AGENDA NO 6

REPORT NO 197/15

ANGUS COUNCIL – 14 MAY 2015

SECTION 36 CONSULTATION – PROPOSED WIND TURBINE DEVELOPMENT ON LAND AT MACRITCH HILL, GLEN ISLA

REPORT BY THE HEAD OF PLANNING AND PLACE

Abstract:

The Scottish Government Energy Consents Unit has received an application for consent under the Electricity Act 1989 to construct and operate a wind farm comprising 18 wind turbines measuring 80m to hub and 125m to blade tip and associated works for Eneco Wind UK Ltd on a site to the north and east of Backwater Reservoir, Near Kirriemuir, Angus. The wind farm would have a maximum generating capacity of 59.4 Megawatts (MW). Angus Council is a Statutory Consultee on this proposal and this report seeks approval for the Council's response to the consultation. It is recommended that Angus Council objects to this proposal.

1. RECOMMENDATION

It is recommended that the Council objects to the application for the reasons given below:-

That the proposed wind turbine development would result in unacceptable adverse landscape impacts, including cumulative impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types. Accordingly the application is contrary to Policy 3 of TAYplan and Policies S1, ER5 and ER34 and ER35 of the Angus Local Plan Review.

That proposed wind turbine development would give rise to unacceptable visual impacts, including cumulative impacts on occupants of residential properties and on those using the wider area for recreational purposes. Accordingly the application is contrary to Policies S1, S6, ER34 and ER35 of the Angus Local Plan Review.

That proposed wind turbine development would give rise to adverse impacts on the setting of Scheduled Ancient Monuments and there is no overriding public interest to allow the development in a form that would have such impact. Accordingly the application is contrary to Policy 3 of TAYplan and Policies ER18 and ER34 of the Angus Local Plan Review.

That insufficient information has been submitted to demonstrate that the proposed wind turbine development would not have a significant adverse impact on protected bird species. Accordingly the application is contrary to Policies ER4 and ER35 of the Angus Local Plan Review.

That insufficient information has been submitted to demonstrate that the proposed wind turbine development would not have a significant adverse impact on private water supplies. Accordingly the application is contrary to Policies S6 and ER25 of the Angus Local Plan Review.

That insufficient information has been submitted to demonstrate that the proposed wind turbine development would not have a significant adverse impact on the amenity of occupants of nearby residential property by virtue of operational noise. Accordingly the application is contrary to Policies S4, S6, ER11 and ER35 of the Angus Local Plan Review.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 The Council has been consulted by the Scottish Government Energy Consents Unit on an application submitted under Section 36 of the Electricity Act 1989 to erect a wind farm with planned output of approximately 59.4MW on Land at Macritch Hill, by Glen Isla.

3.2 This application will be determined by Scottish Ministers. However should Scottish Ministers approve the proposal, it would benefit from deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.

3.3 In these circumstances the Council is an important consultee in this process as any objection made by it would require Scottish Ministers to hold a Public Local Inquiry before the application is determined.

3.4 The original date for providing a response to Scottish Ministers was 13 May 2015, however, this has subsequently been extended by mutual agreement to 16 May 2015 to account for the Angus Council Committee cycle that has been rescheduled due to the General Election.

4. PROPOSAL

4.1 The application site, which measures around 1200 ha in area, lies 13km north west of Kirriemuir, around 0.6km from the Cairngorms National Park. The site is located within Scottish Water's Backwater and Lintrathen Estates (4600 ha combined). The 18 turbines would be arranged in two specific elongated groups with turbines 1-9 and 17- 18 lying to the immediate east of Backwater Reservoir following the east bank of the reservoir at the southern end of the site. Turbines 10-16 would be located to the north of the reservoir and Milldenwan and Craigwhaut Plantations on a line roughly following the course of Glendamff Burn. The proposed turbines would measure up to 80M to hub with a maximum rotor diameter of 110m and a maximum height to blade tip of 125m.

4.2 The proposal to erect 18 wind turbines on the site would also necessitate the erection of 18 external transformer housings each being 3 metres in height with a footprint of 8sqm as well as crane pads beside each turbine. An operations and control building with a ridge height of 6 metres and a footprint of 570sqm would be erected within a substation compound to the south of the site. In addition the development would necessitate the modification of public road junctions, the formation of site tracks, the installation of underground cable trenches and concrete turbine foundations and the formation of temporary construction and storage compounds and borrow pits.

4.3 The proposal is supported by an Environmental Statement (ES) which has been subject of advertisement. These documents and the accompanying Non Technical Summary (NTS) are available to view in the Members Information Hub. The NTS is attached to this report as an appendix.

5. DISCUSSION

5.1 This development would provide a meaningful contribution towards meeting renewable energy targets and in this respect attracts some support from Government and Council policy. However, Government guidance on this matter confirms that renewable schemes should only be supported where technology can operate efficiently and where environmental and cumulative impacts can be satisfactorily resolved.

5.2 In this case the Council's development plan framework (TAYplan and Angus Local Plan Review (ALPR)) identify land use planning policies for consideration of renewable energy proposals. These policies are generally criteria based and address matters including landscape and visual impact, amenity (including noise and visual disturbance), cultural and natural heritage, air safety and road safety. The ALPR suggests that the area within which the proposed wind farm would be located has limited capacity to accommodate large scale wind energy development due to potential adverse landscape and visual impact. A full assessment of the proposal in relation to development plan policy and other material considerations is provided in the appendix that accompanies this report.

5.3 The Council has published a Renewable Energy Implementation Guide (June 2012) which explains and clarifies the existing Angus Local Plan Review policy base that will be used in

determining renewable energy planning applications. It provides further guidance on the criteria identified by the policies in the Angus Local Plan Review. The Implementation Guide suggests that the area within which the proposed wind farm would be located has no capacity to accommodate wind energy development due to potential adverse landscape and visual impact.

5.4 In addition various assessment/studies have been undertaken that consider the general landscape character of the Angus area and more specifically its capacity to accommodate wind turbine development. These include the Tayside Landscape Character Assessment (1998), the Angus Windfarms – Landscape Capacity and Cumulative Impacts Study (2008) and more recently the Strategic Landscape Capacity Assessment for Wind Energy in Angus (2013). These documents are all material to the consideration of wind turbine proposals and suggests that the area within which the proposed wind farm would be located has no capacity to accommodate wind energy development of the scale proposed due to potential adverse landscape and visual impact.

5.5 Scottish Ministers have undertaken wide consultation on this application. A number of bodies and third parties have lodged comment direct to Scottish Ministers. In addition the Council has undertaken internal consultation. A summary of the consultation responses and representations from interested parties that have been received by the Council and the Scottish Government is provided in the appendix to this report.

5.6 Scottish Government has indicated that it has received 131 individual representations from third parties as well as a petition with 684 signatories. All of the representations received by the Scottish Government offer objection to the proposal. No supporting letters have been received. As well as the foregoing objections, 161 letters of objection have been submitted to Angus Council. Many of these letters are copy letters of representations sent to the Scottish Government. A copy of all the representations received by Angus Council will be sent to the Scottish Government with Angus Council's response on the consultation. A number of those parties have raised concern regarding the landscape and visual impact of the proposed development.

5.7 Scottish Natural Heritage has objected outright to the application as it is considered to give rise to adverse landscape and visual impacts of national significance with specific concern raised regarding the impact of the development on the Cairngorms National Park. The Cairngorms National Park Authority (CNPA) has not commented on the application however the CNPA response to the application is due to be considered by the CNPA Planning Committee on 15 May 2015. CNPA officers have however indicated that they will be recommending that the CNPA objects to the proposal due to the impact of the development on the setting of the National Park. A number of other organisations have raised concern regarding the landscape and visual impact of the proposal.

5.8 The application site is located in an area that forms a transition between the lowlands and highlands around the Highland Boundary Fault. The northern part of the site displays characteristics of wild land which national planning policy and guidance seeks to safeguard. The Landscape Character Types in which the development would be situated are regarded as being highly sensitive to large scale wind energy development. Specifically, the Backwater-Glendamff corridor is an important part of the setting of the Cairngorms National Park as it both frames and focuses views towards the Munro summits of Mayar and Driesh.

5.9 The impact of the proposed development on the landscape character and visual amenity of the area would be significant and detrimental. The applicant has chosen a site that the Development Plan suggests has no capacity to accommodate large scale wind energy development. That position is supported by a number of technical studies that have assessed landscape capacity for development of this nature. The impact of the development on visual amenity for a number of nearby properties, and from sensitive viewpoints would be significant and adverse. The overall landscape and visual impact would be exacerbated having regard to other consented and operational wind turbine developments in the area, particularly from scenic vantages.

5.10 A number of representations have been received that raise concern regarding other matters such as impact on natural and cultural heritage interests. Amongst these matters are concerns such as impacts on private water supplies, noise impact, impacts on ornithology and impacts on wild land and ecology. The relevant consultees (SEPA, SNH and Environmental Health) have objected on the basis of these issues. In some cases the objection relates to a

lack of information and the objection could potentially be addressed through the submission of additional information however in some cases the objection is outright. Whilst Historic Scotland has not objected it has indicated that the proposal would adversely affect the setting of two Scheduled Monuments. In this case there is not considered to be an overriding public interest that would justify such harm and as such the proposal is contrary to Council policy. On all other matters raised in objection other than those mentioned above, the relevant consultees have provided comment on these matters and are generally satisfied that the proposal, subject to appropriate and successful mitigation, is unlikely to give rise to unacceptable impacts. Scottish Ministers will be required to consider those representations and the issues that they raise. However, as discussed in the appendix that accompanies this report, it is not considered that the Council could substantiate objection on those grounds in circumstances where the relevant expert agencies are satisfied with relevant aspects of the proposal.

5.11 In conclusion it is recognised that the development could make a worthwhile contribution towards meeting renewable energy targets. However, as a consequence of its significant adverse landscape and visual impacts including impacts on the Cairngorms National Park and an identified Wild Land Area as well as the lack of information relating to various aspects such as noise, private water supplies and the impact of the development on important bird species the proposal does not comply with relevant development plan policy. The proposal would also be contrary to national policy guidance as environmental and cumulative impacts cannot be satisfactorily resolved.

6. OTHER MATTERS

RISKS

There are no risks arising directly as a consequence of the recommendations contained in this report. However, in the event of any subsequent Public Inquiry the Council could be held liable for expenses if it is considered to have acted unreasonably. This risk is not regarded as significant as the Council's grounds for objection are considered reasonable and substantiated.

FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations contained in this report. However, in the event of a Public Inquiry the Council may require to engage appropriate legal or professional representation. A further report on this will be presented to the relevant Committee should this be necessary.

HUMAN RIGHTS IMPLICATIONS

There are no human rights implications arising directly as a consequence of this report.

EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective, as required by legislation. An equalities impact assessment is not required.

7. CONCLUSION

Angus Council has been consulted on the proposed wind farm development at Macritch Hill. It is considered that the proposal would give rise to significant and adverse landscape and visual impacts and also to significant and adverse cumulative landscape and visual impacts. The potential benefits of the proposal in relation to renewable energy generation are acknowledged but the adverse landscape and visual impacts are considered to be unacceptable. Furthermore, it is considered that there is a lack of information in relation to noise impacts, effects on private water supplies, and impact of the development on a Schedule 1 bird species to enable proper assessments of potential impacts in each of these areas. Finally, the proposed development would adversely affect the setting of two Scheduled Monuments. In this case there is not considered to be an overriding public interest that would justify such harm. The proposal is therefore considered contrary to relevant development plan policy and it is recommended that Angus Council objects to the S36 application.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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Date: 30 April 2015

APPENDIX 1 – PROPOSED RESPONSE TO THE SCOTTISH MINISTERS
APPENDIX 2 – APPLICANTS ENVIRONMENTAL STATEMENT NON TECHNCIAL SUMMARY

ANGUS COUNCIL

APPENDIX 1 – ASSESSMENT OF PROPOSED DEVELOPMENT

1 INTRODUCTION

1.1 The application site, which measures 1200ha in area, lies 13km north west of Kirriemuir, around 0.6km from the boundary of the Cairngorms National Park. The site is located within the Scottish Water Backwater and Lintrathen Estate and primarily runs in a south to north direction in two specific elongated groups 3 km apart with turbines 1-9 and 17- 18 lying to the immediate east of Backwater Reservoir following the east bank of the reservoir at the southern end of the site. Turbines 10-16 would be located to the north of the reservoir and Milldenwan and Craigwhaut Plantations on a line roughly following the course of Glendamff Burn.

1.2 The proposal involves the installation of 18 wind turbines. The proposed turbine structures would measure to 80m to hub maximum, with a rotor diameter of 101m maximum and a height to blade tip of 125m maximum. Each turbine would have a crane hardstanding adjacent as well as a 3m high transformer kiosk with a footprint of 8sqm. Three borrow pit locations are indicated. The first is to the south west of Wester Coul at a distance of around 450m. The second would be on the south western slope of Creigh Hill on the tree line to the east of Backwater. The third would be to the immediate west of Clintlaw Plantation. Around 18 km of access track would be constructed. The access track would run west from the Lintrathen to Prosen Bridge Road and would enter the site around 600m south east of Wester Coul. The track would follow the lower contours of Creigh Hill first running roughly west for around 2.5 km before turning roughly north around the lower slopes of the hill before running along the east bank of Backwater Reservoir taking in the western slopes of Creigh Hill, Macritch Hill and Milldenwan Hill before taking a slight westward deviation to the north of the reservoir at Glendamff Farm. The track would then turn north again into Glen Damff roughly following the course of Glendamff Burn. A main construction compound and substation is identified to the south of Wester Coul and secondary construction compounds are identified in the Clintlaw Planation and Glendamff Farm areas.

1.3 The proposal is supported by an Environmental Statement (ES) which has been subject of advertisement.

2 RELEVANT PLANNING HISTORY

There is no site history.

3 APPLICANT'S CASE

3.1 The applicant has submitted the following documents in support of the proposal:-

- Pre-Application Consultation Report;
- Planning Statement;
- An Environmental Statement (December 2014) (ES) including (1) Non Technical Summary (NTS); (2) Written Statement; (3) Figures including Visualisations; and (4) Technical Appendices (2 Parts).

3.2 The **Pre-Application Consultation Report** has been submitted as part of the applicant's submission which documents the consultation undertaken with the public prior to the submission of the planning application.

3.3 The **Planning Statement** considers the proposal in the context of the development plan framework and other material considerations including national policy and guidance and local guidance. In the Statement the conclusion is drawn that it is considered that the proposal is in accordance with the development plan and relevant guidance.

3.4 An **Environmental Statement** (ES) has been submitted in support of the application which contains an introduction and background section (S1) and a policy and legal context section(S2). The ES outlines the approach taken in respect of the Environmental Impact Assessment (EIA) (S3) and covers site selection and alternatives considered (S4). The ES describes the scheme and proposed construction methods (S5). The ES further contains technical assessments of the following topics:-

S6. Landscape and Visual Effects	S7. Ecology
S8. Ornithology	S9. Noise
S10. Hydrology, Hydrogeology and Soils	S11. Cultural Heritage
S12. Transport and Access	S13. Socio-economics, Recreation and Tourism
S14. Aviation	S15. Other Considerations (Forestry, Telecommunications and Shadow Flicker)

The ES is supported by a Non-Technical Summary (NTS) (Volume 4); Figures (Volume 2) incorporating Visualisations; and Technical Appendices (Volume 3 Parts A & B). The figures including a Zone of Theoretical Visibility (ZTV) and viewpoints from various locations close to and more distant from the site. A copy of the NTS is attached as an appendix to this report.

4 CONSULTATIONS

4.1 The following bodies have responded to consultation requests in respect of the proposal. Their comments are summarised as follows:-

4.2 The **Archaeology Service of Aberdeenshire Council** offers no objection to the proposal but has recommended that any consent granted is subject to a negative suspensive condition in respect of the implementation of a programme of archaeological works.

4.3 **Historic Scotland** (HS) has offered no objection to the proposal however HS has assessed that the proposed development is likely to have an adverse impact on the setting of two scheduled monuments; Cairn Plew and Cairn Motherie. HS considers that the magnitude of impact on the monuments is high and that there will be an adverse impact upon their setting however such impacts could be mitigated through the removal or re-siting of the three southernmost turbines. HS consider that there is adequate information in the ES to enable a conclusion to be reached on the application.

4.4 **BT** has confirmed that the project should not cause interference with its current and planned Radio Networks.

4.5 **Civil Aviation Authority** has offered no objection to the application but has recommended that the determining authority undertakes consultations with other bodies including NATS, Dundee Airport, the MoD and Emergency Helicopter Support Units.

4.6 The **Joint Radio Commission** (JRC) has offered no objection to the proposal and has confirmed that the proposal is cleared in respect of radio links operated by Local Electricity Utility and Scotia Gas Networks.

4.7 **NATS** has offered no objection to the application in the context of the management of en-route air traffic.

4.8 **Kirriemuir Landward West Community Council** object to the proposal on the basis of landscape and, visual impacts, cumulative impacts, pollution risk in Backwater Reservoir, impacts on residential amenity, noise impact, economic impact from loss of tourism and a high level of objection from the local community when surveyed (80%).

4.9 **Inveresk Community Council** object to the proposal on the basis of landscape and visual impacts with specific reference to the effect on the Cairngorms National Park, the A94, the Angus Glens and cumulative impacts. Objection is also raised in respect of ecological and hydrological impacts, aeronautical impacts and ornithological impacts, particularly in relation to species that fall within the Schedule 1 category of protected species in terms of the Wildlife and Countryside Act. Scottish Waters decision to allow the development on their land is also questioned.

4.10 **Stanley and Kinclaven District Community Council** object to the proposal on the basis of landscape and visual impact, cumulative landscape and visual impact, economic impact with particular reference to tourism, and noncompliance with Scottish Planning Policy and the development plan for the Angus Council administrative area.

4.11 **SNH** has offered outright objection to the proposal on landscape and visual grounds, specifically due to significant adverse impacts on the Cairngorms National Park. SNH indicate that the development would have adverse effects upon the special landscape qualities of the Park, in particular those special qualities associated with the southern Plateaux within the

Park, including the summits and ridges of Mayar and Dreish, which are contiguous with the wind farm site outside the Park boundary. It is the view of SNH that the development would significantly affect the quality of visitor experience of those special qualities in key parts of the Park where people go specifically to enjoy them as a fundamental part of their experience of the Angus Glens. SNH consider it unlikely that, given the sensitive location of the proposal, its detrimental impacts could be reduced or mitigated to a level where we would remove our objection. SNH further objects to the proposal as it is considered that the proposed wind farm would have significant adverse effects on the wildness qualities experienced in the Wild Land Area (WLA) 16 Lochnagar–Mount Keen. It is SNH's view that these effects cannot be substantially overcome by siting, design or other mitigation.

SNH has also identified that The proposed wind farm could affect Schedule 1 bird species associated with the population in North East Glens – Natural Heritage Zone 12 and due to a lack of information in this respect SNH has offered further objection.

SNH also objects on the basis of potential effects of the development on the Loch of Lintrathen SSSI and RAMSAR sites but have advised that such an objection could potentially be overcome through the use of planning conditions.

4.12 **Cairngorms National Park Authority** are due to consider the proposal at their planning committee meeting of 15 May 2015. It is understood at this time that CNPA officers are recommending that the CNPA objects to the proposal.

4.13 The **Mountaineering Council of Scotland** does not object to the southern array of turbines (1-9 and 17-18) however the Mountaineering Council objects to the northern array (Turbines 10-16) on the grounds of landscape and visual impact detrimental to mountaineering interests in the adjacent area much of which lies within the Cairngorms National Park and much of which is also Wild Land Area Lochnagar- Mount Keen.

4.14 The **John Muir Trust** has objected to the proposal on the basis of impact on wild land, impact on tourism and visual impact.

4.15 The **Angus Council Roads Service (Traffic)** have been consulted on the proposal and have highlighted that although traffic impacts are considered to be negligible, certain measures are needed in order to mitigate against those impacts. The measures include; the construction of temporary access tracks, widening of part of the unclassified, Backwater Road, which is encompassed within the site, and the development and implementation of construction management plans. Having considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network Angus Council Roads do not object to the application but would recommend that any consent granted shall be subject to a raft of conditions relating to local road safety issues and the timing of facilitating works.

4.16 **Visit Scotland** has strongly recommended any potential detrimental impact of the proposed development on tourism – whether visually, environmentally and economically – be identified and considered in full. This includes when taking decisions on turbine height and number. Visit Scotland has also urged the consideration of the specific concerns raised above relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

4.17 The **Crown Estate** has confirmed that none of its assets are affected by the proposal.

4.18 **Scottish Water** has indicated that it is working in partnership with the developer as the development would be located on land in their ownership. The wind farm is located within the catchment for Backwater and Lintrathen Reservoirs, which are both designated as Drinking Water Protected Area (DWPA), under Article 7 of the Water Framework Directive. Scottish Water further indicates it is working closely with the developer and has agreed protection measures to safeguard water quality, quantity and assets in the area. These are detailed in the Pollution Prevention Plan and other associated documents.

4.19 **Angus Council Environmental Health** has commented in respect of operational turbine noise, construction noise, the potential impact of construction works on private water supplies and shadow flicker.

In respect of turbine noise, it has been indicated that there are several areas that would need to be clarified in order to aid the determination of the application. It is further indicated that

there is uncertainty about how representative the background noise levels are at both Glennmarkie and North Lodge and further site investigation and additional measurement is considered necessary. On that basis Environmental Health objects to the application due to the lack of information relating to operational wind turbine noise.

In respect of Construction Noise, no objection is offered subject to a condition that requires the submission of a noise control plan to be submitted for further written approval prior to the commencement of development.

In respect of potential impacts on private water supplies Environmental Health objects on the grounds of lack of information. It is highlighted that no risk assessment has been carried out for the supplies serving Braes of Coul or Middle Coul.

In respect of shadow flicker no objection is offered subject to a suspensive condition that would require a scheme of mitigation that includes a complaint investigation procedure to be submitted for further written approval prior to the commencement of development.

4.20 **The Nuclear Safety Directorate** has no comments on this consultation because the development site is not within the safeguarding zones of any nuclear installations.

4.21 **Aberdeen Airport** has no safeguarding objection to the proposal.

4.22 **Glasgow Airport** has no safeguarding objection to the proposal.

4.23 **SEPA** objects to the proposal unless planning conditions in respect of the safeguarding of Ground Water Dependent Terrestrial Ecosystems (GWDTE) are attached. SEPA further objects on the basis of potential impact on GWDTE unless a range of modifications and mitigations that they have identified can be accommodated. SEPA has further identified that some of the proposed mitigation measures set out within the Environmental Statement relate to works which may be regulated by them. However, many of the works will not be regulated by SEPA and need to be covered by condition. SEPA therefore object unless a planning condition is attached ensuring that no development can commence until a full site specific Environmental Management Plan (EMP) incorporating a Construction Method Statement (CMS) and a Site Waste Management Plan (SWMP) is submitted at least one month prior to commencement of development and approved by the planning authority, in consultation with SEPA and other agencies such as SNH. Finally, SEPA objects to the proposal on the grounds of lack of information relating to private water supplies.

4.24 **The Ministry of Defence** has no safeguarding objection to the proposal.

4.25 **Angus Council Roads Service (Engineering and Design Services)** has considered the proposal in respect of the disposal of surface water within the context of Sustainable Urban Drainage Systems (SUDS) and flood risk in its capacity as Local Flood Prevention Authority and offers no objection subject to a condition relating to the submission of further information relating to the specific location of surface water management measures for further agreement and written approval prior to the commencement of development.

5 LETTERS OF REPRESENTATION

As the Council is not the determining authority in respect of the application , representations require to be sent directly to the Energy Consents Unit (ECU) of the Scottish Government. Notwithstanding this 161 letters of objection have been submitted to Angus Council. Many of these letters are copy letters that were also sent to the ECU. The ECU advise that they have received 131 letters of objection as well as a petition with 684 signatories The ECU advises that the petition raises general objection to the principle of the proposal. No supporting letters have been submitted in connection with the proposal. The issues raised in objection letters relate to (in summarised terms):-

Points of objection

- contrary to policy and guidance;
- adverse landscape and visual impacts;
- cumulative impact with other windfarms;
- impact on the Cairngorms National Park;
- impact on wild land;

- noise from construction, operational noise & shadow flicker;
- impacts on residential amenity;
- lack of socio-economic benefits;
- impacts on recreation;
- adverse impacts on built heritage;
- adverse impacts on wildlife including protected species;
- impact on hydrology and hydrogeology (including private water supplies);
- Details of Grid Connection inadequate-Pylons not rules out;
- adverse impact on tourism and Angus economy;
- Development unnecessary as Government renewables targets to 2020 already met;
- impact of construction traffic on local road network;
- inappropriate decommissioning;
- benefits do not outweigh disbenefits;
- inadequate and misrepresentative Environmental Statement (ES);
- Flood risk from water run off;
- Effects of public drinking water supply in Backwater Reservoir ;
- Alternative and less obtrusive renewable energy options are available;
- Pollution from chemicals used in construction and operation;

- **Turbines are inefficient and the 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 assessing this proposal. 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.

- **Safety issues (including ice throw)** – 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.*

- **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.

- **Loss of property values –** members will be aware this is not a valid planning objection.

- **Community benefits payments should not be considered -** The Angus Local Plan Review makes it clear that local community benefits associated with wind farm proposals will not be considered as part of any planning assessment.

6 PLANNING CONSIDERATIONS

6.1 Schedule 9 to the Electricity Act states that, in formulating any relevant proposals, a licence holder or person authorised by exemption to generate, transmit, distribute or supply electricity shall have regard to *the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archeological interest*; and *shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*. In considering any relevant proposals for which consent is sought the Scottish Ministers shall have regard to these matters. The development plan represents a material consideration in assessing these

matters. The below assessment is based on the development plan and other relevant material considerations.

6.2 In this case the development plan comprises: -

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

6.3 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 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.

6.4 In addition to the development plan a number of other publications are also particularly relevant to the consideration of the application. These include: -

- National Planning Framework for Scotland 3 (NPF3);
- Scottish Planning Policy (SPP);
- Scottish Government 'Specific Advice Sheet' on Onshore Wind Turbines;
- The Environmental Statement (ES), and environmental information submitted in respect of this application by the applicant, consultees and third parties;
- Tayside Landscape Character Assessment (1998);
- Angus Windfarms Landscape Capacity and Cumulative Impacts Study (Ironside Farrar, 2008);
- Angus Council Implementation Guide for Renewable Energy Proposals (2012);
- Strategic Landscape Capacity Assessment for Wind Energy in Angus (Ironside Farrar – 2013)

6.5 **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.

6.6 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 area 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:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- 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;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

6.7 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.

6.8 Angus Council has produced an **Implementation Guide for Renewable Energy Proposals** (IG). 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.

6.9 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.

6.10 Bringing the above together, the key policy and material considerations in relation to the proposal are: -

1. Environmental and economic benefits;
2. Landscape impact;
3. Visual impact;
4. Cumulative landscape and visual impact;
5. Impact on residential amenity;
6. Impact on natural heritage;
7. Impact on cultural heritage;
8. Socio –economic Impacts;
9. Other development plan considerations;
10. Other material considerations;

Environmental and economic benefits

6.11 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.

6.12 The SPP refers to ' support for transformational change to a low carbon economy…..including deriving……[amongst other things] the equivalent of 100% of electricity demand from renewable sources by 2020. Paragraph 154 of the SPP indicates that planning authorities should guide renewable energy development to appropriate locations. A number of key considerations are given. These include but are not limited to cumulative impacts, impacts on communities and individual dwellings, landscape and visual impacts, effects on natural heritage including birds, public access considerations, impacts on the historic environment, and impacts on tourism and recreation. The SPP goes on to state that areas identified for wind farms should be suitable for use in perpetuity.

6.13 The ES indicates that the development would contribute towards the generation of renewable energy and would have a generating capacity of up to 59.4MW. The ES suggests that the CO^2 annually displaced by the proposed wind farm would be equivalent to 97, 245 tonnes. This contribution to power generation and CO^2 reduction targets is a significant environmental contribution and the windfarm would work towards the governments targets identified above.

6.14 The ES indicates that the cost of the project would equate to around £76.71 million overall with £23.1 million of expenditure in Scotland (£5.1 million in Angus) and would take around 18 months to complete (commencing 2017 at earliest). In terms of employment, the development is predicted to create 4.6 Full time equivalent (FTE) jobs in Angus in the development and planning stage and 26.6 FTE jobs within Scotland. In the construction phase 31.3 jobs would be created in Angus and 137.3 FTE jobs in Scotland. Operations and maintenance would amount to 5 jobs in Angus and 10 jobs in Scotland.

6.15 The development would contribute towards meeting the governments target of producing 100% of electricity through renewable technologies by 2020. Regard has been given to the benefits the scheme would provide in terms of generation of renewable energy, reductions in CO^2 production and potential economic benefits in undertaking the assessment of the proposal against other development plan policies as detailed below although it is noted that in terms of overall expenditure on the project, only 6.6% of expenditure would be relevant to Angus.

6.16 The applicant indicates that a community benefit fund would be created as part of the proposal. The Angus Local Plan Review makes it clear that local community benefits associated with wind farm proposals will not be considered as part of any planning assessment.

Landscape impacts

6.17 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 local plan indicates that the Highland area (which includes the Highland Summits and Plateaux and the Mid Highland Glens within both of which the site is located) is sensitive to the potential landscape and visual impact of large turbines. It indicates that the possibility of satisfactorily accommodating turbines in this area should not be discounted but suggests that locations associated with the highland summits and Plateaux and the fault line topography are likely to be less suitable. It further indicates that in all cases, the scale, layout and quality of design of turbines will be an important factor in assessing the impact on the landscape. It also indicates that the Highland area has significant natural heritage value and the development of large scale wind farms is likely to be limited due to potential adverse impact on visual character, landscape and other natural heritage interests.

6.18 The Tayside Landscape Character Assessment (TLCA) identifies that the application site lies within both the **Highland Summits and Plateaux** (HSaP) Landscape Character Type (LCT) and the **Mid Highland Glens** (MHG) LCT.

6.19 The HSaP LCT is described as one of the remotest and wildest landscapes in the UK. The key characteristics of the HSaP LCT (Mounth Highlands) is described as an extensive area of upland with a series of spurs extending southwards towards Strathmore; the hills are more rounded than those in the west and rock outcrops are fewer. The landscape guideline for development is to 'discourage any development on the Highland Summits and Plateaux'. In terms of tall structures, it discourages proposals for aerials, masts or wind turbines because of their likely impact on the harsh, undeveloped character of the Highland Summits and Plateaux. The MHG LCT is described as providing a transition between the upper and lower parts of the valleys. The presence of mountains is still the dominant influence on landscape character and it is only on the narrow valley floors that agriculture has been able to bring the land into productive use. Despite the size of the mountains, the narrowness of the glens means that the landscapes are relatively small scale. Settlement is generally in the form of a scatter of buildings constructed from local materials and more substantial developments such as pylons and other tall structures are very evident. The development of tall structures is similarly discouraged in the MHG LCT.

6.20 The Angus Windfarms Landscape Capacity and Cumulative Impacts Study, September 2008, prepared for the council by Ironside Farrar (IFR) provides further information on the landscape capacity of the HSaP LCT and the MHG LCT. A landscape capacity assessment is derived from combining the results of landscape sensitivity; visual sensitivity; and landscape value assessments. In terms of landscape capacity.

6.21 It indicates that the scale of the HSaP LCT is large to very large with topography of undulating or rolling Plateaux and rounded summits, falling steeply at the edges into the glens. It notes that generally these are characteristics that are suitable for windfarm developments and the landscape character would have a low to medium sensitivity. It indicates that the Mounth is very open and highly visible from the lowlands to the south and further mountains to the north. There are a high number of sensitive recreational receptors using this area and the visual sensitivity is medium to high. This leads to an overall medium landscape sensitivity, accordingly to the study. As a backdrop to lowland Angus, an area of high recreational value and an area of remote and wild characteristics the HSaP LCT are of high landscape value and as such has a low capacity for windfarm development. The study indicates that due to their enclosed, short range or narrow views and medium scale together with the absence of comparable development and high landscape value, the MHG LCT has little or no capacity for commercial wind farm development.

6.22 Angus Council has prepared further guidance on renewable energy proposals which was approved by the Infrastructure Services Committee at its meeting on 14 June 2012. This document seeks to clarify existing development plan policy and to assist in considering proposals against those policies. The Council's Implementation Guide indicates that the HSaP is considered to have no scope for wind turbines. Similarly the MHG LCT is identified as having some scope for medium size turbines (circa 50 m) but not large turbines. The implementation guide assessment provides guidance on the Local Plan and has been extrapolated from sources including the Tayside Landscape Character Assessment, the Landscape Capacity and Cumulative Impacts Study, Reporters findings from planning appeals, responses from statutory consultees and reflects the particular scale and landscape of Angus.

6.23 The Strategic Landscape Capacity Assessment for Wind Energy in Angus indicates that the HSaP has no underlying capacity for wind turbines and no remaining capacity for wind turbines. It indicates that the landscape character sensitivity of HSaP is medium; visual sensitivity is medium/high and landscape value is medium/high. The current 'wind energy landscape type' is *Highlands Summits and Plateaux with no wind turbines*. In respect of the MHG LCT the assessment indicates that there is low capacity for groups of up to 3 small (15-<30) turbines and for single medium (30-<50) sized turbines. The landscape sensitivity is medium/high and visual sensitivity is medium/high. The current 'wind energy landscape type' is Mid Highland Glens with No Wind Turbines/Occasional Wind Turbines.

6.24 The ES states that the effects on the landscape fabric would not be significant. However the proposal would alter the understanding of scale and pattern within the Backwater-Glendamff

corridor. The proposal rests on the notion that the regional landscape character assessment requires 'refinement' at site level on the basis that it is a landscape 'm*uch modified in character*' and that the site's landscape has '*medium capacity to accommodate change'*.. SNH guidance *Siting and Designing of Windfarms in the Landscape* paras 4.31-4.33 sets out three tests for establishing the "appropriate scale" of a development in relation to landscape scale. Principally that a windfarm should be "*of minor vertical scale in relation to the key features of the landscape (typically less than one third)"*

6.25 There are, however, inherent flaws with regard to the degree by which an adjustment would be reasonable. The ES sets out a case for altering the overlap broad-brush boundaries for the surrounding landscape character types. This is based on the presence of the reservoir dam and numerous forestry plantation blocks. However the dam is a grass covered earth embankment that is well integrated and visually unobtrusive. The proposed refinement to the LCTs to create a further sub-category is not accepted as valid. The effect of the proposal would be to dominate the valley form with an array of vertical structures alien and incongruous that would dwarf the existing comparatively modest sized landscape elements and underlying topography and would be incompatible with the existing characteristics of scale and pattern. The impact would be highly significant for the corridor and significant for the LCTs.

6.26 In their consultation response, SNH has objected to the proposal due its significant adverse landscape and visual impacts on sensitive and nationally important receptors, most notably the Cairngorms National Park and Wild Land Area 16 Lochnagar-Mount Keen. I agree that the impact on mapped wild land would be significant and detrimental. In addition, the application site itself is considered to have wild land characteristics which would be significantly eroded by the development.

6.27 SNH describe the current experience of the sense of expanse experienced when emerging onto the Cairngorm Plateaux from the main path through Glen Doll. To the south the main view is framed by Mayar and Dreish. SNH state that the wind farm would introduce large scale structures into a landscape that is currently without scale reference and in doing so the development would appear to shrink the expansive nature and reduce the vastness of the landform. The landscape is currently dominated by natural land forms notwithstanding any assertion in the ES regarding the 'industrial' nature of Backwater Reservoir and its associated structures. The reservoir is manmade however it is easily read as a natural feature from most directions, particularly from the north. Even from the south, the dam is well integrated into the landscape by virtue of its landscaped and earth built nature. There is a sense of remoteness within the shallow glen and an increasing sense of wildness moving north. The introduction of 125 metre moving structures into the landscape would result in a large scale development that would intrude and impose itself in the landscape that would diminish the sense of remoteness and wildness currently experienced.

6.28 It is clear that the site straddles two different landscape character types and to suggest that there is somehow a unifying and unique element that brings the two together into a unique and discrete LCT that is capable of accommodating a development of this nature is not supported. The proposal is contrary to policy ER5 and ER34 of the local plan in that the site selected would not be capable of absorbing the proposed development to ensure that it fits into the landscape. The proposal would have adverse impacts in respect of landscape character, setting within the immediate and wider landscape, and sensitive viewpoints. In addition, and as noted above the proposal would have significant and adverse impacts on wild land.

Visual impact

6.29 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.*

6.30 The ES LVIA methodology is generally considered to be appropriate and follows best practice. The pattern of visibility is dictated by the landform which creates a high sided visual corridor in the north-north-west to south axis. This focuses views north through the glen towards the Cairngorms terminating at the Mayer-Driesh ridge. While there is a sense at human eye level that the valley is well contained, structures of 125m will be clearly seen from outwith the valley for elevations in excess of 620 AOD from key vantages to north, west and

south of the site. The proposal presents two clusters which will be read as separate and distinct as noted in the ES due to a distance of 3 km between turbine groups. Both clusters are generally arranged as linear arrays which follow the orientation of the glen.

6.31 The visual sensitivity for the Mid Highland Glens LCT is medium-high (SLCAWEA Table 6.1(a)) and for Highland Summits and Plateaux LCT, high as stated above. Visual sensitivity is relevant to human sight and experience. People are the prime receptors but this is dependent on location, use / function and activities. Recreation is a major activity that is relevant to the site both for the Backwater reservoir the Cairngorms National Park and for the Glen Prosen Estate which is a sporting estate. Specific sensitivities are associated with roads, and off road promoted routes, car parks, National Scenic Areas NSA and scenic vantages especially on summits and examples are well represented in the viewpoint selection.

6.32 The development would introduce exceptionally tall vertical industrial structures with moving parts. The development would be highly intrusive because it would introduce a new and highly visible array of structures which would not integrate or blend with the receiving landscape types or subtypes, thus rendering them prominent and at odds with their context. The turbines would become the substantive focus of attention within the Backwater-Glendamff corridor (Viewpoints (VP) 9 and 12) and from key vantages known for their scenic views (VPs -, 2, 3, 4, 5, 6, 11, 12, 16, 19 and 20). The visual impact from these viewpoints would be significant and adverse. In addition, there are several core paths in and close to the site that would be affected by the development. The applicant has assessed the sensitivity of the paths and tracks in the vicinity of the site as low. It is however considered that this significantly underplays both the importance of the routes and their sensitivity to change and that account should be had for changes to the recreational experience for access route users, not just the physical closure or loss of recreational opportunities. The relevant pathways identified would have a high sensitivity to change and impacts on a number would be significant and adverse.

6.33 In addition, it is considered that there is a primary viewing point on the Backwater dam with views northwards toward the Cairngorm peaks of Mayer and Dreish. This primary vantage point is not included in the visual assessment but would be representative of recreational views around the reservoir and scenic qualities of the area enjoyed by visitors. It is likely that the entire wind turbine development would be highly visible from this viewpoint. The southern array would be close to the viewer and would have a dominant and overbearing presence. The northern array would sit between the viewer and the Mayer/Dreish ridge and would compete as the focal point within the view. This would represent a significant adverse visual impact and would be detrimental to the scenic beauty experienced by visitors.

6.34 The ES contains a Residential Assessment. The Assessment refers to wirelines, but these have not been submitted in support of the application (either in paper form or on a disk). It is unhelpful that there are no viewpoints from the most affected houses. Furthermore, whilst the ZTV which combines both the northern and southern arrays is on a 50k OS base plan, the ZTVs specifically for each of the northern and southern arrays is on a 250k OS base plan. This coupled with non-submission of the wirelines has led to insufficient information to provide a robust assessment of impacts upon houses. A central premise of the ES Assessment is that there is unlikely to be unacceptable impacts upon the visual aspects of residential amenity at distances greater than 800m. It is considered that this is an over-simplistic approach.

6.35 The most significant effects upon houses are likely to be experienced around Backwater, Glenhead, Glendamff and Glenmarkie.

6.36 At the northern end of Backwater Reservoir are 4 houses. Three of the houses are at Glenhead, with Glendamff Farmhouse being located slightly further west. The absence of any submitted visualisations (wireline or photomontage) from these houses or nearby creates uncertainty of the effects which would be experienced. From the submitted ZTVs, the three houses at Glenhead are predicted to not have views of the northern array, due to intervening topography. They would however have views of the southern array with between 1 and 9 turbine hubs being visible and blade tips of 4 to 11 being visible. The Residential Assessment suggests that only 4 turbines would be visible from Glenhead Farm (974m /almost 8 times turbine height). Shepherd's Cottage (1002m /8 times turbine height) is predicted in the Assessment to have views of 4 turbines in the southern array. From the submitted information, it is unclear how much of the turbines would be visible, but the size of the turbines relative to their proximity to the houses would likely lead to high levels of magnitude of effects, being prominent and potentially over-bearing.

6.37 Glendamff Farm is located in the main north-south glen therefore with views towards the north and south from the environs of the house. The northern array would be 2140m/ 17 times turbine height to the north. Whilst farm buildings may provide localised screening for the house, the turbines would nevertheless be visible from its environs. The ZTVs predict 1 to 6 hubs and blade tips of 4 to 7 turbines of the northern array being theoretically visible. Similarly, the main glen axis location would also increase views of the southern array (1007m/ 8 times turbine height) with 7 to 9 hubs and blade tips of 10 to 11 turbines being theoretically visible. Again, from the submitted information, it is unclear how much of the turbines would be visible, but the size of the turbines relative to their proximity to the houses would likely lead to high levels of magnitude of effects, being prominent and potentially over-bearing.

6.38 In addition, residents of all 4 houses would gain access by effectively driving through a windfarm (the southern array), with views of the northern array beyond their house on the approach. Given the above it is considered that all 4 houses would be likely to experience adverse effects of major significance that would be overbearing and inescapable.

6.39 There are 7 houses at Glenmarkie. Glenmarkie is not accessed via the Backwater/ Glen Damff corridor therefore avoids passing through the southern array. Access from Glen Isla starts further west via Freuchies west of Hare Cairn through commercial forestry. These houses typically face south-east, with rising ground and a commercial plantation close to their northern boundaries.

6.40 The environs of these houses (from submitted ZTVs) are predicted to have theoretical visibility of 5 to 9 hubs and blade tips of 5 to 9 turbines. The northern array would be located on a ridge of higher ground to the north-east of the houses. The nearest house is the recently constructed Glenwhinney (not shown on OS plans nor assessed in the ES). This house would probably be around 830m/ around 6.5 times turbine height from the closest turbine. The ZTV indicates that 6 turbines would be theoretically visible. The ES indicates that landform and the existing conifer plantation would provide a level of screening however the plantation is maturing and it is considered a reasonable likelihood that it may be clear-felled during the life-span of the proposed turbines. There is also a theoretical possibility of plantations being subject to windblow. Whilst most of the houses have a similar relationship with landform and the conifer plantation, effects may lessen with distance to the west or conversely, turbine visibility may increase further back from intervening landform. Glenmarkie Lodge has localised conifer screening which is likely to affect views towards the proposed turbines. The northern array would also be highly prominent on the approaches to the Glemmarkie hamlet from the south. The turbines would rise above the hamlet slightly to one side. Given the size of the turbines, their close proximity; together with their elevated position relative to the houses, it is considered likely that the northern array would have an over-bearing and oppressive impact upon the houses, their environs and approaches. The ES advises that all of the southern array would be screened by landform however clarification would be helpful.

6.41 At the southern end of Backwater Reservoir are 2 houses (Backwater North Lodge and Backwater South Lodge). The North Lodge is located close to the west shore of the Reservoir. Rising landform and forestry effectively obscure views in most directions other than directly across the Reservoir. The main windows and first floor balcony face the Reservoir (as illustrated in in the relevant letter of objection). The northern array is predicted to be hidden by landform. The southern extent of the southern array, most notably turbines 1, 18 and 17, would be located directly across the Reservoir from the house (803m/ around 6.5 times turbine height at the closest point). The ES advises that the majority of the southern array would be visible. The entire southern array would be prominent on the approaches to the house. The turbines would be located on higher ground relative to the house and would dominate views from the house and have an unavoidable presence. By virtue of the size of the turbines; their position on higher ground; their close proximity to the house; and the open water and lack of intervening land form between the house and the turbines, it is considered likely that the southern array would have an impact of major significance having an over-bearing effect on the house and its approaches.

6.42 The Southern Lodge is located south of the dam (1004m/ 8 times turbine height). The house has no predicted theoretical hub visibility for the northern array. Blade tip visibility for this house is obscured on the ZTV by a label. The ES predicts theoretical visibility of 9 turbines within the southern array. The ZTV suggest that 5 to 9 hubs would be theoretically be visible. Much of the views of turbines are predicted by the ES to be screened and filtered by trees.

The southern array would however dominate views on the approaches to the house. The trees which partially screen views towards the southern array are a conifer plantation. It is unclear from the submitted information, the extent to which existing trees would prevent significant effects from the house. Notwithstanding this if the trees are either felled or windblown, the development would by virtue of the turbine size; their position on higher ground; and their close proximity to the house; be considered to have an impact of major significance having an over-bearing effect the house and its approaches.

6.43 As well as the visual impact of the turbines, the impact of the associated infrastructure and most notably the track needs to be taken into account. While this aspect of the development has not been fully assessed in the ES, it is noted by SNH in their consultation response that the associated benching of the track and the new track network required to build the wind farm on the steep glen slopes would have significant negative impacts. I concur with this view.

6.44 Criterion (b) of ALPR policy ER34 refers to unacceptable visual impacts in relation to sensitive viewpoints. Criterion (b) of Schedule 1 of Policy S6 also requires that proposals should not give rise to unacceptable visual impact. For the reasons detailed above it is considered that the development would give rise to adverse visual impacts on the occupants of the residential properties to the north and west of the southern array and on recreational receptors in and around the site including the Cairngorm Plateaux. Given the nature of the proposal, it is not considered that there are any means of mitigating this impact. I will address whether these significant and adverse visual impacts are considered to be unacceptable later in this report.

Cumulative landscape and visual impacts

6.45 The Cumulative Assessment contained in the ES has generally followed best practice taking the full 360^0 panorama into account and relevant scenarios. However the analysis has generally downplayed the effects and while sequential effects are referenced, no detailed sequential effects analysis for any defined key routes have been presented.

6.46 In the ES the cumulative aspect is presented as not exceeding capacity by virtue of "*localised effects of the proposed development and lack of strong relationship with other schemes"*. This opinion is further advanced making reference to the surrounding landform and its natural shielding.

6.47 Analysis presented in the ES does not actually reflect what is indicated in the ZTV in terms of potential extent of visibility for Macritch and Drumderg, Tullymurdoch and Welton of Creuchies. The ES viewpoint wireframes and photomontages indicate stacking or layering of windfarms giving rise to substantial horizontal arrays of wind turbines (VP1, VP2 , VP3 , VP6 and VP30) which yield augmented in-combination effects experienced as a defining 'forest of turbines' presence across the fabric of the landscape. The consequence of the combined and in-succession effects for the summits (VPs 1, 2, 3, 4, 5, 6, 19 and 20) would be to modify key characteristics of naturalness, remoteness and tranquillity and to consequently create a new landscape character of landscape with wind turbines that exceeds any underlying wind energy capacity.

6.48 While inter-visibility at human eye level would be limited between Macritch and other developments there would be substantial cumulative effects for a proportion of the viewpoints many of which are scenic vantages. The ES concedes VP6 Cat Law would experience significant cumulative effects. There are also substantial cumulative effects in-combination for VPs 1, 2, 3, 4, 14, 16, 20 and 30.

6.49 It is broadly agreed as stated in ES that sequential cumulative effects would not be significant to the receptor when travelling along the study area road network. However because of the separation distance between the northern and southern array the development would result in the unusual outcome that in-succession and sequential cumulative effects (VP9) would be experienced from two parts of the same development when moving into the glen.

6.50 Both Mid Highland Glens and Highland Summits and Plateaux LCT are indicated in the SLCAWEA as having no capacity for large wind turbines. Mid Highland Glens LCT is indicated as having some capacity for developments of turbines up to 50m (single turbines). The projected limits for wind energy is highlighted in the SLCAWEA with Mid Highland Glens LCT potentially becoming a 'landscape with occasional wind turbines' [up to 50m] and Highland Summits and Plateaux LCT as a 'landscape with no wind turbines'. The reason for

these capacity limits relates to their relative and progressive wildness, remoteness and diminishing levels of built development. The proposal would therefore give rise to cumulative landscape and visual effect of major significance which give rise to landscape typology exceeding the envisaged wind energy capacity for the respective LCTs.

6.51 I consider that the most direct cumulative impacts in relation to this proposal would occur within the Cairngorms National Park where the increasing prevalence of wind farm developments outwith the park are increasingly having an encircling effect. While there are areas close to the Angus Glens and southern Cairngorms National Park along the Highland Boundary Fault that are subject of operational and consented wind developments (notably Drumderg, Tullymurdoch, Welton of Creuchies and to some extent The Carrach (as recently approved under DPEA ref: PPA-120-2036)), the foothills, glens and summits between have remained free from larger scale wind farm developments. As such the development would lead to significant and adverse cumulative landscape and visual impacts as further areas around the Highland Boundary Fault become subject to industrialising development.

6.52 Having considered the information contained within the ES I consider that the cumulative landscape and visual impacts associated with this development in combination with other developments has the potential to be significant and adverse particularly when viewed from the north.

Effect on residential amenity (including noise and shadow flicker)

6.53 Criterion (a) of ALPR policy ER34 requires the siting and appearance of renewable energy apparatus to be chosen to minimise its impact on amenity, while respecting operational efficiency. Criterion (c) of ALPR policy ER35 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. Criterion (a) of Schedule 1 of Policy S6 indicates that 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. Policy ER11 deals specifically with noise pollution.

6.54 SPP recognises that the potential impact of wind farm development on the amenity of the nearby residents and communities is material to the consideration of planning applications. Issues such as noise and shadow flicker can all affect residential amenity and should be taken into account in determining planning applications.

6.55 PAN 1/2011: Planning and Noise indicates there are two sources of noise from wind turbines - the mechanical noise from the turbines and the aerodynamic noise from the blades. Mechanical noise is related to engineering design. Aerodynamic noise varies with rotor design and wind speed, and is generally greatest at low speeds. Good acoustic design and siting of turbines is essential to minimise the potential to generate noise. The Scottish Governments Specific Advice Sheet for onshore wind turbines confirms that proposals should be considered against 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97).

6.56 As discussed in above I consider that the development would have a significant and detrimental visual impact on the occupiers of several residential properties. For the avoidance of doubt, I consider that for those reasons the amenity of the properties identified would be adversely affected by the wind farm development proposed.

6.57 Other potential impacts on residential amenity are covered in criterion (c) of policy ER35. In this respect the submitted ES contains a Noise Assessment that covers both operational noise and construction noise. This information has been reviewed by the Council's Environmental Health officers who have highlighted several areas where further assessment would be required in respect of operational noise with particular reference to how background noise levels have been reached at North lodge and Glenmarkie. As a result Environmental Health officers have objected to the proposal. The objection could however potentially be overcome by addressing the issues that have been highlighted by them. No objection is raised in respect of construction noise subject to a condition requiring a noise control plan addressing the issue of construction noise prior to the commencement of development.

6.58 Government guidance indicates that shadow flicker should not be an issue where sufficient separation distances are provided between turbines and nearby dwellings (as a general rule

10 rotor diameters). There are seven properties that are located within 10 rotor diameters. Shadow flicker effects have been modelled under worst case conditions however when taking into account likely conditions, the residual effects are unlikely to be significant and no mitigation is proposed. The Council's Environmental Health officers are generally satisfied that the proposal should give rise to no unacceptable issues in respect of shadow flicker however it would be appropriate that in the event that a consent was granted the potential impact should be controlled by a shadow flicker scheme of mitigation that could be secured by condition.

6.59 In respect of private water supplies, both SEPA and Environmental Health officers have highlighted that there is insufficient information submitted to reach the conclusion that all of the supplies in the area have been assessed. Particular attention is drawn to Braes of Coul and Middle Coul. It is therefore considered that this matter has not been satisfactorily addressed and on that basis precaution must be exercised and the matter must be considered to be a potential adverse effect until the issues highlighted by SEPA and Environmental Health are satisfactorily resolved.

6.60 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. The Reporter in respect of the Mountboy and Montreathmont appeals confirmed that the reference to siting also relates to the location of the proposed development. He also indicated that he was not persuaded that, as a general proposition, maximising power output from any site should be the overriding consideration; rather, it is a question of seeking an acceptable balance between "harvesting" the available wind resource and the landscape and visual impact of the necessary apparatus.

6.61 Overall, I find that the development would have a detrimental effect on residential amenity due to visual impact and as no firm conclusion can be reached on potential operational noise impacts and impacts on private water supplies, these must also be treated as potential adverse effects until the highlighted shortcomings in the assessment information have been addressed. I will considered whether these detrimental effects on are considered to be unacceptable later in this report.

Impact on Natural Heritage

6.62 The development plan framework 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. Policy ER4 requires safeguarding of habitats protected under British and European law or other valuable habitats and species.

6.63 SPP indicates, amongst other things that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development. SPP goes on to state that the presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Planning guidance produced by Scottish Natural Heritage (SNH) indicates that experience suggests that many bird species and their habitats are unaffected by wind turbine developments and the impact of an appropriately designed and located wind farm on the local bird life should, in many cases, be minimal. To date, the most common concern has been the risk of 'bird strike' i.e. birds flying through the area swept by the blades and being hit, causing injury or death. This will depend on a number of considerations such as, the particular species and numbers, the nature of the bird flight and any relevant seasonal patterns. The risk of disturbance to bird species during construction and operation of the wind farm is also an important consideration. For some species this is of greater potential significance than collision mortality.

6.64 Chapter 7 of the ES deals with ecology, Chapter 8 deals with ornithology and Chapter 10 deals with hydrology, hydrogeology and soils. Studies undertaken to investigate ecological

impacts include a Phase 1 Habitat Survey; a survey of National Vegetation Classification types for specific habitats on the site; a Bat Survey; a Mammal Survey; and Vantage Point Surveys for birds and breeding bird surveys which conformed to SNH guidance of the time. In respect of Hydrology, Hydrogeology and Soils, a Private Water Supply Risk Assessment, a Groundwater Dependent Terrestrial Ecosystem Assessment, a Watercourse Crossing Assessment, a Geotechnical Report, A Draft Peat Management Plan, A Carbon Balance Assessment and a Drainage Report have been undertaken.

6.65 The ES predicts no significant impact on vegetation and habitats, no significant impact on protected mammal species, bats, amphibia and reptiles and with mitigation undertaken to address potential impacts at the site scale, the impact of the scheme on terrestrial ecology is predicted to be neutral. The ES predicts that the impacts of the development on breeding birds and those overflying the site to be low magnitude and not significant. The ES predicts that there would be no significant effects in relation to hydrology, geology, soils or hydrogeology as a result of the construction, operation or decommissioning of the development.

6.66 Representations received raised particular concerns relating to impacts on protected mammals, protected bird species, habitats, ground water and private and public water supplies.

6.67 While there has been no comment from the RSPB at this time SNH and SEPA have commented on the proposal. SNH have objected on two grounds associated with natural heritage issues. The first is that the proposed wind farm could affect a Schedule 1 bird species. The species in question are susceptible to collision mortality at wind farms. SNH require ongoing survey work to be extended to provide a full year of additional data to cover both the breeding and wintering season in order that likely significance of impacts can be assessed. There is no potential for SNH to rescind their objection until the further work is carried out. There is however no guarantee that the undertaking of additional work would result in the lifting of the objection.

6.68 The second point of SNH objection in result of natural heritage matters is potential effects on the Loch of Lintrathen SSSI and RAMSAR sites. This matter can however be overcome by the attachment of conditions relating to the further submission of a detailed site Construction Environmental Management Plan and specific Pollution Prevention Plans. This will ultimately be a matter for the determining authority to consider however. As indicated above SEPA have also commented on the proposal and have objected on two grounds, these being the potential impact of the development on Ground Water Dependent Terrestrial Ecosystems (GWDTE) which can potentially be overcome by micro siting and conditions and the second point of objection Is the lack of information relating to private water supplies. Environmental Health have also objected on this basis.

6.69 All other matters relating to natural heritage considerations could be addressed by ensuring mitigation through conditions, which would amongst other matters, ensure that the mitigation measures identified in the ES are implemented, however having regard to the responses from SNH, SEPA and Environmental Health I conclude that the proposed development cannot be considered to comply with Policy ER34, Policy ER35, Policy ER25 and Policy ER4 in the Angus Local Plan Review at this time.

Impact on cultural heritage

6.70 The development plan framework provides a number of policies that seek to safeguard cultural heritage. These include policies ER12, ER16, ER18, ER19 and ER20 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. For the purposes of this section, cultural heritage includes impacts on listed buildings, conservation areas, scheduled monuments, unscheduled archaeology and inventory gardens and designed landscapes.

6.71 Chapter 11 of the ES addresses cultural heritage and identifies direct and indirect impacts of the proposed development on cultural heritage features. In terms of direct impacts of the proposed development, the ES indicates that the development is predicted not to result in any significant direct residual effects however there are predicted to be residual effects on the settings of two Scheduled Monuments assessed as being indirect effects of potentially moderate significance on the settings of Cairn Plew and Cairn Montherie sites. Historic

Scotland have commented on the proposal and have indicated that they consider that based on the information submitted, they consider that the magnitude of impact on the monuments is high and that there will be an adverse impact upon their setting. HS consider that the development has the potential to affect the ability to appreciate the cairns in their upland setting and the ability to understand their topographic location. In particular HS believe that the turbines may become dominant features in the immediate setting of the cairns that would have a detrimental impact upon the ability to appreciate the connection between the two monuments. HS have indicated that the effects identified could potentially be mitigated through the re-siting or removal of the three southernmost turbines in the development. HS have however clarified that they do not object to the proposal.

6.72 The Archaeology Service has also commented on the proposal and offer no objection or concern in relation to local or national archaeological designations. It has however been suggested that a condition should be attached to any consent issued requiring the securing and implementation of a programme of archaeological works.

6.73 While HS has offered no objection to the application their concerns regarding the impact of the proposed development on the setting of the Scheduled Monuments are noted. As the proposed development would have an adverse impact on the setting of Scheduled Monuments, the proposal gives rise to conflict with Policy ER18 of the ALPR.

6.74 I am satisfied that the proposal does not give rise to unacceptable impacts in terms of unscheduled archaeology, historic gardens and designed landscapes and listed buildings. However, the proposal would give rise to adverse impacts on the setting of archaeological interests of national significance.

Socio – Economic Impacts

6.75 Policy SC31 seeks to protect open space of recreational, sporting and amenity value. Policies of both the TAYplan and Angus Local Plan Review provide support for appropriate tourism development. Visit Scotland has strongly recommended any potential detrimental impact of the proposed development on tourism – whether visually, environmentally and economically – be identified and considered in full. This includes when taking decisions on turbine height and number. Visit Scotland has also urged the consideration of the specific concerns raised above relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

6.76 SPP indicates, amongst other things, that tourism and recreation, support local economies and to varying degrees such activities depend on the quality of the environment, in particular the landscape. This does not mean that renewable energy developments are incompatible with tourism and recreation interests. Sensitive siting can successfully minimise adverse impacts, particularly visual impacts, but it is unrealistic to expect such developments to have no effect at all. Opinions are divided as to whether some renewable energy developments, such as wind farms or hydro schemes, may themselves be of interest to tourists and the extent to which their existence can be compatible with recreational pursuits such as hill walking. The SPP recognises that tourism is a well established and valuable contributor to the rural economy and to the prosperity of many towns and villages in rural Scotland. It is mainly associated with Scotland's natural and scenic and cultural heritage. It is therefore important that the role of tourism in the rural economy and the assets on which it is based should be reconciled with the need to promote renewable energy generation.

6.77 Turning to recreation interests the proposal has the potential to affect those enjoying the area for its recreational attributes. Those who are mostly likely to be affected are walkers on local footpaths, rights of way, riders, cyclists, hill walkers, anglers and shooting parties. The most direct effect on such interests would be as a consequence of visual impact that I have identified as a significant impact under the visual impact assessment earlier in this report.

6.78 However I have no evidence to suggests that such impact would reduce visitor numbers or participation in recreational activities to an extent that would impact on the economy of the area.

6.79 I note the concerns raised by objectors regarding the potential impact of the development on the tourist industry and the comments of Visit Scotland. Whilst there have been a number of surveys undertaken to assess the impact of wind farm development on the tourist industry there does not appear to be definitive information on the impact of existing developments.

Although I cannot discount the possibility that some visitors might be deterred from making return visits to holiday accommodation in the vicinity of the site because of the presence of the wind farm, I find no persuasive evidence to suggest that it would have an overall adverse effect on tourism in this part of Angus.

6.80 I recognise that the construction of a wind development would potentially generate some employment opportunities in the area. In the current economic climate that it is an important consideration. In circumstances where a development does not give rise to unacceptable environmental impacts I consider that this merits some weight however that is not the case in this instance.

Other Development Plan Considerations

6.81 Policy ER35 of the Angus Local Plan Review indicates that wind farm development should not interfere with authorised aircraft activity. The MoD has offered no objection to the proposal provided an aviation lighting condition is attached to any consent given. The Civil Aviation Authority and other aeronautical interests who have commented to date have not raised any safeguarding objection although it is noted that additional aeronautical safeguarding consultation that should be undertaken by the determining authority has been identified by the CAA. On this basis of the currently available information, I am generally satisfied that the proposal would not interfere with aircraft activity subject to appropriate conditions however the determining authority will need to further satisfy itself that the additional consultations highlighted by the CAA do not give rise to any currently unidentified issues.

6.82 The applicant has indicated that the development would export electricity to the national grid either via an underground grid connection to the existing substation at Lunanhead, near Forfar or to a soon to be built substation at Haughend near Alyth. It indicates that the connection would likely be achieved via 33/132 kV buried cable that would be subject to a separate application under Section 37 of the Electricity Act 1989. The undergrounding of cables is considered to be a sensitive means to connect the development to the electricity network in principle subject to any environmental issues being satisfactorily addressed. It is noted that objection is raised in respect of the potential for overhead cables and pylons to be utilised however no information is available to suggest that this would be necessary.

6.83 The ES indicates that the proposed route for construction traffic from the A90 (T) road is via the A94 Perth –Forfar Road at Glamis using the A90/A94/A929 junction at Forfar. Thereafter the A928 Kirriemuir to Glamis Road and the B951 Kirriemuir to Glen Isla Road before joining the minor Lintrathen to Prosen Bridge Road. The ES proposes a Construction Transport Management Plan be utilised to ensure that any residual construction effects not currently identified are suitably mitigated. No consultation response from Transport Scotland is currently available. Angus Council Roads Service has been consulted on the proposal and has highlighted that although traffic impacts are considered to be negligible, certain measures are needed in order to mitigate against those impacts. The measures include; the construction of temporary access tracks, widening of part of the unclassified, Backwater Road, which is encompassed within the site, and the development and implementation of construction management plans. Having considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network Angus Council Roads do not object to the application but would recommend that any consent granted shall be subject to a number of conditions relating to local road safety issues and the timing of facilitating works. On the basis of the foregoing, I do not consider that the access arrangements would give rise to any significant environmental or landscape change and any impacts could be mitigated by conditions to ensure an appropriate Transport Management Plan is agreed. The determining authority will however need to satisfy itself that sufficient capacity is available to facilitate the proposed Transport and Access arrangements in respect of access via and from the Trunk Road network.

6.84 No objections have been received from technical consultees regarding the impact of the development on any existing transmitting or receiving systems.

6.85 In respect of site restoration, I consider that a planning condition could be utilised to secure the restoration of the site and the provision of a restoration bond however this will ultimately be a matter for the determining authority to consider.

6.86 Neither SEPA or the Angus Council Roads has raised objection to the proposal on the grounds of flood risk subject to the imposition of planning conditions requiring the submission of further information.

Other Material Considerations

6.87 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 the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.

6.88 The wind farm would contribute towards meeting government renewable energy targets notwithstanding that objections have highlighted that 2020 targets have been met. In this regard the proposal 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 on the Angus Glens, the Cairngorms National Park and an identified Wild Land Area which gives rise to issues in terms of the compatibility of the proposal with policy aimed at allowing renewable energy developments in appropriate locations where both technical and environmental capacity can be demonstrated. I also consider that the proposal would give rise to significant adverse visual impacts on local houses and, users of walking routes and the adverse impacts would lead to a cumulative impact over a wider area beyond the confines of the glen in which the development is proposed. Whilst wind farms are an important contributing factor towards meeting government energy targets and I accept that this is a location where the technology could operate efficiently, 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 and the economic benefits associated with the construction and operation of the wind farm which locally would be fairly modest compared to the overall project cost, but I do not consider that there is anything in government policy that suggests this should be at the expense of landscape and visual amenity of those that live and use the area nearby.

6.89 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 harm that this proposal would cause to the landscape and visual amenity of the area. Furthermore there are other environmental and natural heritage issues that have not been satisfactorily addressed to the point that objections have been received from consultation bodies. I do not consider that the landscape and visual impacts resulting from the proposal would be acceptable. Furthermore, I consider that it is appropriate to exercise the precautionary principle in respect of the outstanding environmental and natural heritage matters that have been identified in consultation responses.

6.90 Regard has been given to appeal decisions for other wind farm development proposals in Angus, including decisions at The Welton and Kinclune Hills, Kingoldrum. Those decisions, in so far as they relate to assessment of the acceptability of landscape and visual impacts, have been taken into account. The judgments made by the Reporter in those appeal decisions have assisted in the assessment. On the basis of this assessment I conclude that the landscape and visual impacts are unacceptable and that the issues of operational noise, the impact on private water supplies and the incomplete assessment in respect of impacts on an identified Schedule 1 bird species render it impossible to reach the conclusion that the development would not give rise to significant and unacceptable environmental and amenity impacts.

6.91 As such the proposal fails to meet the tests of those policies of the development plan that seek to protect landscape and visual amenity. The proposal is also contrary to those policies that seek to safeguard protected species as insufficient information has been submitted to demonstrate that the proposal will not have an adverse impact on protected bird species. Furthermore the lack of adequate information relating to noise and private water supplies renders the proposal contrary to development plan policy relevant to those matters. Finally, having regard to the comment provided by Historic Scotland, the proposal is also contrary to development plan policy that seeks to safeguard the setting of scheduled ancient monuments.

Conclusion

6.92 I have had regard to the environmental information provided in relation to the application and comments received from consultees. I have also taken account of representations mad in opposition to the proposal and to relevant appeal decisions that have given rise to similar issues.

6.93 As discussed above I have concluded that although the proposed wind farm would comply with some of the relevant policies and criteria in the development plan, this must be balanced against the significant adverse landscape and visual impacts identified including those raised by SNH. I find that these impacts are unacceptable, particularly given that the proposal would take place in an area where all of the relevant supplementary guidance on the matter of wind energy capacity indicates that there is no capacity for a development of the proposed scale and nature.

6.94 Due to the adverse effects identified, the proposal is considered to be contrary to the relevant objectives of development plan policy. I also consider it appropriate to exercise the precautionary principle in respect of other matters that have been identified that require the submission of further information for assessment, and until the matters identified in relation to noise, private water supply and ornithology have been further demonstrated not to give rise to unacceptable impacts, the proposal must also be considered to be contrary to the objectives of the development plan. Therefore, whilst it is accepted that the proposal would provide a contribution towards the Government renewable energy targets, it remains an underlying principle confirmed in Government guidance on the matter of renewable energy generation that such renewable energy schemes should only be supported where technology can operate both efficiently and where environmental and cumulative impacts can be satisfactorily resolved. In this case the environmental impacts identified in this report have not been satisfactorily addressed.

6.95 Accordingly it is considered that the proposed development is contrary to development plan policy. There are no material considerations that would justify the consenting of the proposal contrary to the plan.

6.96 It is therefore recommended that Angus Council objects to the proposal for a windfarm at Macritch Hill. The consequence of a Council objection is that the proposal would be subject to a Public Local Inquiry, following which a recommendation would be made to the Scottish Ministers on whether or not consent should be granted for the scheme.

7 CONCLUSION

It is recommended that the Angus Council objects to the proposed windfarm at Macritch Hill as it would result in unacceptable and adverse landscape and visual impacts. Furthermore, on the basis of lack of information relating to noise, impacts on private water supplies and ornithology it is considered that it has not been satisfactorily demonstrated that the development would not result in a harmful environmental effect in each of these areas. It is also recommended that tension with those development plan policies that seek to safeguard scheduled ancient monuments is highlighted.

APPENDIX 1B – RELEVANT DEVELOPMENT PLAN POLICIES

TAYPLAN (2012)
DEVELOPMENT PLAN POLICIES AGAINST WHICH THE PROPOSAL HAS BEEN ASSESSED

TAYplan

Policy 3: Managing TAYplan's 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 6: Energy and Waste/Resource Management Infrastructure

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).

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.

Angus Local Plan Review

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 S3: Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

Policy S4: Environmental Protection

Where development proposals raise issues under environmental protection regimes, developers will require to demonstrate that any environmental protection matter relating to the site or the development has been fully evaluated. This will be considered alongside planning matters to ensure the proposal would not unacceptably affect the amenity of the neighbourhood.

Policy S5: Safeguard Areas

Planning permission for development within the consultation zones of notifiable installations, pipelines or hazards will only be granted where the proposal accords with the strategy and policies of this Local Plan and there is no objection by the Health & Safety Executive, Civil Aviation Authority or other relevant statutory agency.

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).
(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 ER1: Natura 2000 and Ramsar Sites

Development likely to have a significant effect on a designated, candidate or proposed Natura 2000 site (Special Protection Areas and Special Areas of Conservation), or Ramsar site and not connected with or necessary to the conservation management of the site must undergo an appropriate assessment as required by Regulation 48 of the Conservation (Natural Habitats etc.) Regulations 1994. Development will only be permitted exceptionally and where the assessment indicates that:

(a) it will not adversely affect the integrity of the site; or
(b) there are no alternative solutions; and
(c) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Where proposals affect a priority habitat and/or priority species as defined by the Habitats Directive (92/43/EEC), the only overriding public interest must relate to human health, public safety or beneficial consequences of primary importance to the environment. Other allowable exceptions are subject to the views of the European Commission.

Policy ER2: National Nature Reserves and Sites of Special Scientific Interest

Developments affecting National Nature Reserves and Sites of Special Scientific Interest will only be permitted exceptionally where it can be adequately demonstrated that either:

(a) the proposed development will not compromise, destroy or adversely affect the conservation objectives and/or particular interest for which the site was notified; or
(b) there is an overriding and proven public interest where social or economic considerations outweigh the need to safeguard the ecological, geological or geomorphological interest of the site and the need for the development cannot be met in other less damaging locations or by reasonable alternative means.

Policy ER3: Regional and Local Designations

Development which would adversely affect sites containing habitats, species, and/or geological or geomorphological features of local or regional importance, whether designated or otherwise, will only be permitted where:

(a) ecological appraisals have demonstrated to the satisfaction of the Council that the overall integrity of the site and the features of natural heritage value will not be compromised; or
(b) the economic and social benefits arising from the proposal significantly outweigh the natural heritage value of the site.

Policy ER4: Wider Natural Heritage and Biodiversity

The Council will not normally grant planning permission for development that would have a significant adverse impact on species or habitats protected under British or European Law, identified as a priority in UK or Local Biodiversity Action Plans or on other valuable habitats or species.

Development proposals that affect such species or habitats will be required to include evidence that an assessment of nature conservation interest has been taken into account. Where development is permitted, the retention and enhancement of natural heritage and biodiversity will be secured through appropriate planning conditions or the use of Section 75 Agreements as necessary.

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 ER12: Development Affecting Conservation Areas

Development proposals within conservation areas or affecting the setting of such areas will be supported where they:

(a) respect the character and appearance of the area in terms of:

- density, scale, proportion and massing;
- layout, grouping and setting;
- design, materials and finish;

(b) contribute positively to the setting of the area and maintain important views within, into or out of the area;

(c) retain particular features which contribute to the character and appearance of the area;

- open spaces;
- walls and other means of enclosure;
- ground surfaces;
- natural features such as trees and hedgerows;

(d) accord with the Character Statement for the area.

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 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.

Policy ER25 : Water Resource Protection

Development proposals which adversely affect a water catchment area to the detriment of the potable quality of a public or private water supply will not be permitted.

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 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.