

# APPENDIX 1

APPLICATION NO. 14/00781/FULL

APPLICANT: HARMONY ENERGY LIMITED  
ERECTION OF WIND TURBINE OF 36.8M TO HUB HEIGHT AND 48.5M TO  
BLADE TIP AND ANCILLARY DEVELOPMENT AT FIELD 600M NORTH WEST  
OF BALHALL LODGE, MENMUIR, BRECHIN

ANGUS COUNCIL'S SUBMISSION

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**Angus Council**

<b>Application Number:</b>	14/00781/FULL
<b>Description of Development:</b>	Erection Of Wind Turbine Of 37M To Hub Height And 48.5M To Blade Tip And Ancillary Development - Re-Application
<b>Site Address:</b>	Field 600M North West Of Balhall Lodge Menmuir Brechin
<b>Grid Ref:</b>	350832 : 764324
<b>Applicant Name:</b>	Harmony Energy Limited

**Report of Handling****Site Description**

The proposed application site is located within the Landscape Character Area (LCA) defined as the Highland Foothills (Landscape Character Type Tay 5). The proposed turbine would be located on agricultural land in an elevated position at a point approximately 245m AOD. The site sits on a gentle hill slope beyond which the landform slopes steeply to the south towards flatter agricultural land towards Strathmore. To the east of the site lies Tullo Hill at approximately 310m AOD. There is an existing tree belt located to the south of the proposed site and residential properties at Balhall located to the south east. An existing operational wind turbine at Balhall (10/01133/FULL refers) is located to the east of the site (approximately 250m). That turbine is 36.7m from hub to foundation, 47.1metres to blade tip and has a 20.7m rotor diameter.

**Proposal**

The proposal is for the erection of a wind turbine which would be 36.8m to hub height and 48.5 metres to blade tip (from foundation) with ancillary equipment. The rotor diameter of the proposed turbine is 23.6m. A similar application for a wind turbine immediately to the east was withdrawn (13/00632/FULL)

The proposed turbine has been screened against the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. The screening opinion indicated that the proposal would not require the submission of an Environmental Statement under those regulations.

The application has not been subject of variation.

**Publicity**

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 26 September 2014 for the following reasons:

- Schedule 3 Development

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

**Planning History**

13/00632/FULL for Erection Of Wind Turbine Of 37M To Hub Height And 49M To Blade Tip And Ancillary Development was determined as "Application Withdrawn" on 3 December 2013.

10/01133/FULL for Erection of Wind Turbine (47.5m to tip and 37m to hub) on land 260m North West Of Balhall Lodge Menmuir was approved subject to conditions on 18 April 2011. That turbine has been erected and is operational.

### **Applicant's Case**

A noise impact assessment, habitat report and planning statement have all been submitted in support of the proposal. This information has been taken into account in the assessment of the application. The content of this information is summarised as follows:

#### **Planning Statement:**

This provides information on the proposed development, scheme design, operational and decommissioning information, environmental impacts and planning policy considerations. It concludes that the proposed turbine is mid sized in scale and sited on farm land at a reasonable distance from any residential dwellings. It indicates that the application is a sustainable proposal and conforms with all policies contained within the Angus local Plan and TAYplan Strategic Development Plan.

#### **Noise Impact Assessment:**

The assessment has shown that the calculated noise levels generated by the proposed wind turbine will not exceed the noise criteria specified within ETSU-R-97. The noise predications have been compared with the consent levels for the existing turbine. The results indicated that the proposed turbine is more than 10dB below the consent level therefore there will be no cumulative impact for the proposed second turbine.

#### **Habitat Survey and Environmental Assessment:**

This concluded that there are no habitats of significant nature conservation value in close proximity to the proposed site.

In addition to the above reports, a ZTV and visualisations had been submitted to indicate the extent that the turbine would be visible within a 15km radius.

The applicant has also submitted a letter and plan on 02/12/14 with two amended locations for consideration / comment.

### **Consultations**

**NERL Safeguarding** - No safeguarding objections

**Ministry Of Defence** - No objections but requested a standard condition regarding notification be attached.

**Dundee Airport Ltd** - No objections

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

**Angus Council Environmental Health** - No objections subject to conditions.

**Civil Aviation Authority** - offers no objection to the proposal.

**RSPB Scotland** - No comments

**Spectrum** - There was no response from this consultee at the time of report preparation.

**Atkins** - No objections

**Joint Radio Co Ltd** - Does not foresee any potential problems

**Aberdeenshire Council Archaeology Service** - Acknowledges that the site occupies a prominent position in the landscape in close proximity to a number of archaeology sites. They had suggested that an improved visual impact assessment / photomontage be undertaken for the Caterthuns and that consideration should be given to reducing the height of the proposed turbine. Indicated that the supporting documentation does not address the potential impact of the proposed turbine on the undesignated archaeology within and in proximity to the development area. As such they have asked that a walk over survey condition and watching brief condition be attached to any planning permission.

**Historic Scotland - Archaeology** - No objections. However, HS is concerned that the assessment submitted as part of the application does not adequately consider the impact of the development on the setting of nearby heritage assets. However, HS has carried out their own assessment of the potential impacts of this development on two nationally designated assets and provided a detailed response on both and have no objections to the proposal. Historic Scotland has acknowledged that the proposed turbine would have an impact on the setting of the scheduled monuments known as the Caterthuns hillforts and Balhall, Fields and cupmarked stone 800m W of Balhall Lodge. However due to its location, the turbine would not challenge these monuments for dominance within their settings.

**Community Council** - Objected to the application on the grounds of adverse visual impacts, cumulative visual impacts, impacts on the Caterthuns and that the adverse impact of the development would be disproportionate in relation to the anticipated climate change benefits.

**Angus Council - Roads** - No objections subject to conditions.

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

## **Representations**

4 Letters of objections have been received. The main points raised are as follows:

- Landscape character and visual impacts;
- Impact on scale of foothills;
- Adverse cumulative impacts;
- Detrimental impact on cultural heritage;
- Amenity impacts on surrounding housing;
- Concerns regarding proposed the alternative locations of the turbine.

## **Development Plan Policies**

### **Angus Local Plan Review 2009**

- Policy S1 : Development Boundaries
- Policy S3 : Design Quality
- Policy S6 : Development Principles (Schedule 1)
- Policy ER4 : Wider Natural Heritage and Biodiversity
- Policy ER5 : Conservation of Landscape Character
- Policy ER11 : Noise Pollution
- Policy ER16 : Development Affecting the Setting of a Listed Building
- Policy ER18 : Archaeological Sites of National Importance
- Policy ER19 : Archaeological Sites of Local Importance
- Policy ER34 : Renewable Energy Developments
- Policy ER35 : Wind Energy Developments

### **TAYplan Strategic Development plan**

Policy 3D : Natural and Historic Assets  
 Policy 6C : Consider Criteria as Minimum

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

### Assessment

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

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

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

- o National Planning Framework for Scotland 3 (NPF3);
- o Scottish Planning Policy (SPP);
- o Scottish Government 'Specific Advice Sheet' on Onshore Wind Turbines;
- o Tayside Landscape Character Assessment;
- o Angus Council Implementation Guide for Renewable Energy Proposals (2012);
- o Strategic Landscape Capacity Assessment for Wind Energy in Angus (Ironsides Farrar - 2013);
- o Angus Wind farms Landscape Capacity and Cumulative Impacts Study (Ironsides Farrar, 2008);
- o Siting and Design of Small Scale Wind Turbines of Between 15 and 50 metres in height (SNH, March 2012);
- o 'Assessing The Cumulative Impact of Onshore Wind Energy Developments' (SNH, March 2012)
- o Planning Advice Note 1/2011: Planning and Noise.

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

The Scottish Planning Policy (SPP, June 2014) represents a statement of government policy on land use planning. In relation to onshore wind, the SPP states that 'Planning authorities should set out in the development plan a spatial framework identifying areas that are likely to be most appropriate for onshore wind farms... The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community and cumulative impact. Proposals for onshore wind should

continue to be determined while spatial frameworks are and local policies are being prepared and updated'. Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

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

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

Angus Council has produced an Implementation Guide for Renewable Energy Proposals (2012). It provides guidance for development proposals ranging from small single turbines to major windfarms. It indicates that wind developments are the primary area of renewable energy proposals in Angus and the planning considerations are strongly influenced by the scale and location of the proposal including landscape and visual impact, potential adverse effects on designated natural and built heritage sites, protected species, residential amenity, soils, water bodies and access.

Scottish Natural Heritage in conjunction with Angus and Aberdeenshire Councils commissioned Ironside Farrar to review current landscape sensitivity and capacity guidance in relation to wind energy development. The Strategic Landscape Capacity Assessment for Wind Energy in Angus (March 2014) provides updated information on landscape capacity for wind energy development and the potential cumulative impact of proposals in the context of operational and consented developments.

Proposals for wind turbine developments and associated infrastructure are primarily assessed against policies ER34 and ER35 of the ALPR although other policies within the plan are also relevant. The policy position provides a presumption in favour of renewable energy developments recognising the contribution wind energy can make in generating renewable energy in Scotland. These policies also require

consideration of impacts on ecology including birds; cultural heritage including listed buildings, scheduled monuments, designed landscapes and archaeology; aviation; amenity in the context of shadow flicker, noise and reflected light; landscape and visual impact including cumulative impacts; future site restoration; transmitting or receiving systems; any associated works including transmissions lines, road and traffic access/safety and the environmental impact of this. These policy tests overlap matters contained in other policies and therefore these matters are discussed on a topic by topic basis.

#### Environmental and Economic Benefits

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

The proposed wind turbine would offset CO2 emissions and supply electricity created utilising renewable means. In this respect it is accepted that the proposed turbine could make a contribution towards renewable energy generation of approximately 380MWh per annum and as such the proposal attracts in principle support from the development plan. I have had regard to that contribution in undertaking my assessment of the proposal. To assess the acceptability of the proposals in terms of the more detailed technical issues, the policy tests must be explored.

#### Landscape Impact

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

The proposed site is within the Landscape Character Type (LCT) TAY5 Highland Foothills within the Tayside Landscape Character Assessment (TLCA). The Highland Foothills LCT lies on the Highland Boundary Fault. It is a transitional landscape between the Broad Valley Lowland of Strathmore and the Highland Summits and Plateaux. It has an intermediate scale, complex landform and often small scale detail due to the complex pattern of steep hills, small settled valleys and pockets of more fertile sheltered ground. Within Angus it comprises four separate areas. Within these sub areas the proposed turbine would be located within sub category (iii) which is the Menmuir Foothills. This landscape character area is characterised by predominantly a long ridge of hills parallel to Strathmore, with parallel small glens on the Highland side. There are a number of scheduled monuments including the hillforts at White and Brown Caterthuns in the north east, which are also key viewpoints overlooking Strathmore and the Highland Boundary Fault.

The Renewable Energy Implementation Guide provides interpretation of the level of turbine development that a LCT is capable of absorbing. It indicates that the Highland Foothills provide a dramatic transition between highland and lowland. The contrast between the rolling topography of Strathmore (LCT 10) and the foothills is important in defining the character of both the Broad Valley Lowland and the Highland Foothills. Whilst the Foothills appear big next to Strathmore, they are relatively low lying hills. In order to avoid the risk of turbines adversely affecting perceived scale, it is considered that there is scope for



turbines less than 80m tall located on lower ground only, where they do not adversely affect the setting of landscape features and monuments such as Airlie Monument and the White & Brown Caterthuns.

The Strategic Landscape Character Assessment (SLCA) provides more detailed and refined advice on landscape capacity. It provides guidance on capacity for wind developments within both the wider landscape character type (Highland Foothills) and the landscape character areas within that LCT (Menmuir Foothills). The SLCA indicates that there is low capacity for medium sized turbines (30<50m) in the Menmuir Foothills. The detailed landscape guidance refers to the limited scale of the Menmuir Foothills and states that turbines should not be sited on or close to the main ridgeline overlooking Strathmore, where they may break the horizon.

In assessing the landscape impacts of the proposed turbine, it is noted that there is an existing operational wind turbine located approximately 250m east of the site. That turbine is 47.1m high and is located at approximately 230m AOD adjacent to the woodland belt to the north of Balhall Lodge. The operational turbine is white in colour and it represents a reasonably prominent feature in the landscape. The proposed turbine measures approximately 48.5m in height and is located higher up the hill slope at approximately 245m AOD.

While the proposed turbine would be medium sized at 48.5m, the SLCA indicates that there is only low remaining capacity for turbines of this size taking account of wind developments which are operational or approved in the area. The SLCA indicates that turbines should be sited to avoid breaking the skyline. From VP1 at Aberlemno Hill, the wireline submitted shows that the proposed turbine would break the skyline. By comparison, the operational turbine located further east is shown on that wireline to sit at a lower elevation where the skylining effects are not nearly as significant. From VP2 on the White Caterthun, similar skylining effects would be experienced when comparing the wireline and photomontage of the existing turbine to the proposed turbine. While the existing turbine hub height sits below the landform which backcloths that turbine, the proposed turbine hub would clearly protrude above that landform resulting in significant skylining effects from that viewpoint. From the other viewpoints provided by the applicant, both the existing and proposed turbine would break the skyline.

I do not consider the visualisations provided give a detailed or worst case scenario representation of the level of effects that are likely to result from the proposed turbine taking account of the quality of the photomontages and the viewpoints selected. It is acknowledged that the existing turbine is reasonably prominent in the landscape (particularly when viewed from the south) and provides a reasonable gauge of how the turbine would appear in the landscape. The proposed turbine would however be situated on higher ground at an elevation of 245m AOD which is approximately 15m higher than the site of the existing turbine. This increased elevation contributes to the greater level of skylining effects that would be created by the proposed turbine. As a result of this, the proposed turbine would not be consistent with the guidance provided in the SLCA.

Overall it is considered that the proposed turbine would result in significant and adverse impacts on the landscape as a result of its location and height. The SLCA specifically states that proposals should avoid being sited close to prominent ridgelines and it is considered that the turbine proposed would be a more prominent feature than the existing operational turbine and break the ridgeline from many viewpoints to the south where the existing turbine would not. It is noted that the adverse landscape effects could largely be mitigated by relocating the proposed turbine to a lower elevation which is further away from the ridgeline of the Menmuir Foothills.

#### Visual Impact

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

making process.

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

The application is supported by information to show the theoretical visibility of the proposed turbine. A zone of theoretical visibility (ZTV) has been submitted to show theoretical visibility of both the hub of the turbine and the blades. This information indicates a band of theoretical visibility along Strathmore from south west to east. This includes theoretical visibility from the settlements of Kirriemuir, Brechin, Aberlemno, Noranside, Finavon, Stracathro, Inchbare and Little Brechin. The turbine would be theoretically visible from the A90 trunk road and rural roads primarily in a band extending from the south west to east, with impacts likely to be greatest within 10km of the proposed turbine.

The elevated location of the proposed turbine on the Menmuir Foothills immediately adjacent to Strathmore disproportionately increases the visual prominence of the turbine. Significant visual effects would extend to a greater distance than would otherwise have been the case on a site which is not elevated on the foothills above Strathmore. The turbine would be a prominent feature in views as demonstrated by the viewpoints from Aberlemno Hill (VP1), the White Caterthun (VP2), Kirkton of Menmuir (VP3) and Lochty Wood (VP6).

In terms of residential properties there are a number of properties located within 2km of the proposed turbine. The closest properties to the turbine are to the east at Coachmans Cottage (460m) and Balhall Lodge (481m). Neither of these properties are orientated directly towards the proposed turbine and existing trees in the area would largely screen the turbine in most views from these properties, their gardens and on approach to them. As such I do not consider that there would be any significant adverse impacts on the visual amenity enjoyed by these properties.

Further beyond, properties at Balhall are located to the south east at a distance of approximately 870m. These properties are at a reasonably significant distance from the proposed turbine and it is not considered that any of these properties would experience any significant adverse visual impacts. These properties benefit from screening from existing woodland to the north. Properties further from the proposed turbine than Balhall are unlikely to experience significant effects due to the limited horizontal and vertical extent of the view that the turbine would occupy from beyond 1km.

In terms of other visual receptors, the turbine would be visible from rural roads to the south including the C30 between Memus and Edzell, the C33 between the A90(T) and Kirkton of Menmuir, C31 from Brechin towards Noranside and the minor and unclassified roads off these routes. The B9134 between Aberlemno and Netherton would experience prominent views towards the turbine as demonstrated by VP2. The proposed turbine would be also clearly visible from sections along the A90(T). The level of visibility would vary on these routes, but the turbine would be prominent in many positions in locations which do not benefit from screening by topography, woodland or buildings. The turbine would appear more prominent than the existing turbine due to its increased elevation and resulting sky lining effects.

There would be prominent views of the proposed turbine from the White Caterthun (VP2). This is an important visitor attraction and is a highly sensitive receptor. Given the high sensitivity of the receptor and the high magnitude of change as a result of the prominent skyline views of the turbine from the White Caterthun, visual effects would be significant and adverse.

In summary and as indicated above, it is considered that the proposed site is located in a widely visible and exposed location, and that the turbine would be break the skyline from a number of viewpoints. It would be visually prominent in the surrounding area particularly from lower lying ground to the south and

from the White Caterthun. Development plan policy requires proposals to demonstrate that the siting and appearance of the apparatus has been chosen to minimise the impact on amenity and that there will be no unacceptable adverse visual impacts. In this case it is considered that the proposal would give rise to significant visual impacts.

#### Cumulative Landscape and Visual Impact

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

The Renewable Energy Implementation Guide provides interpretation of the level of turbine development that a Landscape Character Type is capable of absorbing. It suggests that the Highland Foothills has an existing windfarm character as a 'landscape with views of windfarms'. It indicates that an acceptable future windfarm character would be a 'landscape with occasional windfarms'. The SLCA provides more detailed guidance on the Highland Foothills and identifies the underlying and remaining landscape capacity for wind developments within the Menmuir Foothills sub area of the Highland Foothills. In the context of consented and proposed turbines, it indicates that 'current consented development remains mainly within capacity, although the Memus turbines are significantly larger than the recommended maximum 50m. Turbines located near the Caterthuns are small enough not to affect setting/view. Remaining capacity for siting further turbines restricted by current turbines'. The SLCA indicates that medium sized turbine groups of 1-3 may be acceptable and should have a minimum separation distance of 3-6km to other medium sized turbines.

At present there is relatively little wind energy development in an area extending to 3km from the proposed turbine. In considering cumulative impact, it is relevant to note that the existing turbine at Balhall would read as part of the same grouping as the proposed turbine and would create a 'grouping' of 2 turbines which is within the maximum group numbers promoted in the SLCA. While the proposed turbine is located on higher ground with more significant landscape and visual impacts than the existing Balhall turbine, there would be no significant cumulative landscape impacts arising from the existence of these turbines together. A 77m (medium-large sized) turbine 2.7km to the southeast at Dunswood, Menmuir, Brechin has planning permission but is not yet operational. There are two operational small turbines (less than 20m in height) at Tillyarblet Cottage (10/00134/FULL) and Ledmore Farm, Menmuir (07/00246/FULL refers) which are located 3.2km and 2.5km from the proposal, respectively.

Overall it is considered that significant cumulative landscape or visual impacts arising from the proposed scheme in combination with any of the approved or operational developments would be unlikely.

#### Amenity (Noise/Shadow Flicker/Reflected Light)

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.

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 acoustical 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).

The Environmental Health Service have reviewed the information submitted and have offered no objection in respect of noise, shadow flicker, reflected light or private water supplies subject to conditions relating to noise, flicker and private water supplies. On this basis it is not considered that there are any unacceptable amenity impacts from these issues that cannot be satisfactorily addressed by conditions. The Roads Service has not indicated any concern regarding the operational impact of the turbine on road safety.

#### Impact on Natural Heritage

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.

The 'Onshore Wind Turbines SAS' indicates wind turbine developments have the capacity to have both positive and negative effects on the wildlife, habitats, ecosystems and biodiversity of an area. There is also the potential for negative environmental effects, with possible loss of or damage to valuable habitat resulting from construction of turbine bases, access tracks or other works. Such impacts can be significant particularly if they relate to habitats that are difficult to replicate. There is also the potential of collision risk, displacement or disturbance by forcing birds or bats to alter flight paths. Wind farms should not adversely affect the integrity of designated sites protected under EU and UK legislation (Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Sites of Special Scientific Interest (SSSIs)) or wider conservation interests. 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.

The applicant's habitat survey identifies no habitats of significant conservation value in close proximity to the proposed site. In this instance SNH and the RSPB have been consulted but neither has raised any objections and I have no reason to consider that the proposed turbine would have any adverse impacts on natural heritage.

#### Cultural Heritage

The development plan provides a number of policies that seek to safeguard cultural heritage. These include policies ER16, ER18 and ER19 of the Angus Local Plan Review. Policy ER34 requires proposals for renewable energy development to have no unacceptable detrimental effect on any sites designated for natural heritage, scientific, historic or archaeological reasons. Impacts on cultural heritage can include impacts on Schedule Ancient Monuments (SAM's), Historic Gardens and Designed Landscapes (HGDL's), listed buildings, conservation areas and undesignated archaeology. The development could potentially have direct impacts on cultural heritage features or indirect effects such as impacts on setting

There are Scheduled Ancient Monuments located within close proximity of the turbine. These include the Caterthun hillforts and Balhall, fields and cupmarked stone 800m W of Balhall Lodge. Historic Scotland has been consulted on the proposals and carried out an assessment of the potential impacts of this development on the above mentioned schedule monuments. Historic Scotland notes that the proposal would result in some impact on these features but is satisfied that the turbine would not

challenge these monuments for dominance within their settings. However, as noted in the assessment of visual impacts the proposal would give rise to significant and adverse impacts when viewed from the White Caterthun.

The Archaeology Service acknowledged the turbine occupies a prominent position in the landscape in close proximity to a number of archaeological sites and considers that the turbine should be reduced in size. They have also criticised the applicant's assessment in connection with unscheduled archaeology and have requested survey work as a condition of any planning permission.

The impact on the setting of listed buildings, including Balconnel Farmhouse to the south east and several buildings within Kirkton of Menmuir, has been considered both individually and cumulatively with other turbines. However at this distance the turbine would have minimal impact on the setting of any of these listed buildings.

#### Remaining Issues / Other Development Plan Considerations

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

Details of the method of grid connection have not been submitted. However given that there is an existing wind turbine adjacent to the proposal it is anticipated that there is likely to be a solution available. This could be addressed via a planning condition in any event.

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

In terms of access and road safety the applicant proposes to create a small extension to an existing access track and the Roads Service has considered the application and has no objections.

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

The supporting information indicates that the design lifetime would be 25 years. A planning condition could secure removal of the apparatus and restoration of the site after this period had the application been approved.

#### Other Material Considerations

Scottish Government policy supports the provision of renewable energy development including wind farms. The SPP confirms that planning authorities should support the development of wind farms in locations where amongst other matters the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. The SPP also indicates that areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities. In this case it is accepted that the wind turbine would contribute to meeting government targets and in this regard attracts some support from national policy and from the development plan.

#### Conclusion

In this case it is accepted that the wind turbine would contribute to meeting government targets and in this

regard attracts some support from national policy and from the development plan. However, as discussed above it is considered that this proposal would result in significant adverse landscape and visual impacts on the surrounding area. Whilst wind turbines are necessary to meet government energy targets and it is accepted that this is a location where the technology could operate, it is not considered that the environmental impacts have or can be satisfactorily addressed. Accordingly it is not considered that the proposal receives unqualified support from the SPP.

Development plan policy requires proposals not to have an unacceptable adverse landscape and visual impact having regard to landscape character, setting within immediate and wider landscape, and sensitive viewpoints. It is considered that the turbine proposed would be a more prominent feature than the existing operational turbine and break the skyline from many viewpoints to the south where the existing turbine would not. The turbine would also break the skyline in views from the summit of the White Caterthun. This is a popular visitor attraction as well as a Scheduled Ancient Monument and in this respect is considered a particularly sensitive visual receptor.

In conclusion it is accepted that this general landscape character type has potential to accommodate wind turbine development of the scale proposed, however it is considered that the turbine location on high ground close to the ridgeline means that it would break the skyline from many viewpoints within the Strathmore valley and from the summit of the White Caterthun. As such it is considered that a turbine of this scale at this location would result in unacceptable landscape and visual impacts. A revised location on lower ground to the south of the proposed turbine could potentially overcome these issues but the applicant has declined opportunity to revise the proposal. In these circumstances it is not considered that the siting and appearance of the apparatus has been chosen to minimise impacts on amenity and the proposal is contrary to development plan policy. There are no material considerations that justify approval of the application contrary to development plan policy.

### **Human Rights Implications**

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

### **Equalities Implications**

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

### **Decision**

The application is Refused

### **Reason(s) for Decision:**

1. That the proposal is contrary to Policy ER5(a) of the Angus Local Plan Review (2009) because the site selected would not be capable of absorbing the proposed development to ensure that it fits into the landscape.
2. That the proposal is contrary to Policy ER34(b) of the Angus Local Plan Review (2009) because the proposed turbine would result in unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive

viewpoints by virtue of its siting in an elevated position.

**Notes:**

Case Officer: James Wright  
Date: 24 March 2015

**Appendix 1 - Development Plan Policies**

**Angus Local Plan Review 2009**

Policy S1 : Development Boundaries

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

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

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

Policy 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 S6 : Development Principles (Schedule 1)

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

Schedule 1 : Development Principles

Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads

Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

#### Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

#### Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

#### Supporting Information

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

#### Policy 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 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 ER34 : Renewable Energy Developments

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

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

#### Policy ER35 : Wind Energy Developments

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

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

### **TAYplan Strategic Development plan**

#### Policy 3D : Natural and Historic Assets

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

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

**Policy 6C : Consider Criteria as Minimum**

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

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

**DEVELOPMENT BOUNDARIES**

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

***Development boundaries:***

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

**Policy S1 : Development Boundaries**

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

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

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

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

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

## DESIGN QUALITY

1.37 High quality, people-friendly surroundings are important to a successful development. New development should add to or improve the local environment and should consider the potential to use innovative, sustainable and energy efficient solutions. A well-designed development is of benefit to the wider community and also provides opportunities to:

- create a sense of place which recognises local distinctiveness and fits in to the local area;
- create high quality development which adds to or improves the local environment and is flexible and adaptable to changing lifestyles;
- create developments which benefit local biodiversity;
- create energy efficient developments that make good use of land
- and finite resources.

1.38 Design is a material consideration in determining planning applications. In all development proposals consideration should be given to the distinctive features and character of the local area. This includes taking account of existing patterns of development, building forms and materials, existing features such as hedgerows, trees, treelines and walls and distinctive landscapes and skylines.

1.39 The preparation of a design statement to be submitted alongside a planning application is encouraged, particularly for major developments or those affecting listed buildings or conservation areas. Early contact with Planning and Transport is recommended so that the requirement for a design statement can be determined.

**Designing Places - A policy statement for Scotland – Scottish Executive 2001** This is the first policy statement on designing places in Scotland and marks the Scottish Executive's determination to raise standards of urban and rural development. Good design is an integral part of a confident, competitive and compassionate Scotland.

Good design is a practical means of achieving a wide range of social, economic and environmental goals, making places that will be successful and sustainable.

**PAN 68 Design Statements** Design Statements should explain the design principles on which the development is based and illustrate the design solution.

The PAN explains what a design statement is, why it is a useful tool, when it is required and how it should be prepared and presented.

The aim is to see design statements used more effectively in the planning process and to

### 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.**

**DEVELOPMENT PRINCIPLES**

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

**Policy S6 : Development Principles**

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

**Schedule 1 : Development Principles****Amenity**

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

**Roads/Parking/Access**

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

**Landscaping / Open Space / Biodiversity**

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

**Drainage and Flood Risk**

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

**Waste Management**

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

**Supporting Information**

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

### **Wider Natural Heritage and Biodiversity**

3.9 The protection and enhancement of the natural heritage value of the wider environment beyond the confines of designated areas is necessary to promote biodiversity. Species or habitats protected under the Wildlife and Countryside Act 1981, EC Birds or Habitat Directives or identified as priorities in the UK Biodiversity Action Plan may be found outwith designated sites. Local Biodiversity Action Plans have been prepared for both Tayside and the Cairngorms with the aim of safeguarding the future of the area's habitats and species. Implementation of these LBAPs is progressing through the preparation and implementation of a series of habitat and species action plans. The Local Biodiversity Action Plans for Tayside and the Cairngorms will be material considerations in the determination of planning applications.

#### **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.**



## Landscape Character

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

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

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

### **National Scenic Area:**

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

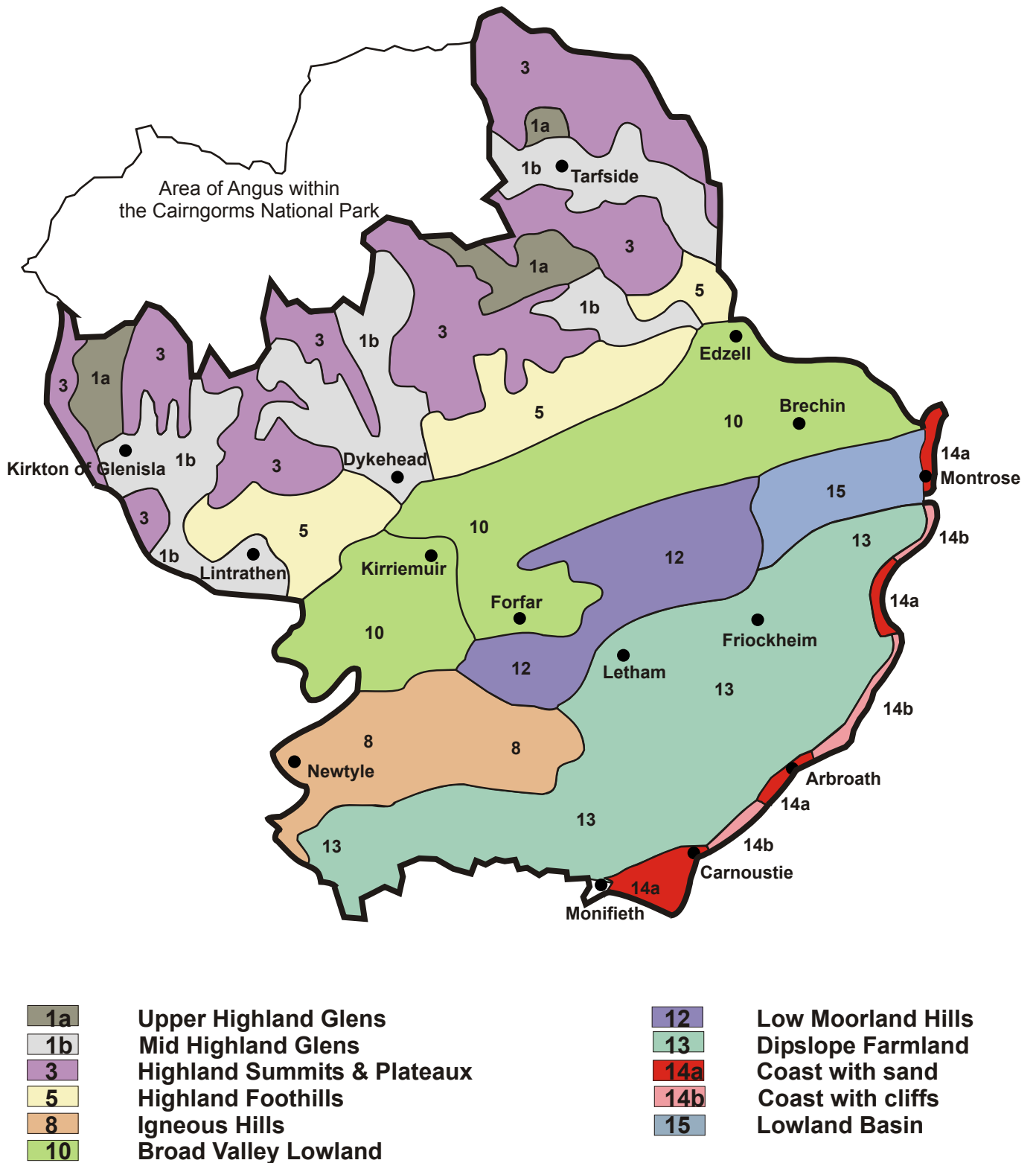
### **National Park (Scotland) Act 2000** sets out four key aims for the park:

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

### **Tayside Landscape Character Assessment 1999:**

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

Figure 3.2 : Landscape Character Zones



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

**Policy ER5 : Conservation of Landscape Character**

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

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

## Noise Pollution

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

### **Policy ER11 : Noise Pollution**

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

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

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

## **LISTED BUILDINGS**

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

### **Policy ER16 : Development Affecting the Setting of a Listed Building**

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

## Ancient Monuments and Archaeological Sites

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

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

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

### **Policy ER18 : Archaeological Sites of National Importance**

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

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

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

### **NPPG 5: Planning and Archaeology (1994)**

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

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

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

### **Scheduled Ancient Monument (SAM):**

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



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

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

#### **Policy ER19 : Archaeological Sites of Local Importance**

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

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



## Renewable Energy

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

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

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

## Renewable Energy Sources

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

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

### Policy ER34 : Renewable Energy Developments

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

#### **NPPG6: Renewable Energy Developments (Revised 2000)**

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

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

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

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

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

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

## Wind Energy

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

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

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

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

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

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

Figure 3.4 : Geographic Areas



**1 Highland**

**2 Lowland and Hills**

**3 Coast**

TLCA Designation

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

TLCA Designation

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

TLCA Designation

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

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

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

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

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

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

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

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

3.84 Cumulative impact occurs where wind farms/turbines are

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

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

#### **Policy ER35 : Wind Energy Development**

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

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

#### ***NPPG6 : Renewable Energy Developments (Revised 2000)***

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

#### **Local Community Benefit**

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