

ANGUS COUNCIL

22 OCTOBER 2015

S36 CONSULTATION - LAND AT MACRITCH HILL GLEN ISLA

GRID REF: 326969 : 760177

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

The Scottish Government Energy Consents Unit has received an application for consent under the Electricity Act 1989 to construct and operate a wind farm comprising 18 wind turbines measuring 80m to hub and 125m to blade tip and associated works for Eneco Wind UK Ltd on a site to the north and east of Backwater Reservoir, Near Kirriemuir, Angus. The wind farm would have a maximum generating capacity of 59.4 Megawatts (MW). Angus Council is a Statutory Consultee on this proposal and this report seeks approval for amendment to the Council's response to the consultation. At the meeting of 14 May 2015 Angus Council agreed to object to the development proposal for the reasons given in Report No 197/15. Since the Council's objection was issued additional information has been submitted in respect of the points of objection relating to Private Water Supplies and Operational Noise. It is recommended that Angus Council withdraws its objection in respect of Private Water Supplies but maintains its objection in respect of Operational Noise.

1. RECOMMENDATION

It is recommended that the Council withdraws its objection in respect of Private Water Supplies but maintains its objection in respect of Operational Noise.

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

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

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

3. INTRODUCTION

3.1 Members will recall that at the meeting of 14 May 2015 Report No 197/15 recommended that Angus Council object to the proposed wind energy development comprising 18x125m wind turbines and associated development known as Macritch Hill Wind Farm. The proposal is subject to an application for consent to the Scottish Government Energy Consents Unit under Section 36 of the Electricity Act 1989.

3.2 The Council objected to the application for the following reasons: -

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

recreational purposes. Accordingly the application is contrary to Policies S1, S6, ER34 and ER35 of the Angus Local Plan Review.

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

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

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

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

4. ADDITIONAL INFORMATION RECEIVED

4.1 Since Angus Council objected to the proposed development, the applicants have been allowed a further period for consultation by the Scottish Government Energy Consents and Deployment Unit in order that they can attempt to overcome any points of objection where the grounds of objection relate to insufficient information.

4.2 In order to attempt to overcome the Council's objections in relation to operational noise and private water supplies (PWS) the following has been submitted:

- Additional information in respect of Private Water Supplies
- Additional Noise information

4.3 The additional PWS information consists of a clarification letter along with a summary record of correspondence between the applicant's project team and SEPA on the matter of PWS. The agent acknowledged that it was not made sufficiently clear in submissions that identified potentially affected properties (Middle Coull and Braes of Coull) that were included in the PWS risk assessment; were not considered at risk from the final layout as the properties were located 0.5 km upslope from the site access track. In this respect it was considered that it would be extremely unlikely that their supplies would be located in the drainage pathway of the development and it was acknowledged that the technical appendix should have stated this reasoning explicitly. The additional submission highlights that SEPA in their response to the agent subsequently withdrew their objection on that aspect of the proposal.

4.4 The additional information in respect of operational noise was submitted in the form of a response to a review of the noise section of the Environmental Statement submitted in support of the application that was undertaken by the Council's appointed noise consultant. A further submission in respect of comments from the Council's Environmental Health Service was submitted on 06 October 2015.

5. ADDITIONAL CONSULTATIONS

5.1 Environmental Health has been consulted in respect of the additional information detailed above. In respect of PWS, Environmental Health have accepted the reasoning in respect of the potentially affected properties identified and have withdrawn the objection on that basis however it is recommended that should consent for the development be issued it should be subject of a condition along the following lines:

That in the event of a pollution incident or interruption to supply, caused by the wind farm development, affecting or likely to affect any private water supply, the wind farm operator shall provide an immediate temporary supply to those affected until permanent mitigation can be effected to the written satisfaction of Angus Council. Any replacement supply shall be of a quality to meet the Private Water Supplies (Scotland) Regulations 1992 or any other appropriate Regulation in force at the time. In any case a permanent replacement supply or mitigation measures shall be provided no later than one month after the supply is first affected.

5.2 In respect of operational noise it has been indicated that further clarification is required on a number of issues. As the further clarification has not been provided until 06 October 2015, Environmental Health has not been able to provide a definitive response on the matter of operational noise at the time of report preparation. The deadline for response to the consultation does not allow sufficient time for this to be addressed.

6. CONCLUSION

6.1 Subsequent to the withdrawal of the Environmental Health objection on the basis of lack of information in relation to private water supplies, it is recommended that Angus Council withdraws its objection to the proposal in respect of adverse impact on private water supplies.

6.2 It is however recommended that Angus Council maintains its objection on the basis of insufficient information to demonstrate that the proposed wind turbine development would not have a significant adverse impact on the amenity of occupants of nearby residential property by virtue of operational noise.

6.3 The Council's other reasons for objecting to the proposal are unaffected.

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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