

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 18 JUNE 2014

FIELD 500M NORTH WEST OF ASCURRY FARM, LETHAM

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider the responses by the Planning Authority and the Applicant in respect of a Written Procedure Notice issued following consideration of the Review at a meeting held on 15 May 2014.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (previously circulated) and the response to the Written Procedure Notice (**Appendix 2**); and
- (ii) review the case submitted by the Applicant (previously circulated) and the response to the Written Procedure Notice (**Appendix 3**).

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

This Report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

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

3. CURRENT POSITION

The Development Management Review Committee, at its meeting on 15 May 2014, considered an application for a Review of the non-determination of application No 13/01029/FULL (Report No 232/14 refers), and agreed to issue a Written Procedure Notice to the Communities Directorate requiring a statement assessing the application against Development Plan policies including an assessment of the potential impacts on nearby residential properties (**Appendix 1**). It was also agreed that an unaccompanied site visit be held on 18 June 2014.

The Committee is now required to determine the appeal.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in the Report.

5. CONSULTATION

In accordance with Standing Order 47(3), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

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

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List of Appendices:

Appendix 1 – Written Procedure Notice
Appendix 2 – Planning Authority Written Procedure Notice Response
Appendix 3 – Applicant Written Procedure Notice Response

Development Management Review Committee

DMRC – 15 May 2014

Written Procedure Notice

Decision by Development Management Review Committee (DMRC)

- Site Address: Field 500m North West of Ascurry Farm, Letham
- Application for review of the non-determination of application no 13/01029/FULL in respect of Erection of Wind Turbine of 50m to Hub Height and 77m to Blade Top and Associated Sub-Station and Transformer Kiosk, Hardstanding Areas and Access Road.
- Date of DMRC – 15 May 2014

Date of Written Procedure Notice: 16 May 2014

Decision

The Development Management Review Committee (DMRC) requires the Communities Department to provide further representations by way of written submissions in respect of the following issue:

1. A statement assessing the application against Development Plan policies including an assessment of the potential impacts on nearby residential properties.

A statement in respect of the foregoing paragraph is required to be submitted to the Head of Legal and Democratic Services by Monday 26 May 2014. A further fourteen days will be given to the applicant to comment on the submissions made by the Communities Department. A date of the 18 June 2014 has been set thereafter for the DMRC to meet to carry out an unaccompanied site visit and consider the submissions and the Application for Review.

Dated this **16 May 2014**

Signed

Sheona C Hunter
Head of Legal & Democratic Services
Resources
Angus House
Forfar
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A Review has been submitted in respect of the failure of the Appointed Officer to determine a planning application within 2-months of the date of validation of that application.

The Development Management Review Committee has asked the Communities Department to provide further representations by way of written submissions in respect of the following issue: -

A statement assessing the application against Development Plan policies including an assessment of the potential impacts on nearby residential properties.

This paper represents the Communities Department's further representations in respect of that matter.

Communities Directorate
Planning Service
County Buildings
Market Street
Forfar
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1.1 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.

1.2 In this case the development plan comprises: -

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

1.3 The following policies are relevant: -

TAYplan

Policy 6C : Energy and Waste/Resource Management Infrastructure

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

Policy S6 : Development Principles (Schedule 1)

Policy ER5 : Conservation of Landscape Character

Policy ER11 : Noise Pollution

Policy ER16 : Development Affecting the Setting of a Listed Building

Policy ER34 : Renewable Energy Developments

Policy ER35 : Wind Energy Developments

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

1.4 In addition to the Development Plan a number of matters are relevant to the consideration of the application and these include: -

- o National Planning Framework for Scotland 2 (NPF2);
- o Scottish Planning Policy (SPP);
- o Scottish Government 'Specific Advice Sheet' on Onshore Wind Turbines;
- o Tayside Landscape Character Assessment;
- o Angus Council Implementation Guide for Renewable Energy Proposals (2012);
- o Strategic Landscape Capacity Assessment for Wind Energy in Angus (Ironsides Farrar - 2013);
- o Angus Wind farms Landscape Capacity and Cumulative Impacts Study (Ironsides Farrar, 2008);
- o Siting and Designing windfarms in the landscape (SNH, Dec 2009);
- o Siting and Design of Small Scale Wind Turbines of Between 15 and 50 metres in height (SNH, March 2012);

- o Planning Advice Note 1/2011: Planning and Noise;
- o Representations, consultation responses and environmental information submitted in respect of the proposal.

1.5 NPF2 states that "the Government is committed to establishing Scotland as a leading location for the development of renewable energy technology and an energy exporter over the long term. It is encouraging a mix of renewable energy technologies, with growing contributions from offshore wind, wave, and tidal energy, along with greater use of biomass. The aim of national planning policy is to develop Scotland's renewable energy potential whilst safeguarding the environment and communities".

1.6 The Scottish Planning Policy (SPP, February 2010) represents a statement of government policy on land use planning. In relation to wind farms, the SPP states 'planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Development plans should provide a clear indication of the potential for development of wind farms of all scales, and should set out the criteria that will be considered in deciding applications for all wind farm developments including extensions. The criteria will vary depending on the scale of development and its relationship to the characteristics of the surrounding area, but are likely to include:

- o Environmental and Economic Benefits;
- o Landscape Impact;
- o Visual Impact;
- o Cumulative Landscape and Visual Impact;
- o Impact on Residential Amenity;
- o Other Development Plan Considerations;
- o Other Material Considerations.

The design and location of any wind development should reflect the scale and character of the landscape. The location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised.

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

- 1.8 Angus Council has produced an Implementation Guide for Renewable Energy Proposals and this was approved by the Infrastructure Services Committee on 14 June 2012 (Report 314/12 refers). It provides guidance for development proposals ranging from small single turbines to major wind farms. 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.
- 1.9 Scottish Natural Heritage in conjunction with Angus and Aberdeenshire Councils commissioned Ironside Farrar to review current landscape sensitivity and capacity guidance in relation to wind energy development. The Strategic Landscape Capacity Assessment for Wind Energy in Angus (November 2013) provides updated information on landscape capacity for wind energy development and the potential cumulative impact of proposals in the context of operational and consented developments.
- 1.10 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

- 1.11 Policy 6 of TAYplan indicates that one of its aims for the city region is to deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets. The local plan indicates that Angus Council supports the principle of developing sources of renewable energy in appropriate locations. The SPP sets out a "commitment to increase the amount of electricity generated from renewable sources" and includes a target for 50% of Scotland's electricity to be generated from renewable sources by 2020 (which was subsequently increased to 100% in May 2011 along with a target for 500MW of community and locally owned renewable

energy by 2020). Paragraph 187 of the SPP indicates that planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.

- 1.12 The supporting information states that the applicant is seeking the opportunity to add an additional source of income to offset increasing energy and fuel prices in order to generate income for reinvestment in the farm. It is indicated that electricity usage across the farming business costs in the region of £120,000 per annum. In addition it is estimated that the applicants business annually consumes ~350,000 litres of red diesel and this is considered to directly lead to 934 tonnes of CO₂ emitted per annum. The operation of 1 No. 500kW wind turbine is expected to generate in the region of 1,650MWh per annum which would offset the emission of approximately 866 tonnes of CO₂ for every year of operation which would assist in reducing the carbon footprint of the applicants farming business. In this respect I accept that the proposed turbine could make a contribution towards renewable energy generation and as such the proposals attract in principle support from the development plan. I have had regard to that contribution in undertaking my assessment of the proposal.

Landscape Impacts

- 1.13 The proposed turbine site is located on the rolling, elevated and relatively open plateaux within the Dipslope Farmland Landscape Character Type. The plateau is gently tilted north west to south east towards the sea. The proposed turbine site is on the most elevated part of the Dipslope Farmland, with rolling hilltops reaching almost 200 metres above sea level. The proposed turbine is 77 metres to blade tip and located at a ground level of approximately 143 metres AOD. It is to be sited on the northern face of a rounded hill at Hillhead of Ascurry (168 metres AOD) which is a distinctive feature in the landscape. In general terms this area is typical of the Dipslope Farmland Landscape Character Type as in the vicinity of the proposed development, there are trees, field boundary features, farm buildings and houses that provide a human scale to the landscape thereby creating a medium scale landscape.
- 1.14 The Council's Implementation Guide for Renewable Energy Development suggests that this is an area that has capacity for turbines up to 80 metres in height. This does not mean that all proposals for turbines less than 80 metres height will be acceptable or indeed that there is no opportunity for turbines above that height. It is a guide figure and each proposal will be assessed on site specific merits.
- 1.15 The Strategic Landscape Capacity Assessment has been prepared by consultants on behalf of Angus Council and SNH. The Assessment seeks to

identify the capacity of the Angus landscape to accommodate onshore wind energy development. The Ascurry site lies within the Dipslope Farmland Landscape Character Type. The proposed turbine site lies to the south of a small unnamed water course that appears on OS maps. The site lies very close to the boundary between the sub area known as Redford Farmland and the sub area identified as Letham, Lunan Water and Abroath Valleys (Appendix 2).

- 1.16 The Strategic Landscape Capacity Assessment suggests that Letham, Lunan Water and Abroath Valleys subarea has no capacity for turbines of 50-80 metres height (Appendix 3); it suggests that the Redford Farmland subarea has medium capacity for turbines of 50-80 metres height (Appendix 4).
- 1.17 The proposed site lies to the north of the ridge that runs from Lochlair to Redford. The area to the north of the ridge is more enclosed and there are features such as trees and houses that give a clear reference to scale. The turbine would appear out of scale with those elements of the landscape.
- 1.18 In addition, there are issues with the relationship between the turbine and the various ridgelines to the northeast and to the south. The Idvies Hill ridgeline is at a distance of 950 metres to the northeast and is at a height in the region of 165 metres AOD. To the south there is a ridge which includes summits at East Hills (186 metres AOD) and West Hills (198 metres AOD). The turbine would commonly be viewed in direct scale comparison with the various ridges and summits and given the relative heights, the turbine would affect the perception of landscape scale; in essence the ridges and summits would look smaller and less pronounced than is currently the case. Also, as the application site is close to a hilltop the turbine would commonly not be viewed against a backdrop.
- 1.19 The scale of the turbine in the location proposed would give rise to issues that are not consistent with good practice guidance. The combination of the application site and scale of turbine would likely result in significant adverse landscape impacts extending over an area in the region of up to 5 kilometres.

Visual Impacts

- 1.20 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 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.

- 1.21 Planning appeal decisions have generally accepted that residents should be treated as of high sensitivity in assessing the significance of visual impact. The magnitude of change (and, thus, the significance of the impact they will experience) will vary with the context of the house that they occupy: its distance from the proposed wind farm and orientation in relation to it; the presence of intervening screening from vegetation and other buildings; and the presence of other significant visual features. However it is not only the views from principal rooms that are of importance as residents also use the space around their house and the impact on occupiers and visitors approaching or leaving the properties must also be considered.
- 1.22 There are in the region of 11 residential properties within 1 kilometre of the proposed turbine. The applicant has not assessed the visual impact on these properties but has focused the supporting residential assessment on clusters and villages within 5 kilometres of the proposed turbine. This assessment concludes that six dwellings in the village of Bowriefauld (2 kilometres north west of turbine) would experience moderate/major visual effects with no further residents of the other settlements assessed predicted to experience significant visual effects.
- 1.23 In relation to the residential properties which are closest to the proposed turbine Lewiston Cottage is located 552 metres to the east and an objection has been received from the occupants of this property. The turbine would be a prominent and dominant feature around 45 degrees from the front elevation of the cottage. Viewpoint 3 provides a general impression of the turbine from this location. The applicants assessment suggests that visual impact at this location would be moderate/major and significant. That assessment indicates that the turbine would occupy a moderate proportion of the vertical view but only a small part of the more extensive horizontal view. It acknowledges that the turbine would 'appear as the most noticeable element in a relatively short range view'. From the general environs of that property the wind turbine would be a dominant and unavoidable presence and at the limited distance involved would adversely affect the amenity of the occupants. That impact would be increased by the movement of the blades. The impacts at this property are similar to impacts that have been determined as being unacceptable in respect of other wind turbine proposals in Angus.
- 1.24 In terms of impacts on the other residential properties to the south east (Ascurry Farmhouse (603 metres) and Ascurry Bungalow (613 metres)), the supporting information indicates the first property has a financial interest in the development and the second property has submitted a letter in support of

the proposal. Whilst these properties are relatively close to the turbine, direct views towards it would be restricted by existing farm buildings. The turbine would be visible on the approaches and in the general environs of those properties. Impacts on these properties may be significant but the support offered for the proposal, and the intervening screening are relevant in assessing impact on amenity and acceptability.

- 1.25 Viewpoint 1 is representative of views from the area in the vicinity of Gask Farm. Gask Farmhouse and No.s 1, 2 and 3 Gask Farm Cottages are located to the northwest of the turbine in the vicinity of the viewpoint. These cottages are a little over 560 metres from the turbine and an objection has been received from the occupant of one of the properties. The Farmhouse is orientated approximately north to south whilst the cottages are orientated east to west and both would have views of the turbine at 45 degrees from garden areas. These properties would experience some screening of the turbine from boundary hedging and trees. The greatest visual impacts arising from the turbine would be on cottage 3 which has open but oblique views towards the turbine. Visual impacts on the approaches and in the general environs of these properties would be significant.
- 1.26 There are other residential properties to the north that are likely to experience views towards the turbine. A number of these properties are likely to experience significant visual effects as a consequence of the turbine. However, having regard to the separation distances and the physical relationship between the houses and the turbine, these impacts are not considered unacceptable.
- 1.27 The turbine would have impacts on other residential property in the surrounding area and would also have impacts on roads, footpaths and recreational areas. However, those impacts would not be so significant or adverse in themselves, to render the proposal unacceptable.
- 1.28 Residential properties are of high visual sensitivity and it is generally accepted that significant visual effects associated with wind turbine development should be regarded as adverse. 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 the proposal will give rise to significant visual impacts on the occupants of residential properties to the east and west.

Cumulative Landscape and Visual Impacts

- 1.29 An assessment of cumulative landscape and cumulative 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 windfarms 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.

- 1.30 The Council's Implementation Guide indicates that at June 2012 the Dipslope Farmland was a 'Landscape with views of windfarms'. It further indicates that the area has an acceptable future windfarm character of 'Landscape with Occasional Windfarms'.
- 1.31 The Strategic Landscape Capacity Assessment suggests that the Letham, Lunan Water and Abroath Valleys subarea has a future capacity to be 'Dipslope Farmland with Occasional Wind Turbines/ with wind turbines' (Appendix 3). It suggests that the Redford Farmland subarea has future capacity to be 'Dipslope Farmland with Wind Turbines' (Appendix 4). The document identifies an area extending from Letham in the northwest to Firthmuir of Boysack in the southeast where cumulative impact associated with built and approved wind turbines limits future development opportunities (Appendix 5). The southern boundary of that area is defined by a line running to the south of the hill crests between Hillhead, Boath Hill and West Grange of Conon. It is indicated that within this area (Appendix 6) the objectives should be to: -
1. Retain sufficient spacing between individual turbines to maintain a Landscape with Wind Turbines and avoid a Wind Turbine Landscape character;
 2. Avoid excessive skylining of larger wind turbines to the crest of the farmland either side of Boath Hill which forms an important but modestly scaled backdrop to lower ground in the north and east;
 3. Support an organised pattern of development by maintaining sufficient spacing/screening between groups of larger and smaller turbines;
 4. Prevent unacceptable proximity of larger turbines to settlements and other visually sensitive locations including Letham, Colliston and the smaller scale more settled landscape surrounding the Lunan Water.
- 1.32 The Strategic Landscape Capacity Assessment suggest a minimum separation distance between medium sized wind turbines (30-49m) of between 3-6km (Appendix 3 and 4); for medium/large turbines (50-79m) it suggests a minimum separation distance of between 5-10km Appendix (3).

- 1.33 In this case the application site lies within the area where the Strategic Landscape Capacity Assessment suggests that capacity for further wind turbine development is limited by virtue of what has previously been approved. In the intervening period a further small/medium turbine (circa 47metres) has been approved at Parkconnon (to the east) which is yet to be constructed. The Ascurry turbine would be about 1.5km from the medium sized turbines at Idvies Hill and Dumbarrow Farmhouse. It would be 3km from the medium turbine at Lochlair and 3.5km from the medium/large turbine at Cononsyth. The turbine would appear on the skyline from the majority of views and would not meet the spacing distances advocated by the guidance. Accordingly the proposal is not consistent with the guidance in the Strategic Landscape Capacity Assessment.
- 1.34 The proposed turbine will be larger in scale than those already approved and would be viewed in conjunction with the grouping of turbines at Newton of Idvies, North Mains of Cononsyth, Parkconon and Muirhouses. Whilst the proposed turbine is within a different view shed to some of the aforementioned turbines the size of the proposed turbine together with it's close to hilltop location would lead to a level of inter-visibility between the turbines which would lead to an extension of the highlighted group of turbines. This would lead to a scenario where the landscape with turbines would extend southwest and lead to the grouping of turbines overwhelming the underlying landscape character. The turbines at Lochlair and Greenhillock to the southwest are currently a separate grouping and there is the potential for this group to coalesce with the previously highlighted group. It is important to prevent this coalescence as it would result in the formation of a wind turbine landscape which is beyond the level of change considered acceptable by the Council's Implementation Guide (and the Strategic Landscape Capacity Study). In this respect the cumulative landscape effects associated with the development is likely to be significant.
- 1.35 In relation to cumulative visual effects it is likely that the proposed turbine would be seen in-combination, in-succession, and in-sequence with turbines to the southwest and east. This would result in a noticeable increase in the occurrence of wind turbines being either prominent or obvious in views. There would therefore be significant cumulative visual effects arising. In respect of residential properties Lewiston Cottage has easterly views towards the existing turbine at North Mains of Cononsyth and the proposed turbine would lead to views in a westerly direction of a larger turbine at closer distance. Similarly Newton of Idvies Cottage already has views of the existing turbine at Newton of Idvies to the northeast. Views of the proposed turbine in the opposite direction would result in a significant cumulative effect. The impacts at these properties are similar to impacts that have been determined as being unacceptable in respect of other wind turbine proposals in Angus.

Amenity (Noise/Shadow Flicker/ Reflected Light)

- 1.36 Policy requires consideration of impacts on residential amenity, existing land uses or road safety by reason of noise, shadow flicker or reflected light. The Environmental Health Service and the Roads Service have raised no concerns regarding such impacts. On this basis I do not consider that there are any unacceptable amenity impacts from noise, shadow flicker, light, surrounding land uses or road safety that cannot be satisfactorily addressed by conditions.
- 1.37 However as discussed above, the development would have an adverse impact on the visual amenity of occupants of a number of residential properties in the locality of the site.

Impact on Natural Heritage

- 1.38 The Angus Local Plan Review contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. It also indicates that the Local Biodiversity Action Plans will constitute material considerations in determining development proposals. Policy ER35 specifically requires that proposals should demonstrate that there is no unacceptable interference to birds.
- 1.39 It is relevant to consider that the site holds no statutory or non-statutory nature conservation designations. An assessment of impacts on protected species and ornithology has been undertaken and no unacceptable or significant risks have been identified. The RSPB has been consulted but has not made any comments on the application. Accordingly, on the basis of available environmental information, consultation responses and site visits the ecological impact of the development is not considered to be unacceptable.

Cultural Heritage

- 1.40 The Angus Local Plan Review contains a number of policies that seek to safeguard cultural heritage. 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.
- 1.41 There are no known archaeological features within or within close proximity to the application site. The supporting Cultural Heritage Assessment has identified 10 sites of cultural heritage interest in a 5km radius of the site. The assessment concludes that there will be no significant impacts on designated cultural heritage receptors as a result of the proposed turbine. The impact of

the proposed development on these and other interests in the area has been assessed and is considered acceptable.

Other Development Plan Considerations

- 1.42 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.
- 1.43 The supporting statement indicates that power will be transmitted along underground cabling connecting the turbine to a substation which is shown on the plans. A buried cable at this location would be unlikely to result in significant environmental impacts.
- 1.45 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 the matter could be addressed by planning condition.
- 1.46 In terms of transport to the proposed site, the existing road networks will be used to deliver the sections of the turbine, with no improvements or upgrading of the road network required. The Roads Service has raised no objections to the proposals. In this regard, road safety and the associated environmental implications of transporting the turbine to the site would not render the proposal unacceptable.
- 1.47 In relation to impacts on aircraft activity the MOD, NATS, CAA and Dundee Airport have not objected to the application. On this basis the proposal is unlikely to give rise to any significant impacts on authorised aircraft activity.
- 1.48 The applicant has indicated that the turbine would be located on site for a period of 25 years. A planning condition could be used to secure removal of the apparatus and restoration of the site.

Conclusion

- 1.49 It is identified above that the proposal would give rise to significant landscape impacts, significant visual impacts and significant cumulative and visual impacts. It is also identified that the proposal is not consistent with the guidance contained in the Strategic Landscape Capacity Assessment recently published by SNH and Angus Council.

1.50 Development plan policy is supportive of wind turbine proposals and this proposal attracts some support in that regard. However, in respect of wind turbine proposals, policy requires amongst other things that: -

- Sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape;
- The siting and appearance of apparatus have been chosen to minimise the impact on amenity, while respecting operational efficiency;
- There will be no unacceptable adverse landscape and visual impacts having regard to landscape character, and sensitive viewpoints.

1.51 For the reasons discussed above the turbine subject of this Review is not considered to be of a scale that would fit in the landscape without giving rise to significant adverse landscape impacts; that is by virtue of its height relative to surrounding landscape features, its location on high ground and its proximity to other wind turbine development. In this respect the proposal is not considered to achieve an appropriate balance between minimising adverse amenity impacts and maintaining operational efficiency. The energy production (and the financial benefit to the farm) is not insignificant in a local context, but it does not outweigh the harm that would be caused to the landscape of the area. Impacts on a relatively small number of properties would be significant and adverse, but if that was the only issue in relation to this proposal those impacts might not in themselves render the application contrary to development plan policy. However, the combination of significant adverse landscape impacts, significant adverse visual impacts and significant adverse cumulative landscape and visual impacts result in this proposal being contrary to policies ER5, ER34 and ER35 of the Angus Local Plan Review 2009.

Appendix 1

Development Plan Policies

Policy 6: Energy and Waste/Resource Management Infrastructure

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

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

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

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

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

GENERAL POLICIES

BACKGROUND

1.28 Several of the policies in this part of the Plan may be relevant to some development proposals. Development boundaries differentiate between built-up areas and the countryside and are used as a tool to guide the application of policies in the Plan which apply to particular locations. The policies on integration of land use and transport, design matters, environmental protection, safeguard areas and Development Guidelines provide guidance for the consideration of relevant development proposals in the first instance before referring to detailed policies and proposals elsewhere in the Plan.

DEVELOPMENT BOUNDARIES

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

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

Policy S1 : Development Boundaries

- (a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.**
- (b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.**
- (c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.**

Public interest:
Development would have benefits for the wider community, or is justifiable in the national interest. Proposals that are solely of commercial benefit to the proposer would not comply with this policy.

ACCESSIBLE DEVELOPMENT

1.30 A key element in the creation of sustainable communities is how well new development is integrated with the existing form of development and transport networks. The Local Plan allocates land for new development within the main settlements, in locations that are well related to the existing form and pattern of development and therefore the existing transport network.

1.31 New transport provision should take account of existing and planned growth in particular locations and form part of the overall planning of the layout of new development.

SPP17 : Planning for Transport
The planning system is a key mechanism for integration through supporting:

- **a pattern of development and redevelopment that:**
 - **supports economic growth and regeneration;**
 - **takes account of identified population and land use changes in improving accessibility to public services, including health services jointly planned with health boards;**

Policy S5 : Safeguard Areas

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

DEVELOPMENT PRINCIPLES

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

Policy S6 : Development Principles

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

(See page 15 for Schedule 1: Development Principles)

Schedule 1 : Development Principles

Amenity

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

Roads/Parking/Access

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

Landscaping / Open Space / Biodiversity

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

Drainage and Flood Risk

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

Waste Management

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

Supporting Information

- (s) 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.

Landscape Character

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

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

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

National Scenic Area:

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

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

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

Tayside Landscape Character Assessment 1999:

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

Figure 3.2 : Landscape Character Zones



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

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

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

Policy ER5 : Conservation of Landscape Character

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

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

Trees, Woodlands and Hedgerows

3.14 Trees, woodlands, hedgerows and treelines make valuable contributions to nature conservation and recreational activity and are integral to the landscape and townscape of Angus. Ancient woodland is of particular ecological value and is an irreplaceable resource. Such woodland requires special protection as once destroyed it cannot be recreated. Where appropriate, the Council will use Tree Preservation Orders to ensure the protection of an individual tree or group of trees considered important to the amenity value of the surrounding area. In addition and wherever possible the opportunity should be taken to strengthen woodland cover with local native species, either as part of a development proposal, or through the establishment of urban forestry and community woodland initiatives. Angus Council has established the Angus Millennium Forest (AMF) which covers around 83 ha of Council land in the main towns. The AMF makes a significant contribution to biodiversity, urban wildlife conservation and the provision of green spaces in these towns and should be protected from development.

Treeline (lowland)

As defined in The Local Biodiversity Action Plan this is a row of standard trees growing in a hedgerow or as a separate avenue of trees.

Tree Preservation Order(TPO):

An order made by the Planning Authority to preserve trees or woodlands in their area which are considered to have a high amenity value.

Noise Pollution

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

Policy ER11 : Noise Pollution

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

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

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

Policy ER14 : Trees in Conservation Areas

Felling, lopping, topping or other work to trees in conservation areas will be acceptable where the applicant can demonstrate sound arboricultural or safety reasons for the proposal or demonstrate that the trees detract from the character of the conservation area. Where trees are important to the character of the area, Angus Council will consider the use of a Tree Preservation Order. Where felling is acceptable appropriate new and/or replacement planting will be required.

Listed Buildings

3.30 There are over 2000 listed buildings in Angus. The Council has a statutory duty to protect these buildings for their special architectural or historic interest. The Council will seek to ensure that development proposals respect and sustain the character and quality of the buildings and their settings.

3.31 Listed buildings are an important part of the heritage of the area and will be protected from alteration, extension or development that will affect their character, setting or any features which have led to their designation. The demolition of a listed building will not be supported unless a very strong case is made.

3.32 Alterations to listed buildings that require to meet other legislative requirements, particularly The Building Standards (Scotland) Regulations 1990, as amended, must be undertaken sensitively and ensure that the impact on both internal or external features is minimised.

3.33 Further guidance can be found in Angus Council Advice Note 20: Listed Buildings and Conservation Areas.

Policy ER15 : Change of Use, Alterations and Extensions to Listed Buildings

Change of use, or alterations and extensions to a listed building will only be permitted where they are in keeping with the fabric, character and appearance of the building or its setting.

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

Listed Building

A building that is included in a list compiled by Historic Scotland as being of architectural or historic interest.

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.

3.35 Listed buildings represent the very best examples both locally and nationally of particular building types and there is a strong presumption against demolition in whole or in part. Where proposals for demolition are put forward considerable supporting evidence will be required as part of any application for Listed Building Consent.

Policy ER17 : Demolition of Listed Buildings

There will be a presumption against the demolition of listed buildings. applications for consent to demolish a listed building will only be considered where:

- (a) it has been demonstrated through a detailed structural and feasibility report that the condition of the building makes it impractical to repair, renovate or adapt it to any reasonably beneficial use for which planning permission would be granted; and**
- (b) there is evidence that all reasonable efforts have been made to sustain the existing use or find a viable and acceptable new use or uses for the building including marketing of the building nationally for at least 6 months; and**
- (c) detailed planning permission for the reuse of the site, including any replacement building or other structure has been granted.**

Submission of the necessary information does not imply that consent for demolition will be automatically granted.

In most cases demolition will only be permitted where work on the erection of a replacement building is to start immediately following the date of demolition or other such period as may be agreed with Angus Council.

Ancient Monuments and Archaeological Sites

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

Listed Building Consent

A legal requirement which authorises work to listed buildings.

NPPG 5: Planning and Archaeology (1994)

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

- the use of a flexible design to facilitate possible future adaptation for other uses;
- renewable energy generation and energy efficient systems in domestic and commercial buildings where appropriate, which reduce demand for power from non-renewable sources.

Renewable Energy

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

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

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

Renewable Energy Sources

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

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

Policy ER34 : Renewable Energy Developments

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

NPPG6: Renewable Energy Developments (Revised 2000)

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

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

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

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

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

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

Wind Energy

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

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

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

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

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

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

Figure 3.4 : Geographic Areas



1 Highland

2 Lowland and Hills

3 Coast

TLCA Designation

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

TLCA Designation

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

TLCA Designation

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

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

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

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

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

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

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

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

3.84 Cumulative impact occurs where wind farms/turbines are visually interrelated e.g. more than one wind farm is visible from a single point or sequentially in views from a road or a footpath.

Landscape and visual impact can be exacerbated if wind turbines come to dominate an area or feature. Such features may extend across local authority, geographic or landscape boundaries and impact assessments should take this into account. Environmental impacts can also be subject to cumulative effect – for example where a number of turbine developments adversely affect landscape character, single species or habitat type.

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

Policy ER35 : Wind Energy Development

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

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

NPPG6 : Renewable Energy Developments (Revised 2000)

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

Local Community Benefit

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

Appendix 2

Strategic Landscape Capacity Assessment (Extract Page 63 – Map of Dipslope Farmland)

(v) ETHIE FARMLAND

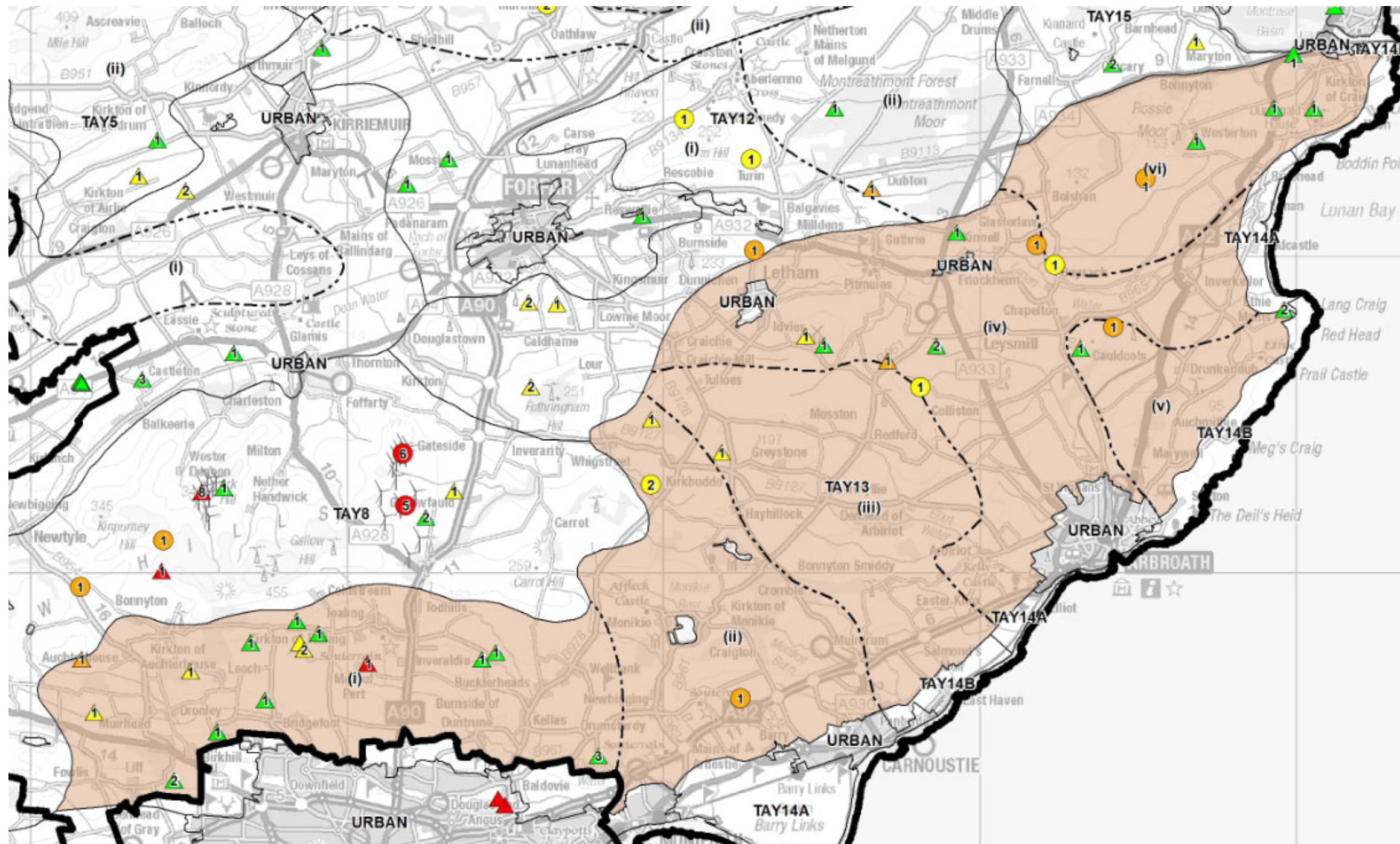
This small sub-area of higher farmland is adjacent to the coast and bordered on the inland sides by the Lunan Water and other drainage lines flowing to Arbroath. Settlement and the road network are relatively sparse. There are two large houses with policies that operate as country house hotels. The high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

(vi) ROSSIE MOOR

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

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

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



Appendix 3

Strategic Landscape Capacity Assessment (Extract Page 65 – Guidance for Redford Farmland subarea)

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

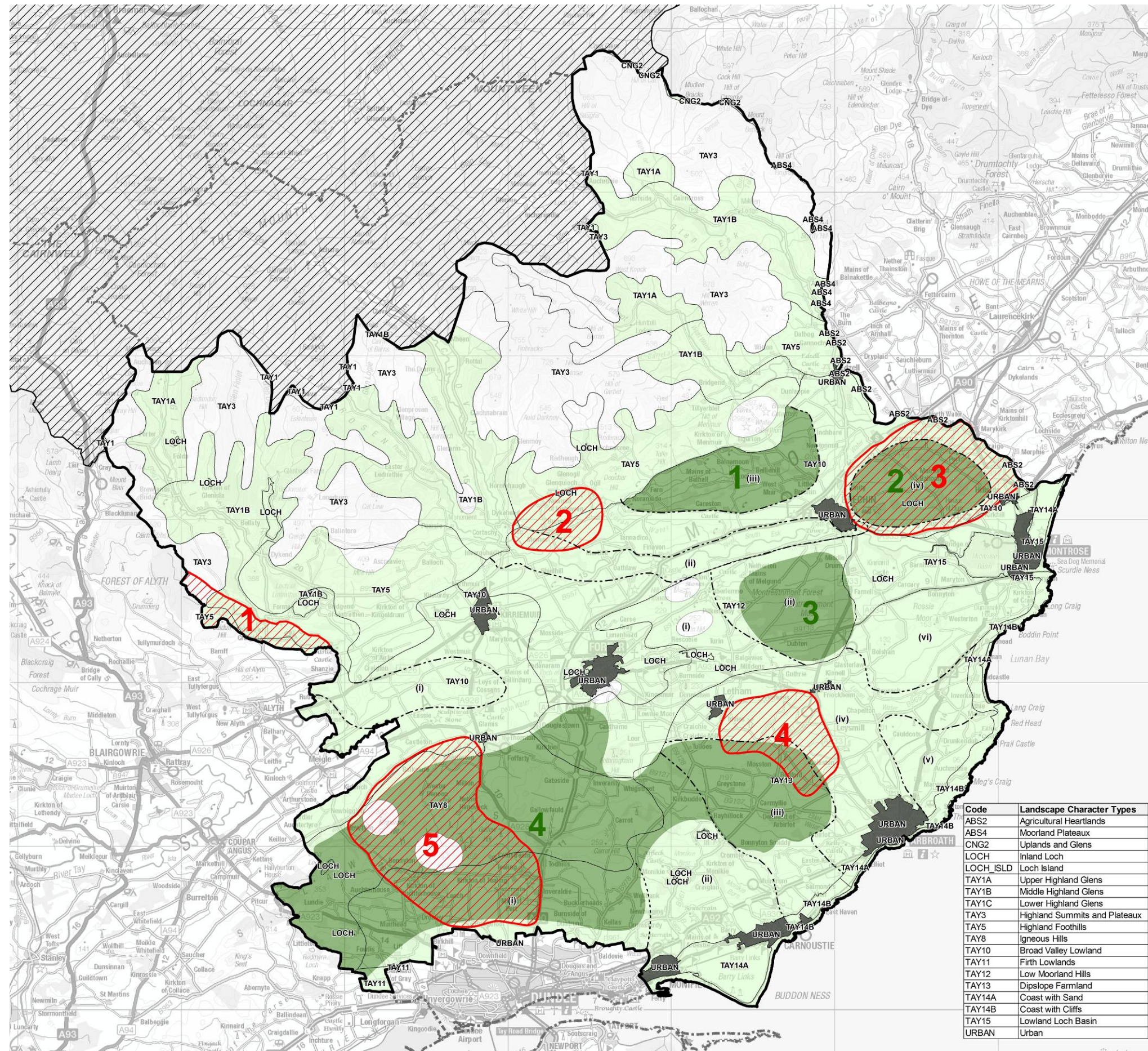
Appendix 4

Strategic Landscape Capacity Assessment (Extract Page 66 – Guidance for Letham, Lunan and Arbroath subarea)

LANDSCAPE CHARACTER TYPE TAY 13: DIP SloPE FARMLAND																		
Key: <input type="radio"/> No Capacity <input type="radio"/> Low Capacity <input type="radio"/> Medium Capacity <input type="radio"/> High Capacity																		
Turbine Size: Small/Medium=15-<30m; Medium=30-<50m; Medium/Large=50-<80m; Large=80-<125m; Very Large=125m+																		
BASE LANDSCAPE CAPACITY (i.e. not taking account of current wind energy development)					CURRENT CONSENTED DEVELOPMENT					PROPOSED LIMITS TO FUTURE DEVELOPMENT (i.e. proposed acceptable level of wind energy development)								
Landscape Sensitivity to Wind Energy Development				Landscape Capacity (Related to turbine size)					Existing/ Consented Developments	Current Wind Energy Landscape Type(s)	Future Wind Energy Landscape Type(s)	Remaining Landscape Capacity (Related to turbine size)					Current Applications	Analysis & Guidelines (Refer to Detailed Guidance for Further Information on Siting and Design)
Landscape Character Sensitivity	Visual Sensitivity	Landscape Sensitivity	Landscape Value	S/M	M	M/L	L	VL				S/M	M	M/L	L	VL		
Landscape Character Area: Southeast Angus Lowland Sub Area: (iv)Letham, Lunan and Arbroath																		
Med	Med	Med	Med/High	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Currently one small/medium consented turbine N of Friockheim and 2 to the south. One small/medium and one medium SE of Letham and 1 med/large on boundary with Redford sub area at Cononsyth.	Dipslope Farmland with Wind Turbines/ Occasional Wind Turbines/ No Wind Turbines	Dipslope Farmland with Occasional Wind Turbines/ with wind Turbines	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Currently scattered applications for 5 turbines (2 medium and 3 medium/ large) all lying on the sub area boundary.	Landscape analysis: This sub-area, lying between three sub-areas of higher <i>Dipslope Farmland</i> and the <i>Low Moorland Hills</i> , follows the Lunan Water and other more minor drainage lines flowing to Arbroath. There is extensive settlement and road network throughout. This has a smaller more enclosed scale than much of the <i>Dipslope Farmland</i> and is visually sensitive. More suited to small/medium and medium turbines associated with settlement or intensive agriculture. Comments on Consented and Proposed Turbines: Current turbines mainly within capacity. Three proposed medium/ large turbines along edge of Lunan valley and close to Letham are taller than recommended.
												Max. Numbers in Group	1-5	1-3				
												Min Group Separation Distances (km)	2-4	3-6				
Landscape Character Area: Southeast Angus Lowland Sub Area: (v)Ethie Farmland																		
Med	Med/High	Med/High	Med	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Currently one consented small/med turbine at Kinblethmont and two near the coast at Ethie.	Dipslope Farmland with Occasional/ No Wind Turbines	Dipslope Farmland with Occasional Wind Turbines	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	One medium/large turbine near Lunan valley.	Landscape analysis: This small sub-area of higher ground is adjacent to the coast, bordered by the Lunan Water and other drainage lines flowing to Arbroath. Settlement and road network is relatively sparse. There is capacity mainly for smaller turbines in small groupings. Max turbine size should be limited to 50m and should be set well back from the visually exposed coastal area. Comments on Consented and Proposed Turbines: Current turbines within capacity but proposed medium/large turbine is taller than recommended.
												Max. Numbers in Group	1-5	1-5				
												Min Group Separation Distances (km)	2-4	3-6				

Appendix 5

Strategic Landscape Capacity Assessment (Extract Page 88 – Figure 6.4 Wind Turbine Development opportunities and Constraints)



March 2014 7933 ANC 139

Legend

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

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

Figure 6.4

Wind Turbine Development Opportunities and Constraints



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Appendix 6

Strategic Landscape Capacity Assessment (Extract Page 90 – Table 6.2: Areas Where Cumulative Impact Limits Further Development (Area 4: Dipslope Farmland Between Letham and Firth Muir of Boysack))

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



Locogen Ltd
44 Constitution Street
Edinburgh
EH6 6RS

6th June 2014

Ms Sarah Forsyth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

By email only

Dear Ms Forsyth

**Proposed Single Wind Turbine at Hillhead of Ascurry Farm (Ref: DMRC-3-14)
Appellant's Response to Planning Service Comments**

With reference to the above, I now write to submit the appellant's response to the comments of the Planning Service.

In summary, it is felt that this is a carefully chosen site, deserving of planning permission for the development of a single farm-based 77m to tip wind turbine project. The reasons for this are as follows:

- The site sits within a natural bowl in the landscape;
- Cumulative impact is not considered to be a significant issue;
- Nearby residential dwellings have principal views away from the proposed turbine and are well-screened by intervening vegetation;
- Recently published guidance confirms that the landscape has capacity for wind turbines of this scale;
- 75% of residential dwellings within 1km of the proposal have either supported or not objected to the development during the consultation period;
- Only one representation from nearby residents has been submitted during the appeal process. These comments have been addressed in detail in a previous submission;
- There are no statutory objections to the proposal;
- There will be no noise and shadow flicker impacts; and
- The project will be locally owned and locally developed, securing investment in Angus-based companies, diversifying an established Angus farming business and safeguarding Angus jobs.

The appellant is pleased that a site visit is being undertaken by the Local Review Body (LRB). It is considered that the site visit will clearly demonstrate the landscape and visual acceptability of the proposal to the LRB members. However, additional narrative in response to the Planning Service's submission has also been provided below. Included within the below are extracts from Reports of Handling from consented turbines at Stotfaulds Farm, North Mains of Cononsyth, Newton of Idvies and Lochlair. These turbines all have similarities with the appeal site, and as such the examples included are considered pertinent to the determination of this application.

Environmental & Economic Benefits

Importantly, with regard to the benefits of the proposals to the appellant's farming business, the planning officer accepts that

"...the proposed turbine could make a contribution towards renewable energy generation and as such the proposals attract in principle support from the development plan" and,

"...the energy production (and the financial benefit to the farm) is not insignificant in a local context...".

The appellant is pleased to note these comments and is comforted that the viability of his business and the local employment opportunities that he provides has been recognised. To re-iterate points made in the appellant's submission dated 24th March 2014, this project represents a significant investment in Angus-based companies, supports the continued viability of the farming business and will safeguard local employment.

Landscape Impacts

The Council's *Implementation Guide for Renewable Energy Proposals* (2012) suggests that this part of Angus has capacity to accommodate turbines measuring up to 80m in height. The proposed turbine is 77m to blade tip.

The *Implementation Guide* also states that the appeal site currently falls within a 'landscape with views of windfarms' but that it would be acceptable for the area to become a 'landscape with occasional windfarms' in future.

Prepared by consultants Ironside Farrar on behalf of SNH and Angus Council, the *Strategic Landscape Capacity Assessment for Wind Energy in Angus* (2013) is also a 'material consideration' in the determination of this appeal. While members of the LRB will decide for themselves the 'weight' to be given to this document, the appellant wishes to remind them that it is 'guidance' and not adopted 'policy'.

Indeed, Ironside Farrar note that this is a

"strategic level landscape and visual study, providing a context for consideration of capacity for, and the cumulative effects of, existing and potential future wind turbine developments in Angus. No site specific conclusions should be drawn from it in relation to current, proposed or future wind turbines and windfarms".

Importantly,

"all wind energy proposals should be considered on their own unique locational and design characteristics as well as their strategic context".

In this respect, the planning application is supported by an independent site-specific Landscape & Visual Impact Assessment (LVIA), included within the original submission, that concludes that the development is acceptable in landscape and visual terms.

Based on the *Capacity Assessment*, the appeal site falls within the Redford Farmland sub-area of the Dipslope Farmland Landscape Character Type. This sub-area has:

- 'Medium' capacity for turbines of 50m-80m in height. It is noted that 'medium' is the highest landscape capacity given in the *Capacity Assessment*;
- The highest capacity for wind energy in the Dipslope Farmland; and
- Scope to become a 'landscape with wind turbines' in the future, i.e. capable of absorbing further development.

It is also noted that the appeal site sits within an 'area with highest underlying capacity' for wind turbines.

The planning officer notes that the site lies close to the boundary of the Letham, Lunan Water & Arbroath sub-area. The planning officer however fails to acknowledge that the *Capacity Assessment* advises that the neighbouring sub-area has medium capacity for 'medium' turbines and that in future it could become a 'landscape with occasional wind turbines/with wind turbines' i.e. it could accommodate additional wind turbine development.

In any case, and for the avoidance of doubt, according to the *Capacity Assessment*, the Redford Farmland sub-area has 'medium' capacity for turbines of 50m-80m in height. As the appeal site is located within the Redford Farmland sub-area, it is considered that it should be assessed against these parameters.

The planning officer asserts that the turbine would be out of scale with the landscape resulting in the surrounding ridgelines and summits appearing less pronounced than at present; a ridgeline taking in the summits of Boath Hill (183m AOD), East Hills (186m AOD) and West Hills (196m AOD) lies to the south. The planning officer also seems to suggest that as part of the turbine would be seen above the skyline, it is not acceptable.

The appellant disagrees with this. Given that turbines by their very nature are tall structures, this stance also seems illogical. It is also inconsistent with decisions taken by the Council on previous applications.

The turbine location lies at a height of 143m ASL and sits within a natural 'bowl' on the northern face of a hill. At 77m to blade tip, the single turbine would not become a defining vertical element or detract from the appreciation of the nearby ridgelines as linear features in the landscape. This opinion reflects the recent Govals windfarm appeal decision where the Reporters found that

"...whilst the turbines would appear above the ridge in many views, the ridge itself would not be disrupted to any significant degree" and "...the long line of the ridge would still be clearly understood as a prominent landscape feature".

In terms of consistency in decision-making, the Council granted planning permission for a single 77m turbine at Stotfaulds Farm near Monikie on 3rd June 2014. This site also lies within the Dipslope Farmland. Importantly, the Development Standards Committee report notes that, as stated in the Tayside Landscape Character Assessment, wind energy developments

"...should favour the shallow bowls on the dipslopes".

In selecting the site at Hillhead of Ascurry, the appellant has taken note of the published guidance, and has sought to make best use of the undulating landscape by identifying a natural 'bowl' off the summit of the hill.

It is also noted that the medium/large and medium turbines have been granted planning permission at Stotfaulds, Lochlair and Newton of Idvies, all of which are located on higher ground than the appeal site (182m ASL, 170m ASL and 145m ASL respectively). In fact, the Committee report for the Stotfaulds turbine describes that particular site as sitting "...on top of a ridge..." that separates the Dipslope Farmland into a lower coastal stretch and a higher undulating plateau. For the avoidance of doubt, the recently consented turbine at Stotfaulds is exactly the same turbine model as proposed for the appeal site.

Similarly, in the Report of Handling for the consented single turbine at Newton of Idvies, located circa 1.4km from the appeal site, the planning officer concluded that they were

"satisfied that it will not result in significant or unacceptable landscape impact", despite the fact that "the effect of the landform is such that the turbine will be widely visible from a number of locations".

The same statement is made in the Report of Handling for the consented single turbine at Lochlair, circa 3.2km from the appeal site. Figure 1 below illustrates the Newton of Idvies turbine visible on the skyline. The appeal proposal is not considered to be any different.



Figure 1: View of Newton of Idvies turbine. This turbine skylines more than the appeal site and is highly visible from Letham. The landform, built form and intervening Idvies Policies woodland will screen almost all of Letham from views of the appeal site.

Also, with reference to the 67m to tip wind turbine at North Mains of Cononsyth, which has recently been fully commissioned, it is considered that the following extract from the Report of Handling is pertinent to the appeal site at Hillhead of Ascurry, which is of a similar scale:

"I consider the scale of the turbine to generally be in scale with the surrounding landscape and I do not consider that it will dominate the landscape. On that basis I do not consider that there will be any significant adverse impacts on the landscape of the surrounding area."

Visual Impacts

It is acknowledged that there are a small number of residential dwellings within 1km of the turbine location. To assist LRB members, they have been marked onto Drawing HOA076, which is appended to this letter. The direction of the principal views enjoyed by these properties is also marked on this drawing, for completeness.

Having reviewed the planning officer's report, it seems that visual impacts on the following properties are of greatest concern:

- Lewiston Cottage;
- Gask Farmhouse; and
- Nos. 1, 2 and 3 Gask Cottages.

As demonstrated by Drawing HOA076, none of the properties mentioned above would have direct views of the turbine from principal directions. At worst, occupants from only two dwellings may experience oblique views from areas within the property curtilage, however these would further screened by intervening treebelts and buildings.

To further represent this, a number of photographs have been provided below.



Figure 2: Gask Farmhouse. Taken facing east. The property is well-screened by surrounding established hedgerows. Large agricultural buildings also lie to the west of the Farmhouse, further screening the property from the appeal site. Please note there was no objection from this property.



Figure 3: Gask Cottages. Taken facing north. The treebelt to the rear of the cottage gardens is established and is currently at the same height as the telegraph poles which run through it (circa 6m in height). Of all the Cottages, there will only be two windows which may have some oblique views of the appeal site. These are not however principal views and will also be screened by the trees to the south of the Cottages.



Figure 4: Gask Cottages. Taken facing southeast, in the direction of the appeal site. The established treebelt shields the rear of the Cottages from the appeal site. The HGV trailer in front of the treebelt is circa 4m in height.

Fundamentally, as detailed in numerous Scottish Government appeal decisions throughout the country, the fact that a wind turbine would be partially or even completely visible from a residential property does not in itself mean that the proposal would be harmful.

Indeed, in relation to the Govals windfarm, the Reporters found that

"... merely being able to see a wind farm or any other major development, should not normally be sufficient on its own to refuse them. There is no automatic right to a view or to have your prospect unchanged. At all of the locations we visited, the views of the turbines, often rotating, could be annoying to residents and might, to some, make the houses less pleasant places to live. That said, and although the turbines would be large objects in clear view, no house would be overshadowed or dwarfed by the turbines and principal views would not be blocked. In our opinion, no home would be so oppressed or dominated by the sight of turbines that they would be unattractive places to live and relatively few properties would suffer a significant loss of amenity."

Again, in terms of consistency of decision making, the Report of Handling for the consented turbine at Newton of Idvies clearly states that the planning officer considers that the submitted visualisations illustrate that the "sizeable" turbine will be visible from a number of nearby properties and that the impacts on these properties are

"likely to be significant. However, given the relatively limited height of the turbine, its limited horizontal extent (given it is a single turbine), and having

regard to separation distances and orientation of properties," the planning officer does "not consider that such impacts would have an unacceptable impact on the visual amenity of those properties".

Similarly, the following extract is taken from the Report of Handling for the consented single "sizeable" turbine at Lochlair:

"The submitted visualisations show the turbine visible in this landscape and from general areas near housing. The turbine will be clearly visible from the environs of these properties and as such I consider that impacts are likely to be significant. Given the relatively limited height of the turbine, its limited horizontal extent (given it is a single turbine), and having regard to separation distances and orientation of properties, I do not consider that such impacts would have an unacceptable impact on the visual amenity of those properties."

Both of the aforementioned Reports of Handling conclude the following:

"I recognise that other properties in the area will have clear and unobstructed views of the turbine and that they are likely to experience significant visual impacts as a consequence. However these properties generally do not have principal views towards the turbine at close distance and in this respect and having regard to the very limited horizontal extent of the single turbine, I do not consider that such impacts would unacceptably impact on residential amenity to an extent that would merit refusal of the application."

It is considered that the proposal at Hillhead of Ascurry should be assessed by a method consistent with the projects outlined above.

The perceived impact on Lewiston Cottage has been addressed at length in the submission dated 6th May 2014, which included a letter of representation, a map showing view directions and a number of photomontages. This submission demonstrates that only oblique views of the appeal site will be afforded from parts of the property, and that the impact is not significant. The former submission is appended to the end of this letter.

Finally, and importantly, in reaching a conclusion on the acceptability of the Hillhead of Ascurry proposals, the planning officer accepts that the identified impacts on a small number of properties

"...might not in themselves render the application contrary to development plan policy".

It is considered that LRB members will achieve a clear understanding of the principal view directions of nearby dwellings and the level of screening afforded by surrounding vegetation during the site visit.

Cumulative Landscape & Visual Impacts

As noted above, the *Implementation Guide* indicates that the Dipslope Farmland has an acceptable character of a 'landscape with occasional windfarms'. In the more recent *Capacity Assessment*, the Redford Farmland sub-area has future capacity to be a 'landscape with wind turbines', i.e. it has capacity for further development.

The appeal site also falls within, but on the very outer fringes of, an area where cumulative impact limits future development opportunities as defined by the *Capacity Assessment*. Importantly, the *Capacity Assessment* outlines the main objectives for 'limiting' development in this area, as opposed to preventing it altogether. As noted above, the *Capacity Assessment* is a guidance document and not adopted policy, and the guidance clearly states that

"no site specific conclusions should be drawn from it in relation to current, proposed or future wind turbines and windfarms" ... and "all wind energy proposals should be considered on their own unique locational and design characteristics as well as their strategic context".

The planning officer cites the suggested minimum separation distances between various scales of turbines as part justification for determining that there would be an unacceptable cumulative impact. The planning officer accepts that the suggested turbine heights are for guidance and that proposals need to be assessed on their own merits. It is not unreasonable therefore to expect the suggested separation distances to be subject to the same provisos. Indeed, there are number of recent Council decisions which have not adopted the recommended separation distances as, on a case by case basis, these have not always been applicable.

It should also be noted here that the planning officer has made reference to the wind turbine at Dunbarrow as being 'medium' in scale. This small domestic turbine is only 17.25m in height to blade tip, and is therefore 'small/medium' in scale and subject to a smaller recommended separation distance to that cited in the planning officer's response.

The planning officer is of the opinion that the proposed turbine would be viewed in conjunction with a grouping of existing turbines to the north-east (Newton of Idvies, North Mains of Connonysyth, Parkconnon and Muirhouses). They also comment on the 'potential' for coalescence of this grouping with another grouping to the south-east (Lochlair and Greenhillock) if the Hillhead of Ascurry turbine is permitted.

The ridgelines to the south of the appeal site, its location in a natural bowl in the landscape and the levels of intervening vegetation, including trees and hedgerows, will significantly reduce the intervisibility of these groupings with the turbine at Hillhead of Ascurry. This is consistent with the *Capacity Assessment* which states that intervisibility is moderated

"through selecting appropriate turbine sizes, separation distances and/or the intervention of landforms and tree groups".

It is considered that the site visit will demonstrate to the LRB members that, in fact, it is difficult to see more than any two turbines in the same view whilst travelling in the vicinity of the appeal site. Indeed, the planning officer concedes that

"the proposed turbine is within a different view shed to some of the aforementioned turbines".

It is therefore considered that the coalescence of groupings would not be a significant issue, and that the Redford Farmland landscape character type would remain as a 'landscape with occasional turbines'. At most this may drift in places to a 'landscape with wind turbines'. As noted within the *Capacity Assessment*, both the Redford Farmland

sub-area and the area limited by cumulative development have the capacity to accommodate this change.

Regarding previous assessments of cumulative impact in the vicinity, in the Reports of Handling for both Newton of Idvies (1.4km from appeal site) and Lochlair (3.2km from appeal site) wind turbines, the planning officer states the following:

"I do not consider that the proposed turbine would give rise to any unacceptable cumulative landscape or visual impacts given its limited height and the limited number of turbines within the wider area. I do not consider that the single turbine proposed would change the character of the wider landscape."

Although it is accepted that the addition of a single wind turbine will increase the frequency of the occurrence of wind turbines within a view, it is not considered that in this instance the result would be a significant cumulative visual effect. The appellant is confident that during the site visit it will be evident to the LRB members that there are a small number of well-separated turbines in the area, that these are well screened from each other due to landform and tree cover, and that any notable cumulative impact is not significant.

Regarding cumulative visual impact on nearby residential dwellings, the planning officer raises concerns over the perceived impact on Lewiston Cottage and Newton of Idvies Cottage. Contrary to these conclusions, it is considered that screening from intervening vegetation coupled with the principal direction of view of these properties renders any significant cumulative visual effects on the receptors as unlikely. This is outlined in detail in Chapter 5 of the Supporting Environmental Document submitted in support of the original application, and is further demonstrated by the photographs below and in the previous submissions concerning Lewiston Cottage which are appended to this letter.



Figure 5: Newton of Idvies Cottage. Taken facing west, in the direction of the appeal site. The large trees beyond the property lie directly between the property and the appeal site, as do other woodland strips.

Please note there was no objection from this property.



Figure 6: Newton of Idvies Cottage. Taken facing southeast. This photograph best-demonstrates the level of screening afforded by the tree belt to the right of the photograph. The trees sit directly between the property and the appeal site. It should also be noted that there is only a single small window which could have oblique views of the turbine, albeit shielded by the treebelt.

Other Matters

The remainder of the Planning Service's response acknowledges that there are no unacceptable impacts on:

- Amenity (noise, shadow flicker and reflected light);
- Natural heritage;
- Cultural heritage; and
- Other considerations (e.g. road safety, TV and telecoms interference, aviation and radar).

The appellant is pleased that these positive attributes have been highlighted, and has no further comments to add.

Site Visit

I note that members of the LRB intend to visit the site on 18th June 2014. Given that the turbine location is around 600m from the closest road, the appellant has arranged for a 9-seater 4x4 vehicle to be made available on the day.

This vehicle has been hired from a third party company and will be driven by a third party driver who has no interest or involvement in the proposals. If required, PPE clothing and footwear can be made available.

The suggested meeting point is marked by the red dot in Figure 7 below. As you approach the site from Bowriefauld, take the first right after the Slap o' The Gask Crossroads at The Gask farm. Continue on past the Gask Farmhouse and Gask Cottages for approximately 600m to the meeting point on the sharp right hand corner at the field gate. The turbine location will be marked by a striped post.

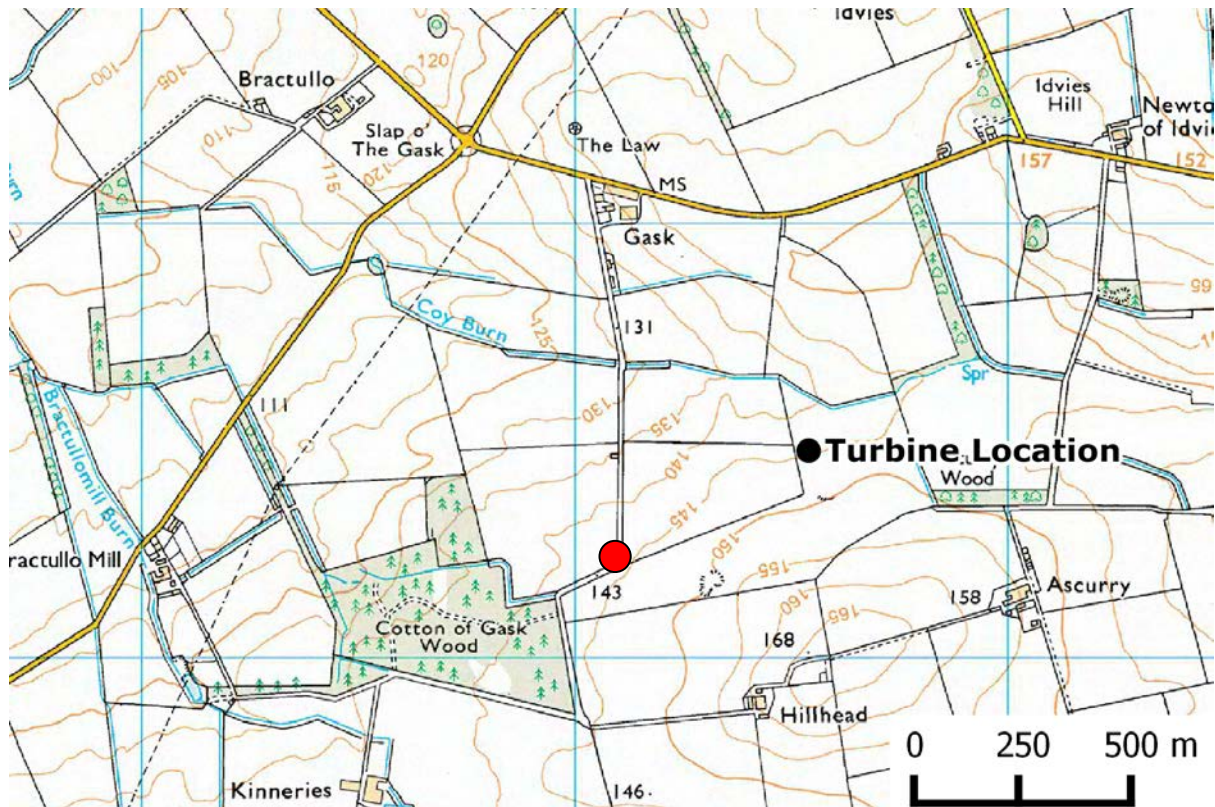


Figure 7: Suggested site visit meeting point

During the site visit, the appellant would respectfully request that members of the LRB:

- Visit the turbine location to experience the natural bowl in the landscape;
- Consider the views/screening/principal view direction from Gask Farmhouse;
- Consider the views/screening/principal view direction from Gask Cottages;
- Consider the views/screening/principal view direction from Newton of Idvies Cottage; and
- Consider the likely limited sequential views with other turbines when travelling near to the site.

To re-iterate, this is an application for a single 77m to tip farm-based turbine for a long-established Angus farming business. The appellant hopes that it is clear how much work has gone into the selection of the appeal site as an advantageous location for a single turbine. It is felt that the above comments and the previous works completed in respect of this application demonstrate:

- The site is located in a natural bowl in a landscape capable of absorbing the proposed development;
- There will be limited intervisibility between turbines in the landscape;
- The siting and appearance of the turbine has been carefully selected to minimise the impact on amenity; and
- The appeal site is consistent with Development Plan policy, best practice guidance and the recently published *Strategic Landscape Capacity Assessment for Wind Energy in Angus*.

As outlined above, it is considered that the site visit will clearly demonstrate the landscape and visual acceptability of the proposal to LRB members.

I trust the above is helpful to members of the LRB in their consideration of this appeal.

Please do not hesitate to contact me should you require any clarification and I look forward to hearing from you regarding arrangements for the site visit outlined above.

Yours sincerely,

Andy Lowe
Senior Wind Developer
Locogen Ltd.

Encls

Drawing HOA076
Submitted representation dated 06/05/2014



Project Description

Number of Turbine(s):	1
Turbine Model:	EWT Directwind 54
Hub Height:	50m
Blade diameter:	54m
Total height to blade tip:	77m
Turbine location:	353539 746476

Notes

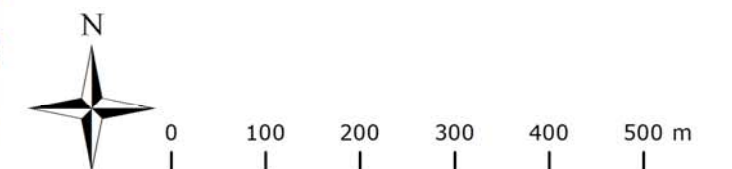
This map shows the location of dwellings within 1km of the turbine location and the principal viewing direction from each of these .
 The woodland areas used are from Ordnance Survey VectorMap data with additional areas of woodland and vegetation digitised from Aerial photography.
 Radius Displayed: 1km from proposed turbine

Legend

-  Turbine Location
-  Hedgerow
-  Dwellings within 1km
-  Principal Viewing Direction
-  Woodland

PROJECT: Hillhead of Ascurry

DRAWING TITLE:	Dwellings and Viewing Direction
DRAWING NO:	HOA076
DOCUMENT SIZE:	A3
SCALE:	1:8,000
DATE:	05/06/2014
DRAWING BY:	Franco Giovanetti
APPROVED BY:	Andy Lowe



Sarah Forsyth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Dear Ms Forsyth,

13/01029/FULL (Non Determination) – Response to additional representations

With regard to the above appeal, I would like to address some of the comments raised by Mr & Mrs Menzies of Lewiston Cottage and Mr Andrew Vivers of Arniefoul.

Comments from Mr & Mrs Menzies

It is noted in the submitted response that there are alternative means of power generation which Mr and Mrs Menzies believe do not have such a significant impact on other people. As they mention, the Applicant is looking into solar photovoltaics at a nearby farm. If these panels are installed they will generate circa 84,000kWh of electricity. This electricity will primarily be used on site, enabling the Applicant to reduce their carbon emissions and energy bills, thus boosting the self-sufficiency of the farming business. However, as noted in the Supporting Environmental Document, the farming business spends circa £120,000 per annum on electricity. The solar panels will therefore generate enough electricity to satisfy 6-8% of the total electricity of the farm. The wind turbine will generate in the region of 1,650,000kWh per annum. This is almost 20 times the generation of the solar installation which the Applicant is considering, and will offset the large part of the remaining electricity usage across the farming business. To generate the same level of electricity through solar power would require a circa 2MW ground mounted solar farm, which would take up 10-12 acres of prime agricultural land out of arable rotation. This is 15-20 times the area of permanent hardstanding required for the proposed wind turbine.

With regard to the comments raised over the Scottish Government Reporter's quotations included within Mr McEwan's recently submitted letter, it is worthwhile including the whole of the relevant paragraph from the Reporter's decision letter for the Govals Wind Farm. The paragraph states:

"Of course, merely being able to see a wind farm or any other major development, should not normally be sufficient on its own to refuse them. There is no automatic right to a view or to have your prospect unchanged. At all of the locations we visited, the views of the turbines, often rotating, could be annoying to residents and might, to some, make the houses less pleasant places to live. That said, and although the turbines would be large objects in clear view, no house would be overshadowed or dwarfed by the turbines and principal views would not be blocked. In our opinion, no home would be so oppressed or dominated by the sight of turbines that they would be unattractive places to live and relatively few properties would suffer a significant loss of amenity."

The nearest property to the Govals Wind Farm is 540m away. The nearest property to the Hillhead of Ascurry wind turbine is 544m away. For the avoidance of doubt, the Govals Wind Farm is an approved development, with the Reporter concluding the following:

“Taking all of the above reasoning together, we conclude that the proposed development would not unduly harm the landscape or the visual amenity of the area and would not unacceptably affect residential amenity at nearby properties. The limited harm we have found would be outweighed by the benefit of renewable energy generation and the other benefits of the scheme. The proposed development would accord with the development plan as a whole. We have taken into account all other matters raised but find that these are not sufficient to outweigh the development plan support for the proposed wind farm.”

It is also noted that the Govals Wind Farm is a 6 turbine development, whereas Mr McEwan is only seeking a single turbine installation.

Mr and Mrs Menzies have submitted a photomontage of the proposed wind turbine. Based on the grid reference supplied with the photomontage, the photograph has been taken from near the front door of the property, and at an angle of circa 40° from the principal direction of view of the house. However, as none of the property's curtilage, nor the road, wall or fence is included within the photograph, it is also considered that this image has either been cropped accordingly, or taken from the field side of the wall, and therefore at a different grid reference to that stated. Based on the information provided, we can also calculate that the field of view is slightly over 18°. As a standalone image this is not considered enough of a field of view to demonstrate the wider openness of the area.

In response to these comments, please find attached the following three images:

- Drawing HOA073, outlining the direction of view of the below two drawings;
- Drawing HOA074, facing the direction of Lewiston Cottage's view, with a field of view of 80°. Images are provided at two different heights to demonstrate the view likely to be experienced by persons standing and sitting in the property, both pre and post-construction; and
- Drawing HOA075, taken in the direction of the turbine from a point on the public highway in front of Lewiston Cottage, with a field of view of 80°.

It is noted that the turbine would be visible from the property's curtilage. From within the property however, the primary view would not be disrupted by the proposed turbine as it sits over 40° from the main direction of view. These submitted visualisations have been prepared in line with national guidance. It is considered that the turbine is clearly in scale with the surrounding landforms.

Mr and Mrs Menzies also raise further concerns relating to noise and shadow flicker. It is felt that our Supported Environmental Document and the letter submitted to Angus Council dated 24th March 2014 should satisfy any concerns regarding the perceived impact of noise and shadow flicker. It is also noted that Angus Council's Environmental Health Officer has not objected to the proposal. In her response to the Case Officer, dated 18th November 2013, she states:

“I refer to the above application and can advise that I have visited the site and reviewed the information submitted which indicates that the proposed turbine does not exceed the recognised noise limit for this type of development. I would therefore, not object to this proposal.”

The Applicant is happy to adhere to the conditions suggested by the Environmental Health Officer in the same response.

Drawing again on the Reporter's decision notice for the Govals Wind Farm, it states the following:

"Other matters of concern raised by local residents and considered in the Environmental Statement include noise and shadow flicker. The Council's Environmental Health Service agrees that these can be controlled by planning conditions such that no harm would arise in terms of residential amenity."

It is felt that this statement is also relevant here.

In summary, it is considered that none of the concerns raised by Mr and Mrs Menzies are suitably significant to inhibit the proposed development at Hillhead of Ascurry.

Comments from Mr A Vivers

Mr Vivers has raised concerns over the impact the Ark Hill Wind Farm is having on his health. These comments are not considered to be relevant to this proposal. Hillhead of Ascurry is circa 15km from Mr Vivers' property and is a single turbine development, as opposed to an 8 turbine development at Ark Hill. The wind turbine at Hillhead of Ascurry is also a quieter machine to those at Ark Hill. It is therefore considered that none of the health effects outlined in his representation would be exacerbated by the proposed development. As noted above, the Council's Environmental Health Officer has raised no objections to the proposal.

Mr Vivers has made a second representation. However it is considered that none of the comments raised in this response are directly relevant to the consideration of this appeal. Rather, they are complaints about the wider renewables industry in the UK.

It should also be noted here that Mr Vivers has objected to almost every wind turbine of this scale in Angus, Perth and Kinross, Fife and Aberdeenshire. As mentioned above, it is also important to note that he lives circa 15km away from the development. Although this does not preclude him from raising an objection, I would hope his comments would be given their due weighting.

I hope the above statements are clear, however we would be happy to make further representation to the Local Review Body, should they request it.

Yours sincerely,



Andy Lowe
Senior Wind Developer
Locogen Ltd.



Project Description

Number of Turbine(s):	1
Turbine Model:	EWT Directwind 54
Hub Height:	50m
Blade diameter:	54m
Total height to blade tip:	77m
Turbine location:	353539 746476

Notes

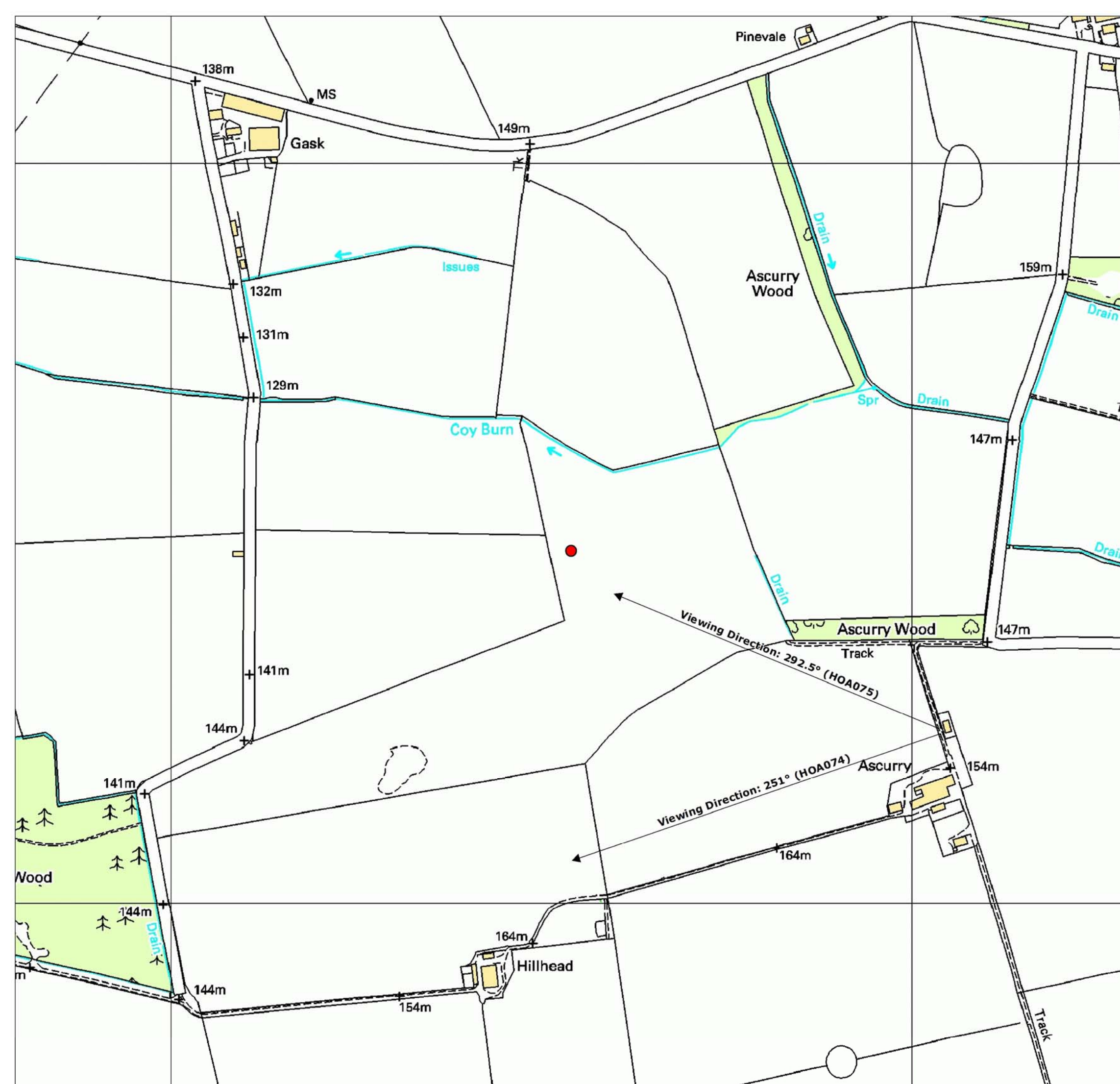
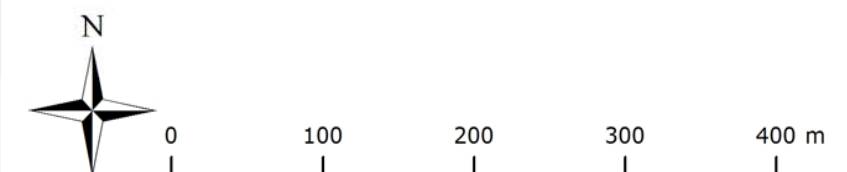
This drawing shows the direction of view of photomontages HOA074 and HOA075

Legend

-  View Direction
-  Turbine Location

PROJECT:

DRAWING TITLE:	Lewiston Cottage viewing direction
DRAWING NO:	HOA073
DOCUMENT SIZE:	A3
SCALE:	1:5,000
DATE:	01/05/2014
DRAWING BY:	FG
APPROVED BY:	AL





Existing and post-construction view from Lewiston Cottage front door E354037 N746235 — 1.8m viewing



Existing and post-construction view from Lewiston Cottage from approximate location of living room window E354040 N746226 — 1.2m viewing height

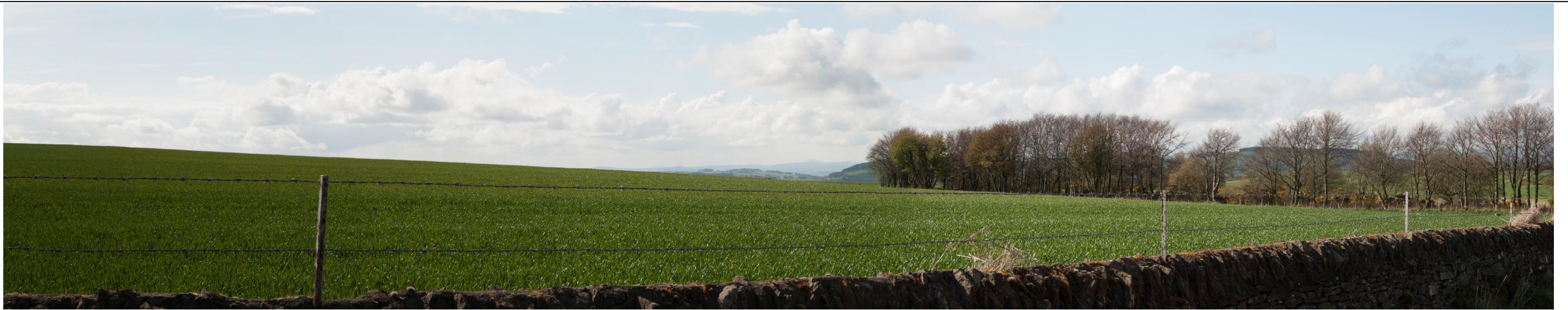

Loco₂gen
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 Tel: +44(0)131 624 8968;
 Email: info@locogen.com
 Company Number: SC370060

Project: Hillhead of Ascurry
 Drawing no: HOA074
 Drawing by: Franco Giovanetti
 Approved by: Andy Lowe
 OS Licence N°: 100050069

Viewpoint No: VP13
 Field of View: 80°
 View direction: 251°
 Dist to turbine: 0.54 km
 Title: Lewiston Cottage

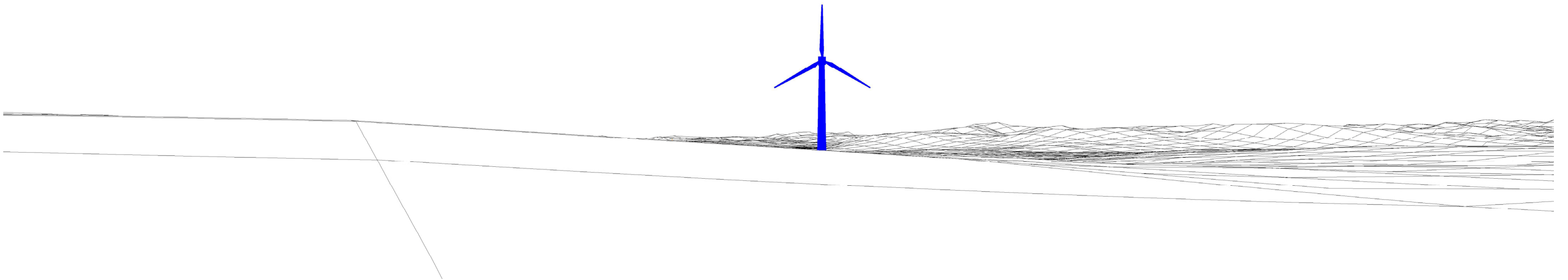
Camera: Nikon D60
 Effective Focal Length: 50mm
 Viewing Distance: 23.8 cm
 Elevation: 1.8m
 Date taken: 24/04/2014
 Time taken: 16:25





Existing view from Lewiston Cottage

Craignathro Hillhead of Ascurry



Computer generated wireframe showing proposed turbine in blue



Photomontage showing proposed development



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 Tel: +44(0)131 624 8968;
 Email: info@locogen.com
 Company Number: SC370060

Project: Hillhead of Ascurry
 Drawing no: HOA075
 Drawing by: Franco Giovanetti
 Approved by: Andy Lowe
 OS Licence N°: 100050069

Viewpoint No: VP13
 Viewpoint Location: E354037 N746235
 Field of View: 80°
 View direction: 292.5°
 Dist to turbine: 0.54 km
 Title: Lewiston Cottage

Camera: Nikon D60
 Effective Focal Length: 50mm
 Viewing Distance: 23.8 cm
 Elevation: 1.8m
 Date taken: 24/04/2014
 Time taken: 16:20

