

APPENDIX 2

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

FIELD 600M NORTH WEST OF BALHALL LODGE, MENMUIR, BRECHIN

APPLICATION NO 14/00781/FULL

APPLICANT'S SUBMISSION

- ITEM 1** Notice of Review
- ITEM 2** Historic Scotland letter dated 20 September 2014
- ITEM 3** SLCA TAY5 Extract
- ITEM 4** Refusal Document – 14/00781/FULL
- ITEM 5** Photomontage Nos 1 and 2
- ITEM 6** Report on Handling
- ITEM 7** Email dated 24 November 2014
- ITEM 8** Reasons for Notice of Review

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	P.	Forename	A.D.
Surname	Kavanagh	Surname	Craig
Company Name	Harmony Energy Ltd	Company Name	A.Craig Architectural Consultant
Building No./Name	Nidderdale View	Building No./Name	6
Address Line 1	Darley Road	Address Line 1	Clerk Street
Address Line 2	Birstwirth	Address Line 2	Brechin
Town/City	Harrogate	Town/City	Angus
Postcode	HG3 2PN	Postcode	DD9 6AE
Telephone		Telephone	01356 625500
Mobile		Mobile	07836692314
Fax		Fax	01356 625572
Email		Email	info@adcraig.co.uk
3. Application Details			
Planning authority	Angus Council		
Planning authority's application reference number	14/00781/FULL		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Field 600M North West of Balhall Lodge Menmuir Brechin Angus </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 50px;"> Erection of Wind Turbine and Ancillary Development </div>		

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached sheet.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Historic Scotland Letter dated 30 September 2014
SLCA TAY5 extract.
Refusal Document REF: 14/00781/FULL.
Photomontage No.s 1 & 2
Report of Handling
E-mail dated 24 November 2014.

REASON FOR NOTICE OF REVIEW

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review


All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



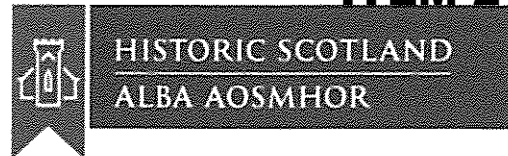
Name:

Mr A.D. Craig

Date:

13/4/15

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



Sent by e-mail: PLNProcessing@angus.gov.uk

Planning & Transport Division
Angus Council
County Buildings
Market Street
FORFAR
DD8 3LG

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8770
Switchboard: 0131 668 8600
Sandra.Archer@scotland.gsi.gov.uk

Our ref: AMH/4459/10
Our Case ID: 201403784
Your ref: 14/00781/FULL

30 September 2014

Dear Sirs

**Town And Country Planning (Development Management Procedure) (Scotland) Regulations 2013
Erection Of Wind Turbine Of 37M To Hub Height And 49M To Blade Tip And Ancillary Development - Re-Application - Field 600m North West Of Balhall Lodge, Menmuir, Brechin**

Thank you for your consultation dated 17 September which we received on the same date.

We have considered your consultation and comment as follows:

Historic Scotland does not object to this proposed development.

The development proposal

The proposals are for the erection of a wind turbine with a maximum height of 49m to blade tip, and associated infrastructure.

Historic Scotland has been consulted by the applicant's agent during the development of this scheme. We note the applicants have considered the impact of the development on cultural heritage in section 5.4 of the Supporting Turbine Statement. We are, however, concerned that this assessment does not consider adequately the impact of the development on the settings of nearby heritage assets. We note that the application does include supporting information to help assess that setting impact, specifically photomontage views of the development from the summits of The White Caterthun and from Aberlemno.

Historic Environment Policy Background

Government policy affirms the *in situ* preservation of the site and setting of scheduled monuments. Angus Council has planning policies which reflect these national policies. In addition, we note that Angus Council has also commissioned the following



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planning study to assist in cases such as this: *Strategic Landscape Capacity Assessment for Wind Energy in Angus (March 2014)*

We would expect development proposals to reflect these policies and mitigate the potential impact of the development through the design process.

Historic Environment Assets affected

We have carried out our own assessment of the potential impact of this development on cultural heritage interests in the area and identified two nationally designated assets likely to be affected -

Balhall, fields and cupmarked stone 800m W of Balhall Lodge comprises a series of field systems defined by banks and small cairns. At least three phases of land use can be identified with at least two of these likely to be prehistoric in date. Within the field system, there is a cupmarked stone; an earthfast boulder with a flat top incised with over 30 small bowl shaped "cups". Cup marked rocks date from a long period of prehistory spanning almost two millennia from soon after the arrival of farming in the Neolithic (around 3500BC) to the middle of the Bronze Age (around 1500BC). Their exact function is uncertain, and is likely to have varied over time, but they are often found on boulders or bedrock outcrops on hillsides with extensive views, in locations that appear likely to have marked the transition between domesticated cultivated land and wilder uplands.

The Caterthuns hillforts is comprised of a complex pair of monuments located on adjacent hill summits rising to between 260m and 300m OD from where they command extensive views across the fertile farmland of Strathmore. The Brown Caterthun is a multi-period fort, remodelled throughout the 1st millennium BC, and defined by multiple lines of earth and stone ramparts and ditches. The White Caterthun is similar in form, but capped by a massive stone-walled fort, which encloses a summit area measuring some 140m by 60m. The forts are amongst the most impressive and best preserved in Scotland and represent an important archaeological resource.

The remains at Balhall and The Caterthuns are designated as scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979. The Caterthuns are also maintained as a Property in the Care of the Scottish Ministers, with open public access.

Impact of the development on the setting of *Balhall, fields and cupmarked stone 800m W of Balhall Lodge*

The setting of *Balhall, fields and cupmarked stone 800m W of Balhall Lodge* is characterised by its location on a shoulder of Tullo Hill, just off the summit of the foothill ridge which marks the transition between the low-lying fertile land towards the coast and the hills which rise to form the Grampians to the NW. For the field system element of the monument, this location offers an advantageous south easterly aspect on an area of comparatively gently sloping land, while for the cupmarked stone, it affords extensive visibility over the lower lying land towards the coast.



The current environment of the monument is grazing land interspersed with woodland. To the northwest, the grazing becomes rougher while to the southeast, the grazing gives way to crop cultivation on the lower hill slopes and wider plain. As at The Caterthuns, the landscape is identifiably man-made but rural featuring a small and limited presence of larger structural elements such as agricultural structures and small to medium height wind turbines.

We have considered the impact of the proposed development on the setting of this scheduled monument and reached the following conclusions: –

- The turbine would be visible in views to and from the monument.
- The monument is not a dominant feature in the landscape, and therefore would not be significantly compromised by the potential dominance of the turbine over its immediate area.
- The turbine would not interrupt any perceived relationships between this site and other contemporary monuments in the vicinity.

Impact of the development on the setting of *The Caterthuns hillforts*

To understand and appreciate *The Caterthuns hillforts* as a monument it is necessary to understand its relation to topography and landscape. Historic Scotland has long recognised the desirability of preventing development close to such sites or which might adversely affect their wider setting since the purpose of these sites can only be properly understood by appreciating their location within their wider landscape setting. This wider landscape setting should contribute to the interpretation and appreciation of a field monument, and also to the understanding of the mind-set which led the builders of such sites to decide on these particular locations. Development proposals should recognise the significance, character and value of these monuments; and should seek to conserve the archaeological interest of the site based on a thorough understanding of the historic environment and due consideration to the principles of national planning policy.

The setting of *The Caterthuns* is characterised by the paired dominant hilltop location of the forts, their close proximity and their liminal position between the bulk of the Grampians rising to the north and west and the low-lying fertile farmland of Strathmore reaching down towards the sea to the south and east. *The Caterthuns* occupy a specifically selected location within their landscape; not the highest and most dominant, but one which emphasises the change in terrain from hill land to lowland, allows extensive views both to and from the site and allows for the construction of a paired set of monuments. The characteristic double-summit form of *The Caterthuns* can be seen over a considerable distance and the forts were clearly located and constructed to be a prominent and easily identifiable feature.

The current environment of the monument is one of managed moorland, within a wider landscape of mixed moorland, grazing land and conifer plantations to the north and west, and mixed grazing, arable and woodland to the south and east. The landscape is identifiably man-made but rural with a small and limited presence of larger structural

elements in the form of electricity pylons, agricultural silos and small to medium height wind turbines.

We have considered the impact of the proposed development on the setting of this scheduled monument and reached the following conclusions: –

- The turbine would appear in long range views from the monument.
- The development would be visible in views towards *The Caterthuns* from the surrounding area but would not disrupt the relationship between the forts or challenge them for dominance from any obvious key viewpoints.
- The wind turbine development would not disrupt any perceived or possible relationships between *The Caterthuns* and other monuments.

Historic Scotland's comments

We do not object to this development proposal.

The 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 proposed location, the turbine would not challenge these monuments for dominance within their settings, would not interrupt any obvious key views of the monuments from the surrounding area, and would not disrupt any perceived relationships between monuments and other sites or landscape features in the vicinity. The turbine would be visually obvious from both monuments but would not fundamentally disrupt the relationship between the monuments and their settings.

As a result, while we acknowledge an impact on the setting of the monuments, we consider that impact to be limited and localised. Consequently, we do not consider the proposed development would adversely affect the way in which these monuments are understood, appreciated and experienced to such an extent that issues of national significance would be affected. However, given the proximity of the turbine to a number of nationally important historic sites, we would wish to be reconsulted on any amendments to the proposed scheme, such as an increase in size or number of turbines, or a change in location.

Notwithstanding our comments above, we confirm that your Council should proceed to determine the application without further reference to us.

If you require any further information, please contact me.

Yours faithfully

DEIRDRE CAMERON

Senior Heritage Management Officer, East

GRANDCHILD FATHS

Def Guidance for Highland Foothills LCT

The *Theland Foothills* LCT is not suitable for larger turbines of 50m or greater height due to their mosaic and elevation and complexity of topography, landscape patterns and settled character in moorlands. There is capacity for occasional small/medium and medium turbines within the LCAs. Locate turbines in the enclosed farmland or on lower slopes of the hills, avoiding skylines and reducing intervisibility between turbine groups. The height of turbines should relate to the scale of the landscape, with particular regard to the vertical scale of the hills. Locate larger turbines away from the smaller scale hills/valleys to avoid diminishing the apparent scale of the slopes or breaking the skyline. Proximity to rural properties or settlements may also limit opportunities for locating larger turbines and/or turbcroups. Where there are two or three closely located applications for single turbines of the same size, opportunities for clustering as a group in preference to separation.

Posturbines to relate clearly to landscape features such as field boundaries, breaks in slope and large buildings. Separation between turbine groupings should ensure that clear intervisibility is maintained. This can be achieved through selecting appropriate turbine sizes, separation distances and through the intervention of landforms and tree groups. Place smaller turbines in locations where they are not close to, or readily intervisible with, larger turbines. Smaller turbines should be more closely associated with buildings. Care should be taken to avoid visual clutter when locating larger turbines in close proximity to the electricity transmission line that passes through all the LCAs excepting the Aylth Foc

Sp: Guidance for Individual LCAs

(i) YTH FOOTHILLS

Due to farm development in Perth & Kinross in combination with consented turbines in the Angus area, further turbine development is recommended.

(ii) MENMUIR FOOTHILLS

Prod Limits to Future Development: Highland Foothills with Occasional Wind Turbines

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

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

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

Only suitable for turbines below 50m, with the medium size turbines sited on lower ground towards Strathmore and small/medium turbines elsewhere. There should be no turbines in the more sensitive settings such as Balintore Castle, Ascreavie and Loch of Lintrathen. Turbines should not be located near the summit of Mile Hill due to its wide prominence. The currently consented three small/medium turbines are well within the capacity of the landscape.

(iii) MEMMUIR FOOTHILLS

Prod Limits to Future Development: Highland Foothills with Occasional Wind Turbines

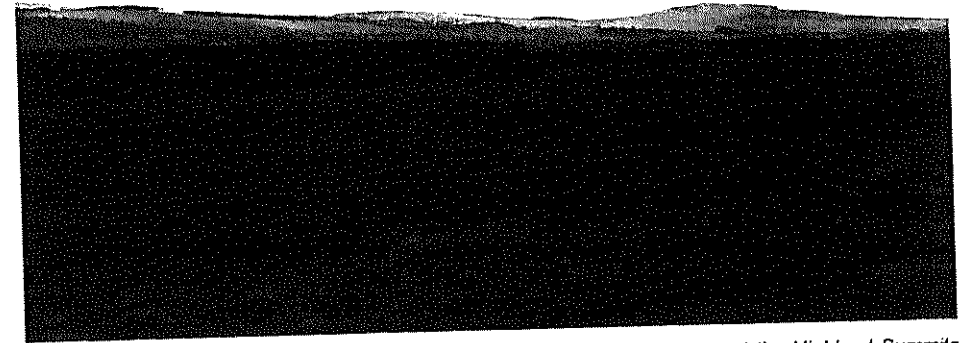
Turbine Sizes: 15-<30m (small/medium); 30-<50m (medium)

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

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

The Menmuir Foothills are only suitable for turbines below 50m due to their limited scale. Do not site turbines on or close to the main ridgeline overlooking Strathmore, where they may break the horizon. Protect the views from and sensitive settings of the hillforts by limiting development to sensitively sited smaller turbines, or no turbines, within approximately 2km. Turbines should not be located north of the trees in Glen Ogil, which lies in the Draft Lochnagar and Mount Keen Core Area of Wild Land.

There are several consented small/medium and medium turbines located in this LCA, which will reduce the capacity for accommodating further turbines. The large (86m) turbine at Memus is significantly larger than the recommended limit of 50m. This will dominate its surroundings, restricting the scope for accommodating further turbines in its vicinity, both in the *Highland Foothills* and the adjacent *Broad Valley Lowland*.



Menmuir Foothills showing the transition in elevation between Strathmore and the Highland Summits and Plateaux and White Caterthun hillfort (right). Turbines should avoid the skyline and not affect the setting of the hillfort.

(iv) EDZELL FOOTHILLS

Proposed Limits to Future Development: Highland Foothills with Occasional Wind Turbines

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

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

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

The Edzell Foothills are only suitable for turbines below 50m due to their limited scale. In this LCA consideration should be given to the setting of and views from Edzell Castle and Edzell village by not siting larger turbines on the southern or eastern side of Hill of Edzell.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)
REGULATIONS 2013

PLANNING PERMISSION REFUSAL
REFERENCE 14/00781/FULL

To Harmony Energy Limited
c/o A D Craig
6 Clerk Street
Brechtin
DD9 6AE

With reference to your application dated 15 September 2014 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection Of Wind Turbine Of 36.8M To Hub Height And 48.5M To Blade Tip And Ancillary Development - Re-Application at Field 600M North West Of Baihall Lodge Menmuir Brechin for Harmony Energy Limited

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as refused on the Public Access portal.

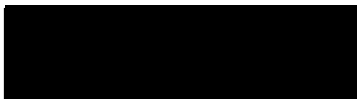
The reasons for the Council's decision are:-

- 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.

Amendments:

The application has not been subject of variation.

Dated this 9 April 2015

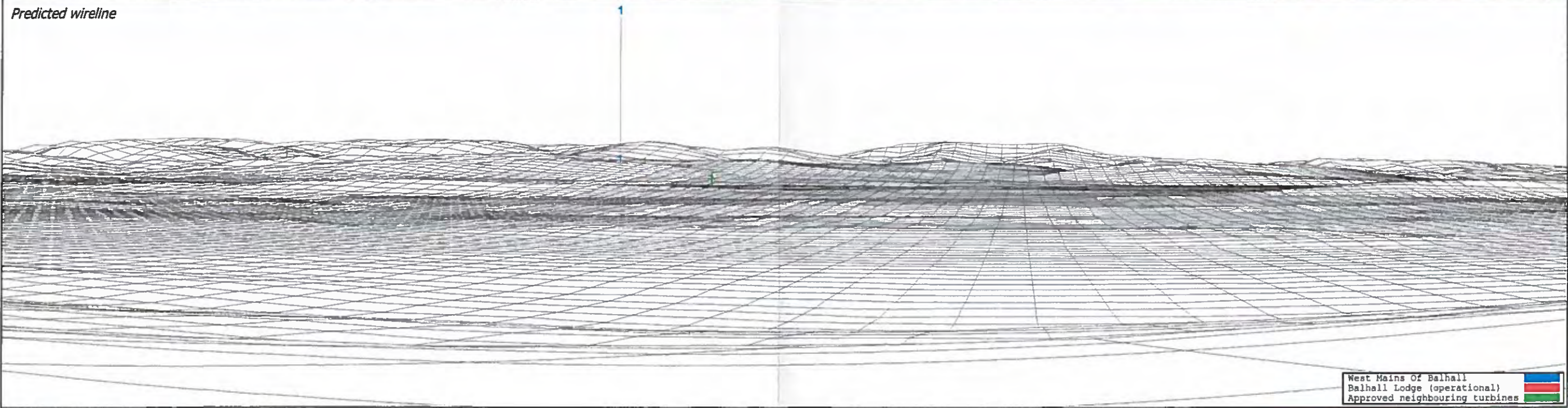


Iain Mitchell - Service Manager
Angus Council
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FORFAR
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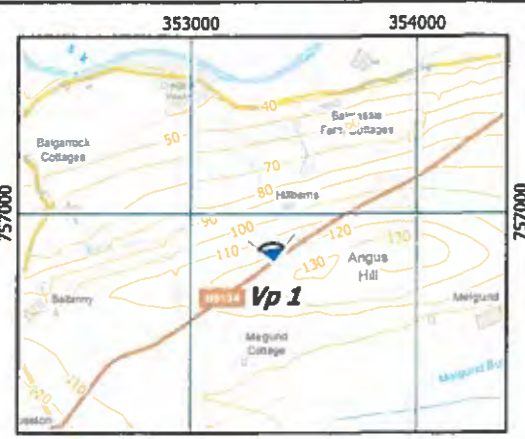
Predicted view



Predicted wireline



West Mains Of Balhall
Balhall Lodge (operational)
Approved neighbouring turbines



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Viewpoint Location

Title: Aberlemno Hill
Easting: 353371
Northing: 756793
Height (m AOD): 125

Proposed Turbine Details

Make / Model: Northern Power NPS 100-24
Hub height: 37m
Rotor Diameter: 24m
Tip Height: 49m

Wireline/Photomontage

Bearing: 348.75°
Viewer height AGL: 2m
Horizontal Field of view: 73°
Pitch angle: 4.3°
Viewing distance @ A3: 31.4cm

Photography

Camera: Cannon EOS 60D
Lens: 35mm
Multiplication factor: 1.6
Equivalent lens: 56mm
Date: 26/05/13

Predicted Main Site Visibility

Number of turbine blades visible: 1
Number of turbine hubs visible: 1
Distance to nearest turbine (km): 7.95

Notes

The image has a curved projection and should be viewed with one eye only from the correct viewing distance. The wireframe was generated using Ordnance Survey's Terrain50 Dataset which does not take account of the screening effects of buildings or vegetation. The curvature of the Earth has been accounted for.

A Craig Architectural

tel: 01356 625 500
Mob: 07836 692 314

MAINS OF BALHALL

Viewpoint 1
(predicted view)

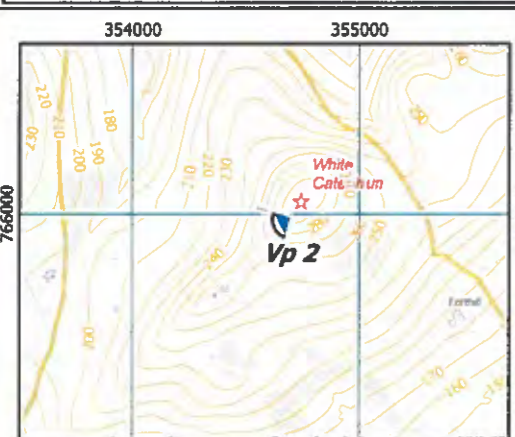
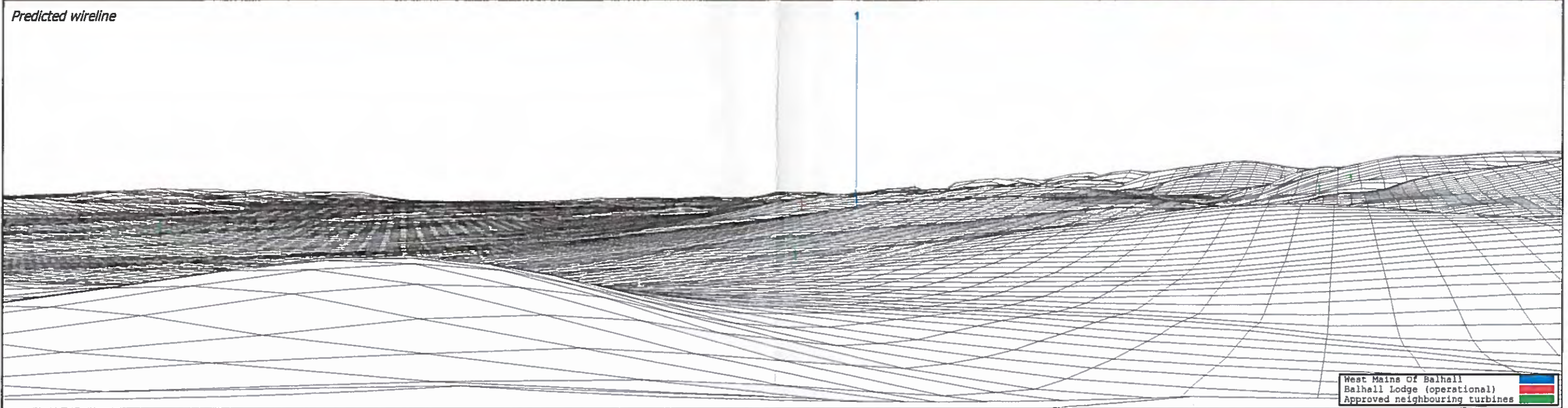
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Predicted view



Predicted wireline



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Viewpoint Location

Title: White Caterthun
Easting: 354696
Northing: 765982
Height (m AOD): 290

Proposed Turbine Details

Make / Model: Northern Power NPS 100-24
Hub height: 37m
Rotor Diameter: 24m
Tip Height: 49m

Wireline/Photomontage

Bearing: 243.25°
Viewer height AGL: 2m
Horizontal Field of view: 73°
Pitch angle: 4.1°
Viewing distance @ A3: 31.4cm

Photography

Camera: Cannon EOS 60D
Lens: 35mm
Multiplication factor: 1.6
Equivalent lens: 56mm
Date: 26/05/13

Predicted Main Site Visibility

Number of turbine blades visible: 1
Number of turbine hubs visible: 1
Distance to nearest turbine (km): 4.2

Notes

The image has a curved projection and should be viewed with one eye only from the correct viewing distance. The wireframe was generated using Ordnance Survey's Terrain50 Dataset which does not take account of the screening effects of buildings or vegetation. The curvature of the Earth has been accounted for.

A Craig Architectural

Tel: 01356 625 500
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MAINS OF BALHALL

Viewpoint 2
(predicted view)

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GIS analysis, 3D modelling and mapping



Angus Council

Application Number:	14/00781/FULL
Description of Development:	Erection Of Wind Turbine Of 37M To Hub Height And 48.5M To Blade Tip And Ancillary Development - Re-Application
Site Address:	Field 600M North West Of Balhall Lodge Menmuir Brechin
Grid Ref:	350832 : 764324
Applicant Name:	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 (Ironside Farrar - 2013);
- o Angus Wind farms Landscape Capacity and Cumulative Impacts Study (Ironside 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.

Alex Craig

From: Alex Craig <adc@adcraig.co.uk>
Sent: 24 November 2014 16:44
To: info@harmonyenergy.co.uk
Cc: Paul Basford
Subject: FW: 14/00781/FULL - MAINS OF BALHALL TURBINE

Peter/ Paul,

I have today received the e-mail below.

Paragraph 4 outlines the planning departments thinking and having now discussed this in detail with James Wright my thoughts are to consider the following:

- Relocate the turbine immediately to the north of the strip of trees running south-west from Balhall Lodge. This does not significantly reduce the height below the ridge line but does partially mask the turbine.
- Relocate the turbine to the south of the strip of trees making it a similar height to tip as the existing turbine
- Reduce the rotor from 24m to 21m to match exiting

Whatever is decided a fresh application and fee will be required.

It may be a consideration to allow this application to be determined and appeal the decision at the same time as submitting a further pre-application enquiry followed by a fresh application in a revised location.

If relocating the turbine my suggestion is to position the turbine – at least the same distance from the Cup Marked Stone and Balhall Lodge as the current application - as this did not receive objections from Historic Scotland or Environmental Health.

It was suggested that moving closer to the trees may also require a further bat survey.

Otherwise no other points were raised by James Wright.

Regards,

Alex.

From: WrightJ [mailto:WrightJ@angus.gov.uk]
Sent: 24 November 2014 10:54
To: adc@adcraig.co.uk
Subject: 14/00781/FULL

Proposed Erection of Wind Turbine at Field 600m North West of Balhall Lodge, Menmuir, Brechin

Mr Craig,

I refer to the above application. As discussed, I had a meeting at the end of last week to fully review all of the information available as part of the proposal, taking into account all of the consultation comments received. I would comment as follows.

In terms of the Strategic Landscape Character Assessment (SLCA) the proposed turbine would be located within an area TAY5: Highland Foothills area and sub area (iii) Menmuir Foothills. The SLCA indicates that there is low capacity for medium turbines in the area. In terms of landscape analysis, the area is indicated only to be suitable for turbines

below 50 metres and the SLCA indicates that turbines should not be sited on prominent ridgelines or affect the ridgelines or affect the sensitive settings of the hillforts.

Having assessed the current proposals this Division has concerns with the proposal in terms of landscape impacts and it is considered that it has been failed to demonstrate that the proposals won't have an adverse impact on the surrounding landscape.

It is considered that the existing turbine at Balhall is modest in size and partially masked by existing trees / woodland and does not break the skyline. However the current proposed turbine is slightly larger, located on higher ground and the hub and blades break the ridgeline / horizon on the wider landscape. As such it is considered that the proposal would have an unacceptable adverse landscape impact within the wider landscape and from sensitive viewpoints.

In this instance the current proposal is not considered to be acceptable for these reasons and it is our intention to progress with the application to determination with a recommendation for refusal. However at present we cannot determine the application as the £100 advert fee has not been paid. I would be grateful if you could submit this advert fee within 14 days from the date of this e-mail to allow the application to be progressed. If the fee is not received within this timeframe the application will be deemed to be withdrawn.

I hope this clarifies our position. However please call should you wish to discuss.

Regards

James Wright, Planning Officer (Development Standards), Planning & Transport Division, Communities, Angus Council, County Buildings, Market Street, FORFAR, DD8 3LG. Tel: 01307 473244

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**Erection of Wind Turbine of 37 metres to hub height and 48.5 metres to blade tip & Ancillary Development at Field 600m North West of Balhall Lodge, Menmuir, Brechin.
REF: 14/00781/FULL.**

REASONS FOR NOTICE OF REVIEW

Full Planning Permission was sought for the erection of a single Northwind 100 wind turbine on a site not exceeding 0.08 hectares including access track on farm land at Mains of Balhall, Menmuir. The purpose of the application was to provide the farmer with a rental income from the land and also to contribute to helping meet the Renewable Energy Targets set out by the Scottish Executive.

The application was prepared in accordance and consultation with Angus Council Planning Department, Angus Council Roads Department, Angus Local Plan Review 2009 relevant policies, Tay Plan Strategic Development Plan, NPF2 and SPP.

Scottish Planning Policy published by the Scottish Government on 23 June 2014 introduces a presumption in favour of development that contributes to sustainable development:

Paragraph 27 : The Government's Economic Strategy indicates that sustainable growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy etc.

Paragraph 30 : Development Planning.

Development plans should :

- ' be up-to-date, place based and enabling with a spatial strategy that is implemented through policies and proposals.

- Be consistent with the policies set out in this SPP, including the presumption in favour that contributes to sustainable development.
- Set out a spatial strategy which is both sustainable and deliverable providing confidence to stakeholders that outcomes can be achieved.

Paragraph 33 : Development Management

- Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

Planning etc. (Scotland) Act 2006

Section 16 : Preparation and monitoring of local development plans : general –

- 1) A planning authority are –
 - a) as soon as practicable after the coming into force of section 2 of the Planning etc. (Scotland) 2006 (asp 17) and thereafter –
 - (i) whenever required to do so by Scottish Ministers or,
 - (ii) subject to sub-paragraph (i), at intervals of no more than five years, to prepare local development plans for all parts of their district, and
 - (b) to keep under review the plans so prepared.

6) Where the land to which a local development plan (or joint local development plan) relates is within a strategic development plan area –

(a) the planning authority are in preparing the local development plan to ensure that the plan prepared is consistent with the strategic development plan.

APPLICATION HISTORY

Application REF:13/00632/FULL for a similar size of turbine in the same location was submitted in 8 July 2013 and on the advice of the Planning Department was withdrawn due to unacceptable cumulative noise issues with no reference or indication of unacceptable visual problems. The current proposal, Application REF: 14/00781/FULL was submitted on 15 September 2014 and refused on 9 April 2015 due to location and visual impacts.

The Report of Handling states that “a revised location could overcome some of the issues but the applicant declined the opportunity to revise the proposal.”

It is relevant to this Review to illustrate that there was no facility to simply ‘revise the location’. The application would have required to have been withdrawn again, with a fresh application prepared and submitted incurring an additional fee with no guarantee that this application would be successful. Furthermore a revised location to the suggestion of the Planning Department would not necessarily be suitable to gain maximum efficiency of the turbine.

In light of the considerable length of time taken by the Planning Department from submission to decision of the applications, in this instance twenty one months, this Review is necessary.

REASONS FOR REFUSAL

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.

In accordance with SLCA TAY5, (iii), Menmuir Foothills, The proposal is in keeping with the recommendation that the turbine be less than 50m, will not impact on any perceived or possible relationships between the Caterthuns and other monuments and furthermore is placed close to an existing turbine of exactly the same hub to tip height.

It has readily been accepted by the Planning Department (see e-mail dated 24 November 2014) that the existing turbine in its entirety does not break the skyline and is therefore acceptable and in keeping with Policy. This turbine from hub to tip is 279.5 metres above sea level. The proposed turbine although located slightly higher up the hill is 279 metres above sea level from its foundation to hub.

The Report for Handling makes reference to VP1 from Aberlemno Hill. For the sake of clarity, the turbine indicated (white) on the photomontage is not the existing Balhall Turbine but the Approved but not yet constructed Turbine at Dunswood (50 metres to hub with a 54 metre rotor giving a height of 77 metres to tip).

Whilst Photomontages have been included as part of this representation, a site visit would give a clear indication of the ridge line of the backhills and position of the proposed turbine. Viewpoint 2 from the White Caterthun is also included, Viewpoints 1 and 2 being chosen as they are near places of historical interest.

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.

Considerable care was given to the location of the turbine in direct consultation with Historic Scotland to achieve minimum impact on the surrounding landscape, in particular the Hill Forts and Cup Marked Stone. Historic Scotland has clearly stated in their letter dated 30 September 2014 that they "...do not object to this development proposal." And furthermore, quite specifically that "The wind turbine development would not disrupt any perceived or possible relationships between the Caterthuns and other monuments.

CONCLUSION

In preparation of this application careful consideration was given to the criteria set out by Angus Council Local Plan Review 2009, supplementary guidance on wind energy and consultation with Angus Council Planning Officers. Under the circumstances that the Local Plan is more than five years old and is not based on the current approved Strategic Development Plan in accordance with SPP there should be a presumption in favour of sustainable development. It is contended that the proposal represents a sustainable development that will positively contribute to National Strategic and Local Policy objectives. Realistically, the proposed turbine is most likely to be visible from the A90(T) at Finavon and the B9134 near Aberlemno and in light of the negligible height differences between the existing and proposed turbines, we would respectfully request that the Review Committee consider this application for Approval.