer's committee report contains an analysis of the precise location of the proposed turbine and its impact with respect to these local constraints. It notes that the Dipslope Farmland LCA around Redford is the largest scale and most open landscape of its type in the area. The application site lies within a topographical dip and is located away from the escarpment which separates the lower coastal Dipslope Farmland from the higher, more inland, part of this LCA. I note that this officer's report concluded that there was capacity for medium scale wind turbine development and that in this context the landscape impact of the proposal was acceptable.

7. The local planning policy and supporting landscape analysis indicates in effect an area of search for single wind turbines of the height proposed. Each proposal must however, be assessed on its own merit. Within a landscape deemed acceptable for some wind energy development there is an assumption that such structures will be to some degree visible in the landscape both to residents and travellers passing through. Both the appellant and the council agree that the proposed turbine would be a prominent feature in the landscape. Although sited in a shallow dip the appeal site is overlooked from the north where the land rises to the site of the Carmyllie Church and the Carmyllie War Memorial. Both of these are significant local landmarks with provision made for public access to enjoy the view. From these locations the turbine would not simply be visible but would appear as a very prominent element in the landscape, significantly exceeding the height of surrounding trees and other manmade vertical structures. It would break the skyline and intrude into the view of the valley as seen from the churchyard. Notwithstanding the partial summer months screening from the churchyard afforded by the existing boundary trees this would have an unacceptably harmful impact on the view from the churchyard to the surrounding countryside.

8. The view across the open valley to the distant sea beyond as seen from the Carmyllie War Memorial would also be adversely affected. The proposed turbine would intrude into the centre of the prospect, breaking the skyline and introducing an incongruous structure. There is no tree screening around the monument to break or hide the prospect of the turbine. Similarly it would be a prominent feature when viewed from the south and south west on the approach along the B961 and from parts of the B9127 and B9128, though these latter two would to my mind not result in significant harm to the landscape. This does not however outweigh the harm arising from the incongruous visual intrusion into the locally valued views from the church and war memorial. This harm would be contrary to local plan policies ER5 and ER34.

9. Turning to the cumulative impact on the landscape I note that there are a number of other nearby turbine proposals which have been approved. The SLCA notes that with respect to the prevailing landscape type (the Dipslope Farmland, Redford Farmland Sub-area iii) groupings of turbines should remain relatively small and well separated to avoid overwhelming the underlying character. Specifically a maximum number of turbines in a group should be 5 with a separation distance between medium turbines of 3-6km and between medium to large turbines of 5-10km. In addition to the four existing turbines there are an additional four approved turbines all within 3-6km of the appeal site. The landscape impact of these eight existing and approved turbines vary and they are not all in view from any one viewpoint.

10. The council officer's committee report notes that intervening vegetation and topography rendered views to these existing and approved turbines as often sequential rather than cumulative. Against that background there have clearly been approvals for a significant number of turbines beyond the envisaged capacity of the landscape to absorb them. The cumulative impact of adding to the number of turbines, which already exceed the SCLA guideline of a maximum of 5 turbines, whether viewed from a single location or seen whilst moving through the area would in my view exceed the SCLA recommended interpretation of 'a landscape with occasional windfarms'. In such an open and exposed location this would harm to the quality of that landscape contrary to policies ER5 and ER34 of the local plan.

11. Turning to the effect on the setting of the listed buildings, although there are four nearby, the council only cite the Carmyllie Church and Manse, category 'B' and 'C' listed respectively. I note the existence of other nearby category 'C' listed buildings but I have no evidence to conclude that they may be adversely affected by the appeal proposal.

12. The Carmyllie Parish Kirk, including the graveyard and boundary walls is a 'category B' listed building. The original building is thought to date from around 1513 and to have been an ecclesiastical establishment linked to the Abbey at Arbroath. It has been much altered throughout the years with major alterations in the post reformation period to create a Presbyterian Kirk. There are many local historical connections between the Kirk and notable former residents of the area some of whose remains are interred in the adjacent graveyard. The Kirk sits on the side of the valley in an elevated position looking south to the ridge beyond. It sits alone on the side of the hill, apart from its adjacent Manse building. The openness and isolation of the church and its graveyard and the uninterrupted view across the valley to the south adds to the historical significance of the building. It is a key part of its setting and consequently an important feature of the architectural and historic interest of the building. The proposed turbine would be a prominent and intrusive feature in

the outlook from the churchyard and would in consequence harm that aspect of the architectural and historic interest of the building.

13. I note that Historic Scotland chose not to object to this aspect of the proposal. Whilst their view as the government agency charged with looking after the historic environment is a material consideration, the duty to preserve the setting and features of historic or architectural interest of listed buildings under the act of parliament noted in paragraph 1 above extends to both the local authority and myself. I concur with the council that the proposal would be harmful in this respect and therefore contrary to policy ER16 of the local plan and the Planning (Conservation Areas and Listed Buildings)(Scotland) Act 1997.

14. The manse is a category 'C' listed building, now used as a private residence. Whilst the proposed turbine would intrude into the views from the private garden of the house I do not consider the preservation of the view from a private garden to be of such significance as to constitute harm to the setting of that building. This does not however outweigh the harm which I have already identified.

15. Turning to other matters raised, I find no convincing evidence that the proposal would result in damage to wildlife or damage to human health from noise, vibrations or shadow flicker. I note that the council's environmental health service has not objected. The proposed turbine would be sufficiently distant from nearby dwellings not to be overbearing and there is no entitlement in planning policy for the preservation of private views. Neither is the possible effect on property value a material planning consideration. Similarly there is no evidence of any adverse effect on road safety arising from construction or servicing and problems cited by MOD with respect to radar interference could be resolved by appropriate technical means implemented by a planning condition. The proposal would provide a modest contribution towards meeting government targets for renewable energy. My conclusion on these matters does not however outweigh the harm which I have identified.

16. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and the Planning (Conservation Areas and Listed Buildings)(Scotland) Act 1997. The appeal is in consequence dismissed.

Don Rankin

Reporter