

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

FIELD 1500M SOUTH EAST OF INGLISTON FARM, EASSIE

APPLICATION NO 13/00865/FULL

APPLICANT'S SUBMISSION

- ITEM 1** Notice of Review
- ITEM 2** LRB Appeal Statement
- ITEM 3** Drawing ING087 Denoon Glem Dwellings and Viewing Direction
- ITEM 4** Locogen Supporting Environmental Document
- ITEM 5** Drawings ING001-ING038 Planning and Landscape Drawings
- ITEM 6** Drawings ING039-ING080 Photomontages
- ITEM 7** Drawings ING081-ING082 Further Planning Drawings
- ITEM 8** Locogen letter dated 7 October 2013
- ITEM 9** Locogen letter dated 15 November 2013
- ITEM 10** Locogen letter to EHO dated 30 October 2013
- ITEM 11** AOC Archaeology Assessment of Impacts Upon Setting
- ITEM 12** Additional Photomontages from Castleward
- ITEM 13** Additional Photomontages from Wester Denoon
- ITEM 14** AOC Archaeology Response to Historic Scotland Objection
- ITEM 15** Original Planning Application Forms and Certificates
- ITEM 16** Application letter dated 22 May 2014



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5 Mitchell Street
Edinburgh
EH6 7BD

DMR Committee Officer
Resources, Legal & Democratic Services
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

29th August 2014

Dear Sirs

**Request for Development Management Review
Land at Ingliston Farm, Eassie (Planning Refusal Reference: 13/00865/FULL)**

With reference to the above, please find attached my client's request for a review of a delegated officer decision by the Council's Development Management Review Committee.

The request includes the following:

- Notice of Review;
- Document 01 – LRB Appeal Statement;
- Document 02 – Drawing ING087 Denoon Glen Dwellings & Viewing Direction;
- Document 03 – Locogen 'Supporting Environmental Document';
- Document 04 – Drawings ING001-ING038 Planning & Landscape Drawings;
- Document 05 – Drawings ING039-ING080 Photomontages;
- Document 06 – Drawings ING081-ING082 Further Planning Drawings;
- Document 07 – Locogen letter dated 7th October 2013;
- Document 08 – Locogen letter dated 15th November 2013;
- Document 09 – Locogen letter to EHO dated 30th October 2013;
- Document 10 – AOC Archaeology 'Assessment of Impacts Upon Setting';
- Document 11 – Additional Photomontages from Castleward;
- Document 12 – Additional Photomontages from Wester Denoon;
- Document 13 – AOC Archaeology 'Response to Historic Scotland Objection';
- Document 14 – Original Planning Application Forms & Certificates; and
- Document 15 – Applicant letter dated 22nd May 2014

I trust that you have sufficient information to register my client's review request.

Please do not hesitate to contact this office should you have any queries.

Yours faithfully,

Andy Lowe
andy.lowe@locogen.com

Encls



County Buildings Market Street Forfar DD8 3LG

Tel: 01307 461460

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Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000098551-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name:	<input type="text" value="William"/>
Last Name:	<input type="text" value="Shaw"/>
Company/Organisation: *	<input type="text" value="Ingliston Farm"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text" value="Ingliston Farm"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Eassie"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Forfar"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="DD8 1SP"/>

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

<input type="text" value="Land at Ingliston Farm, Eassie"/>

Northing	<input type="text" value="744313"/>	Easting	<input type="text" value="334397"/>
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Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

<input type="text" value="Proposed erection of a wind turbine (measuring 50 m to hub and 77 m to blade tip) and associated sub-station and transformer kiosk, hardstanding areas and access road"/>

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to accompanying LRB Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

Yes No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Refer to covering letter

Application Details

Please provide details of the application and decision.

What is the application reference number? *

13/00865/FULL

What date was the application submitted to the planning authority? *

23/09/13

What date was the decision issued by the planning authority? *

04/08/14

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

The reasons for refusal principally relate to perceived adverse impacts on landscape character and visual amenity and the setting of scheduled monuments in the locality. It is important therefore that members of the Local Review Body visit the site and the surrounding area to make their own determination.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The site forms part of a working farm therefore members of the Local Review Body require to be accompanied on site.

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? * Yes No

Have you provided the date and reference number of the application which is the subject of this review? * Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * Yes No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review * Yes No

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

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Andy Lowe

Declaration Date: 29/08/2014



Single Wind Turbine

Land at Ingliston Farm, Eassie

Local Review Body Appeal Statement

(Planning Ref. 13/00865/FULL)

Issued to: Angus Council
Date of issue: 29th August 2014

Version	Date	Purpose of Amendment
1.0	29/08/14	Final report for submission

Contents

1. Summary	3
2. Introduction	4
2.1. Background	4
2.2. LRB Site Visit	5
3. Project History	6
3.1. Pre-Application Works	6
3.2. Post-Submission Works	7
4. Project Benefits	9
4.1. Increased Renewable Energy Generation	9
4.2. Diversification of the Farming Business	9
4.3. Improved Environmental Performance	10
4.4. Economic and Social Benefits for the Local Community	11
4.5. Economic Benefits from Construction and Operation	11
5. Consultees & Representations	13
5.1. Consultee Responses	13
6. Planning Policy Context	14
6.1. Development Plan	14
6.2. Material Considerations	15
7. Rebuttal of the Reasons for Refusal	16
7.1. Landscape Impacts	16
7.2. Visual Impacts	25
7.3. Cultural Heritage Effects	29
7.4. Other Considerations	35

1. Summary

Below is a comprehensive Appeal Statement for a single farm-based 77m to tip wind turbine, located on a carefully chosen site on the northern slopes of the Sidlaw Hills.

In considering this planning appeal, it is respectfully requested that Members of the Local Review Body give due consideration to the following factors:

- The site is not located on a key prominent ridgeline;
- All of the nearby residential dwellings in Denoon Glen have principal views away from the proposed turbine and are well-screened by intervening vegetation and topography;
- Less than half of the households in Denoon Glen have raised concerns to the development;
- The neighbouring landowners Strathmore Estates, Mr Durston and Mr Fotheringham have either supported the application or have raised no objection to the proposal;
- The Case Officer has confirmed that any impact on the properties at Eassie and Balkeerie are acceptable, owing to the separation distances and the fact that this is a single turbine development;
- Recently published guidance confirms that the landscape has capacity for wind turbines of this scale, in this location;
- There will be no noise and shadow flicker impacts;
- A Chartered Landscape Architect has assessed the level of landscape and visual impact to be acceptable, in line with national guidance;
- The short report submitted by the Council's Countryside Officer, Mr Stewart Roberts, with regard to the application does not take full account of the information submitted with the Supporting Environmental Document, which was completed by an independent Chartered Landscape Architect;
- A Chartered Archaeologist has completed an independent Cultural Heritage Setting Assessment, post-submission, which has confirmed that there is no significant impact on the setting of nearby heritage assets;
- This project is directly comparable to a number of other wind turbine developments in Angus, which have previously been granted planning permission;
- The site had been in planning for almost 11 months without a decision; 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.

2. Introduction

2.1. Background

This Statement relates to an appeal against a delegated Officer decision to refuse planning permission for the erection of a farm-based wind turbine and associated works at Ingliston Farm, Eassie (Ref. 13/00865/ FULL).

The application for planning permission was submitted to Angus Council on 18th September 2013 and registered on 23rd September 2013. It was accompanied by:

- Various drawings including wireframes/photomontages from 14 viewpoints;
- A comprehensive Supporting Environmental Document assessing the suitability of the proposal in terms of planning policy, landscape and visual impact, residential amenity (including noise and shadow flicker), cultural heritage, ecology, soils and hydrology, socioeconomic, public safety, telecoms and aviation; and
- An Extended Phase 1 Habitat Survey, completed by EnviroCentre.

The following additional documents were submitted during consideration of the application and in response to comments received from statutory consultees and third parties:

- An independent Cultural Heritage Setting Assessment by AOC Archaeology;
- Additional wireframes/photomontages from Castleward and Wester Denoon (to be read in conjunction with AOC's Setting Assessment);
- An independent response to Historic Scotland's objection, by AOC Archaeology;
- A letter to the Council's EHO including a comprehensive assessment of cumulative noise impacts, which concluded that there will be no significant cumulative noise impact on nearby residential properties, when assessed in conjunction with Ark Hill Windfarm; and
- Two letters to the Council's planner responding to third party objections.

Copies of all the aforementioned documents are included as part of this appeal.

On top of this there has been significant discussions with both the Council and Historic Scotland. Recent discussions with the Council have primarily been to request a decision; correspondence from March 2014 from the Case Officer confirmed that it was the Council's

"intention to progress the application for refusal on landscape and visual impact grounds regardless of whether a revised response is received from Historic Scotland".

Despite this correspondence, a decision was not published until 4th August 2014, almost 5 months later.

Correspondence with Historic Scotland has been comprehensive, including site visits, independent assessments and meetings to discuss the proposed impacts of the development. Although Historic Scotland have concerns regarding the proposals, it is felt that the additional submissions (detailed later in this report), the history of planning approvals for similar sites in Angus, and an LRB site visit, will well-demonstrate to the Members the acceptability of the proposal in terms of cultural heritage impact.

The application was refused under delegated powers on 4th August 2014. The reasons for refusal are as follows:

1. That the proposed turbine by virtue of its height and skyline location would have an unacceptable landscape and visual impact and accordingly the siting and appearance of the

turbine has not been chosen to minimise impact on amenity. As such the proposal is contrary to policies ER5, ER34 and S6 of the Angus Local Plan Review 2009;

2. That the proposed turbine would have an unacceptable cumulative impact on the landscape and visual amenity of this part of the Sidlaw Hills and would give rise to unacceptable impacts on the visual amenity of occupants of nearby residential property and this is contrary to Policy ER35 of the Angus Local Plan Review, 2009; and
3. That the proposed turbine by virtue of its height and skyline location, and proximity to the existing Castleward and Denoon Law burial sites would have an unacceptable impact on the setting of these Scheduled Ancient Monuments. As such, the proposal is contrary to Scottish Planning Policy, 2014 and Policies ER18 and ER34 of the Angus Local Plan Review, 2009.

2.2. LRB Site Visit

As detailed in the appeal forms, on the basis that the reasons for refusal relate to perceived landscape and visual impacts and effects on the setting of scheduled monuments in the area, the appellant respectfully requests that members of the LRB visit the appeal site prior to making their determination.

It is felt that a site visit will be invaluable to demonstrate the points raised throughout this report, specifically relating to the proximity to cultural heritage sites, the acceptability of the landscape and visual impact of the proposal, the existing nature of wind farm development in the area and the screening of the turbine from the nearby dwellings of Denoon Glen.

Given that the proposed turbine location is 1,200m from the public road, the appellant will provide a suitable 4x4 vehicle for Members' use. To ensure impartiality, the vehicle would be hired from an independent company and be driven by a third party driver who has no interest or involvement in the proposals. Full PPE can be provided, if required.

Once a site visit date is confirmed, further details on the provision of a 4x4 vehicle can be provided.

3. Project History

3.1. Pre-Application Works

3.1.1. Need for Environmental Impact Assessment

The Council provided a formal 'screening' response in July 2013 advising that an Environmental Impact Assessment was not required in support of the proposal.

The response recommended that the following topics be addressed as part of the planning application:

- Relevant planning policy;
- Site selection and description of project;
- Landscape and visual assessment;
- Cumulative visual assessment;
- An assessment of properties within 2km of the development;
- Noise assessment;
- Ecological assessment;
- Pollution prevention measures;
- Transportation and access;
- Cultural heritage; and
- Electromagnetic interference/air traffic safety.

The above requirements informed the content of the Supporting Environmental Document submitted as part of the planning application.

3.1.2. Iterative Design Process

As detailed in Section 4 of the Supporting Environmental Document, a number of potential turbine locations were considered and assessed. Various constraints to development were identified and examined in detail. For example, the location of residential dwellings, ecologically sensitive areas, visually sensitive areas, cultural heritage sites, water features and telecommunication links were noted. Using geographical information system (GIS) software, appropriate industry-standard separation distances were applied to these constraints. In several areas, for example residential buffers (noise and shadow flicker), the industry standard separation distances have been exceeded.

Different models of turbines were also examined, relating to scale (specifically overall height), electrical capacity, visual impact and noise impact.

In the context of other technical and environmental constraints, objectives to minimise the landscape and visual effects were considered in developing the location and design of the proposed development.

3.1.3. Cultural Heritage

A significant level of information was submitted to the Council during the pre-application consultation process. The Council's Archaeologist (Aberdeenshire Council Archaeology Service) noted in the screening response that

"she does appreciate that the proximity to the larger Ark Hill development somewhat overshadows the potential impact of the single turbine".

As noted in the Report of Handling, the same consultee did not object to the proposal, post-submission.

3.2. Post-Submission Works

3.2.1. Noise

Following comments from the Council's Environmental Health Officer (EHO), further desk-based assessment was undertaken to demonstrate that cumulative noise levels (in conjunction with Ark Hill Wind Farm) would still fall within acceptable limits.

Having reviewed this supplementary information, the EHO confirmed that he had no objection to the proposals subject to the use of standard planning conditions to ensure that the stated noise levels are not exceeded.

3.2.2. Cultural Heritage

The Aberdeenshire Council Archaeology Service did not object to the proposal.

Following a consultation response from Historic Scotland (17th October 2013), and at their request, an independent Cultural Heritage Setting Assessment was completed by AOC Archaeology, in line with national guidance. These works included a site visit. This was then submitted to Historic Scotland, along with two additional photomontages. The Setting Assessment concluded that there was no unacceptable impact on the setting of heritage assets in the vicinity of the development, namely Denoon Law (fort), Castleward (burial mound) and Wester Denoon (burial mound).

Historic Scotland then confirmed, in their letter dated 16th December 2013, that they did not consider that the impact upon Denoon Law fort was *"of such a degree that it raises issues of national importance"*. However, and despite the independent assessment's conclusions, Historic Scotland objected to the proposal, citing the impact on the Castleward and Wester Denoon burial mounds as their reason for concern. The appellant's Agent and AOC Archaeology were both very surprised by this, having visited the site and completed detailed assessments of their own.

An additional rebuttal was submitted to Historic Scotland, again completed by AOC Archaeology. This was then followed by a meeting between the appellant's Agent, Historic Scotland's Head of Heritage Management and Historic Scotland's Heritage Management Team Leader to discuss the application.

A site visit then followed to assess the impact, primarily, on the Castleward burial mound. During this site visit the representatives from Historic Scotland had difficulty locating the burial mound. Despite this, and following further discussions regarding different scales of development and the offer from the appellant to contribute £20,000 to complete investigative excavations at the site, in conjunction with the local school as a learning exercise to, in Historic Scotland's words *"increase our knowledge of prehistoric land use"*, an objection was submitted by Historic Scotland on 7th March 2014.

Almost 5 months of consultation were undertaken with Historic Scotland. It is still not felt by the appellant, the appellant's Agent, or AOC Archaeology that the conclusions made by Historic Scotland are a fair assessment of the proposal, and the appellant respectfully requests that LRB Members undertake a site visit to draw their own conclusions. Further detail is provided later in

this Statement, including information from other similar applications in Angus which have been granted planning permission.

3.2.3. Landscape and Visual

The Council's Countryside Officer, Mr Stewart Roberts, submitted his comments on the application to the Case Officer on 21st February 2014.

The Countryside Officer wrongly asserts that no assessment of cumulative effects on firstly, landscape character and secondly, residential dwellings has been undertaken. The Landscape & Visual Impact Assessment (LVIA) submitted in support of the application was written by an independent Chartered Landscape Architect in accordance with guidance published by the Landscape Institute and best practice advice provided by Scottish Natural Heritage. In this respect, the potential cumulative effects of the proposed turbine have been fully assessed and the findings reported within Section 5.8 of the LVIA. As such, it is not considered that the submitted LVIA has been fully considered in the Countryside Officer's assessments. It is therefore unfortunate that these comments have featured so heavily in the decision.

Despite correspondence from the Case Officer in March of this year, confirming that based on these comments the decision would progress to a refusal, the decision was not published until August.

3.2.4. Summary

As can be seen, a considerable amount of time and effort has been spent by the appellant and his project team, both before and during consideration of the application, in consulting with the Council and statutory consultees.

Despite the sustained concerns, the appellant remains of the opinion that the proposed development is appropriate to the site and its surroundings and that the reasons given for refusing the application are overstated. It is felt that a site visit will well-demonstrate this to the LRB Members.

As noted above, the application was determined almost 11 months after it was lodged with the Council for consideration. In this respect, and as noted previously, despite repeated requests to Planning Officers and written and verbal advice in March this year that the application was to be refused, it took a further 5 months for Officers to issue a decision.

Given the direct benefits to his farming business and the secondary social and economic benefits to the local community (as detailed in the following section of this document), the appellant is very disappointed that there has been such a delay, especially given that the original application fee was over £5,000.

Previous and upcoming reductions in the Feed-in-Tariff incentive also mean that this proposal, whilst still a viable investment, will already generate less income into this local business and therefore the Angus economy, owing to the length of time it has been in the planning system.

4. Project Benefits

The core drivers to develop wind energy at this location are:

1. Increased renewable energy generation;
2. Diversification of the farming business;
3. Improved environmental performance;
4. Economic and social benefits for the local community; and
5. Economic benefits from construction and operation.

4.1. Increased Renewable Energy Generation

Given the estimated wind resource at the appeal site, the operation of a 500kW wind turbine is expected to generate in the region of 1,660 MWh of electricity per annum. This would directly offset the emission of approximately 871 tonnes of CO₂ for every year of operation.

To put this into context, based on recently published DECC statistics (which indicate that UK average annual household electricity consumption during 2012 was 4,222 kWh), the proposed turbine at Ingliston is capable of meeting the annual electricity needs of nearly 400 average-sized homes.

4.2. Diversification of the Farming Business

As LRB Members will appreciate, agricultural incomes can vary significantly year on year and are affected by a variety of factors including poor weather conditions, global markets and currency fluctuations. These issues have prompted the farmer, Mr Shaw, to explore alternative sources of income to help support his ongoing operations.

Mr Shaw's farming business currently employs four full time staff and a number of seasonal staff. Ingliston Farm has been in the ownership of Mr Shaw's family for over 70 years.

The proposed wind turbine will provide an additional source of income over a period of around 25 years that is quite unaffected by the factors cited above and is an economically viable form of business diversification. Furthermore, the proposed development is on permanent grassland and has a minimal footprint, and therefore current farming operations will be largely unaffected.

The main objectives of the proposed income diversification are as follows:

- To increase direct business revenue and thus support the continued viability of the existing farming business;
- To improve attractiveness of food produce to suppliers through improved sustainability credentials;
- To support existing employment;
- To create new employment;
- To provide renewable energy to meet demand;
- To invest in the Angus economy;
- To reduce the overall carbon footprint of the farm through offsetting energy usage;
- To promote the use of renewable energy generation in the area and contribute towards achieving national and regional renewable energy targets; and

- To spread the farmer's risk into a non-agricultural sector.

4.3. Improved Environmental Performance

Ingliston Farm is a mixed arable and livestock farm comprising approximately 150 acres of permanent grassland and 400 acres of arable farm land. Mr Shaw also farms Huntly Farm in Invergowrie (650 acres) and is a tenant farmer at Newton of Ballunie in Kettins (280 acres). Overall, Mr Shaw farms an area totalling around 1,480 acres.

Arable cropping across the farming estate includes winter wheat, winter barley, spring barley, oil seed rape, cattle feed beans and potatoes. One thousand cattle per annum are finished for the beef trade on the permanent grassland and in the farm buildings at Ingliston Farm.

Ingliston Farm itself comprises a number of farm buildings, some of which have recently been replaced after a major fire in September 2012. The buildings include:

- A new 1,000m² grain store and associated grain drier, capable of storing 2,000t of grain and drying 40t of grain per hour;
- A new 1,000m² refrigerated cold store;
- An existing 5,000m² of cattle buildings (housing up to 500 head of cattle at any one time); and
- An existing 1,000m² of general purpose buildings.



Figure 1: New potato cold store and grain store and drier at Ingliston Farm

Overall, Mr Shaw has spent over £1,000,000 in Angus this year on new and replacement buildings to improve productivity and efficiency. To help support the local economy, Mr Shaw has consciously sought to use local contractors and suppliers to provide these buildings, including Scott Steel (Forfar), Geddes (Arbroath), Robertson's (Guthrie), W Douglas (Eassie), Wheatley Electrical (Alyth) and J Donald (Kirkinch).

All of Mr Shaw's spring barley, wheat and oil seed rape are sold through local merchants. The grassland is used for silage and grazing, and the winter barley and beans are used as cattle feed. The cattle finished at Ingliston Farm are sold to four Scottish abattoirs.

Given the above, the farm enterprise has a significant carbon footprint. It is estimated that Mr Shaw's farm business annually consumes ~100,000 litres of red diesel and this is considered to

directly lead to 260 tonnes of CO₂¹ emitted per annum. This carbon footprint has increased following the addition of the new buildings at Ingliston Farm.

The current electricity use of the farming operations is also high, and with the recent erection of the new buildings this is expected to double. Electricity is therefore a significant cost to the business and a source of associated carbon emissions, and this will only increase as the farm business continues to grow and energy prices increase.

As a high energy user, a supplier to local and national food companies, and a supplier of British produce, the farm is seeking to improve its sustainability credentials and reduce its carbon footprint. The requirement to demonstrate a tangible commitment to sustainability is increasing, with markets demanding higher environmental standards from their supply chain, and buyers requesting support from suppliers to help meet their environmental commitments. In a competitive market the ability to demonstrate that the farm business is working hard to support buyers' environmental strategies is becoming increasingly important to maintain business. Energy prices are also increasing and to ensure farming remains viable, both environmentally and financially, a sustainable energy supply is essential.

4.4. Economic and Social Benefits for the Local Community

Farmers are considered to be particularly good at recycling extra income back into their business and the wider local economy. Results from the Scottish Income-Output Tables demonstrate that agriculture in general displays a high multiplier effect on the wider economy. Agriculture is within the top 10% of industries for generating additional income in other industries, and within the top 25% for generating additional employment in other industries. Previous studies have also demonstrated that agricultural activity is particularly effective in supporting local economic activity and employment.

The local ownership of this project by a farmer is therefore considered to maximise the real economic benefit available to Angus from renewable energy development. This is the main reason that the Scottish Government has set a target for 500MW of locally owned renewable energy projects by 2020.

As outlined above, Mr Shaw's farming business also currently employs four full time staff and a number of seasonal staff. Diversifying the farming activities will bring an additional sustainable income stream into the farming business, helping to safeguard these jobs and create new jobs as the business continues to expand through investing the project income into the wider farming business.

4.5. Economic Benefits from Construction and Operation

The capital cost of the proposed development has been estimated at £1.5m. In 2006, Scottish Enterprise published a report discussing the economic impact of wind farm construction. Based on this report, it is estimated that 29%, or at least £435,000, of the capital cost of the installation and operation of the development would be spent in Scotland. This would involve:

- Services (consultancy, planning advice);
- Construction (roads, access, fences etc.);
- Cabling (throughout site and to grid access point); and
- Operation and maintenance.

¹ Using current figures from DECC and the Carbon Trust each litre of diesel used emits 2.6008 kg of CO₂.

In reality, it is considered that the investment in the local economy will exceed this. Mr Shaw is a local farmer who has consistently invested in local companies whilst pursuing his various projects, including the installation of the new buildings at Ingliston Farm earlier this year. This will be extended to the installation of the wind turbine; it is Mr Shaw's intention that where possible all of the spend for the installation of this project will be invested in local businesses.

5. Consultees & Representations

5.1. Consultee Responses

The comments of statutory agencies and consultees can be summarised as follows:

- Scottish Natural Heritage do not object on either natural heritage or landscape capacity considerations;
- RSPB Scotland do not object to the proposal;
- Subject to a standard condition requiring a watching brief during groundbreaking works, the Council's archaeologist has no objections (the appellant is agreeable to this condition);
- Historic Scotland object on the grounds that the turbine would impact on the setting of the scheduled monuments at Castleward and Wester Denoon. They also note that there would be impacts on the setting of Denoon Law but that such impacts would not be to such a degree that they would raise issues of national importance;
- There are no civil aviation concerns from Dundee Airport or NATS En Route. The MoD did not respond in relation to military aviation and radar;
- In relation to telecoms links in the area, there are no objections from Ofcom, JRC or Atkins;
- Scottish Water has no objection;
- The Council's Countryside Access Officer has no objection to the application;
- Provided that conditions are applied, the Council's EHO is satisfied that noise will not be an issue. The appellant is agreeable to standard noise conditions;
- Subject to the imposition of standard conditions requiring *inter alia* a Construction Traffic Management & Routing Plan and compliance with other road construction requirements, the Council's Roads Officer has no objection (again, the appellant is agreeable to the suggested conditions); and
- Newtyle & Eassie Community Council do not object to the proposal, assuming the concerns raised on the potential impact on Easter Denoon are addressed; it is considered that these concerns have been well-addressed in the additional submission to the Council dated 15th November 2013.

6. Planning Policy Context

Section 25 of the 1997 Act (as amended) requires planning applications to be determined in accordance with the 'development plan' unless 'material considerations' indicate otherwise.

6.1. Development Plan

In this appeal, the 'development plan' comprises the approved TAYplan Strategic Development Plan (SDP) and the adopted Angus Local Plan Review.

The reasons for refusal cite the following local planning policies:

<p>Policy ER5: Conservation of Landscape Character</p> <p><i>"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:</i></p> <ul style="list-style-type: none"> <i>a) Sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape;</i> <i>b) Where required, landscape mitigation measures should be in character with, or enhance, the existing landscape setting;</i> <i>c) New buildings/structures should respect the pattern, scale, siting, form, design, colour and density of existing development; and</i> <i>d) Priority should be given to locating new development in towns, villages or building groups in preference to isolated development."</i>
<p>Policy ER18: Archaeological Sites of National Importance</p> <p><i>"Priority will be given to preserving Scheduled Ancient Monuments in situ. Developments affecting Scheduled Ancient Monuments and other nationally significant archaeological sites and historic landscapes and their settings will only be permitted where it can be adequately demonstrated that either:</i></p> <ul style="list-style-type: none"> <i>a) the proposed development will not result in damage to the scheduled monument or site of national archaeological interest or the integrity of its setting; or</i> <i>b) there is overriding and proven public interest to be gained from the proposed development that outweighs the national significance attached to the preservation of the monument or archaeological importance of the site. In the case of Scheduled Ancient Monuments, the development must be in the national interest in order to outweigh the national importance attached to their preservation; and</i> <i>c) the need for the development cannot reasonably be met in other less archaeologically damaging locations or by reasonable alternative means; and</i> <i>d) the proposal has been sited and designed to minimise damage to the archaeological remains.</i> <p><i>Where development is considered acceptable and preservation of the site in its original location is not possible, the excavation and recording of the site will be required in advance of development, at the developer's expense."</i></p>
<p>Policy ER34: Renewable Energy Developments</p> <p><i>"Proposals for all forms of renewable energy development will be supported in principle and will be assessed against the following criteria:</i></p> <ul style="list-style-type: none"> <i>a) The siting and appearance of apparatus have been chosen to minimise the impact on amenity, while respecting operational efficiency;</i> <i>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;</i> <i>c) The development will have no unacceptable detrimental effect on any sites designated for natural heritage, scientific, historic or archaeological reasons;</i> <i>d) No unacceptable environmental effects of transmission lines, within and beyond the site; and</i> <p><i>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."</i></p>
<p>Policy ER35: Wind Energy Development</p> <p><i>"Wind energy developments must meet the requirements of Policy ER34 and also demonstrate:</i></p> <ul style="list-style-type: none"> <i>a) The reasons for site selection;</i>

- 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; and*
- g) *A realistic means of achieving the removal of any apparatus when redundant and the restoration of the site are proposed."*

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."

As detailed in Section 15 of the Supporting Environmental Document, the appellant considers that the proposals compare favourably with the aims and objectives of the above policies.

6.2. Material Considerations

Other 'material considerations' documents relevant to the appeal proposals include:

- National Planning Framework 3 (NPF3) (published June 2014);
- Scottish Planning Policy (SPP) (revised June 2014);
- Scottish Government's Specific Advice Sheet – Onshore Wind Turbines (latest dated December 2013);
- Scottish Government's Electricity Generation Policy Statement (2013);
- Scottish Government's 2020 Routemap for Renewable Energy in Scotland (2011) and subsequent Update (2013);
- Angus Council's Implementation Guide for Renewable Energy Proposals (2012);
- Angus Windfarms Landscape Capacity and Cumulative Impacts Study (2008);
- Strategic Landscape Capacity Assessment for Wind Energy in Angus (2014); and
- Relevant Landscape Character Assessment(s).

7. Rebuttal of the Reasons for Refusal

As noted in Section 2 of this Statement, the reasons for refusal are as follows:

1. That the proposed turbine by virtue of its height and skyline location would have an unacceptable landscape and visual impact and accordingly the siting and appearance of the turbine has not been chosen to minimise impact on amenity. As such the proposal is contrary to policies ER5, ER34 and S6 of the Angus Local Plan Review 2009;
2. That the proposed turbine would have an unacceptable cumulative impact on the landscape and visual amenity of this part of the Sidlaw Hills and would give rise to unacceptable impacts on the visual amenity of occupants of nearby residential property and this is contrary to Policy ER35 of the Angus Local Plan Review, 2009; and
3. That the proposed turbine by virtue of its height and skyline location, and proximity to the existing Castleward and Denoon Law burial sites would have an unacceptable impact on the setting of these Scheduled Ancient Monuments. As such, the proposal is contrary to Scottish Planning Policy, 2014 and Policies ER18 and ER34 of the Angus Local Plan Review, 2009.

7.1. Landscape Impacts

The Council's *Implementation Guide for Renewable Energy Proposals* 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 and therefore falls within the stated height parameters.

The *Implementation Guide* also states that it would be acceptable for the area surrounding the appeal site 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* is 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 appellants wish to remind them that it is 'guidance' and not adopted 'policy'.

Indeed, Ironside Farrar note that it 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 application was supported by an independent site-specific LVIA which concluded that the development is acceptable in landscape and visual terms.

Based on the *Capacity Assessment*, the appeal site falls within the Igneous Hills Landscape Character Type (LCT). This area has:

- 'Medium' capacity for turbines of 50m-80m in height (it is noted that 'medium' is the highest landscape capacity given in the Ironside Farrar document); and
- Scope to become a 'landscape with wind turbines' in the future i.e. it is capable of absorbing further development.

The *Capacity Assessment* advises that windfarms should not be located close to key skyline ridges and summits and recommends that best use be made of surrounding landforms in siting turbines so as to limit visibility and skylining.

Contrary to the views of the Council's Planning and Countryside Officers, the proposals have been formulated having regard to the recommendations of the published guidance and policy documents. In this respect, it is contended that the proposed turbine is in scale with the landscape and has been carefully sited an appropriate distance off the ridgeline to ensure that the visual prominence of this linear feature is not disrupted. The proposed turbine site is on ground almost 40m in height below and circa 500m away from the summit of Castleward (273m), which in turn lies at the lower end of the ridgeline (Kinpurney and Henderson Hills lie at the opposite end of the ridge and are 345m and 369m high respectively). It is therefore considered that the turbine location is set well-away from the ridgeline. The appellant is confident that the requested site visit will demonstrate this set back from the ridgeline to LRB Members.

The Planning Officer's Report of Handling also seems to suggest that as most of the turbine would be seen above the skyline, it is not acceptable. Given that turbines by their very nature are tall structures, this stance seems illogical. Indeed, provided that they do not overwhelm a skyline (as is the case here), SNH siting guidance indicates that turbines can be accommodated in such locations.

At 77m to blade tip, the Ingliston turbine would not become a defining vertical element or detract from the appreciation of the ridgeline as a linear feature 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 turbine (80m to blade tip) at Scotston Hill in July 2009. Scotston Hill also falls within the Igneous Hills LCT. While acknowledging that the turbine will *"break the skyline"*, the Council concluded that the landscape was capable of absorbing the development and granted permission. The photograph below illustrates the view of the turbine at Scotston Hill from the entrance to Scotston Farm. Importantly, similar to the appeal site, this turbine is sited on ground almost 40m in height below the summit of the hill.



Figure 2: View of Scotston Hill turbine from entrance to Scotston Farm

Another example relates to an application for a single 77m turbine at Stotfaulds Farm near Monikie which was granted at the Council's Planning Committee in June this year. In recommending approval, the planner's Committee report describes the site as sitting "*on top of a ridge*" that separates a lower coastal landscape and a higher undulating plateau. For the avoidance of doubt, the approved wind turbine at Stotfaulds Farm is exactly the same machine as proposed at Ingliston Farm.

The windfarm at Ark Hill lies around 2.5km to the south-east of the appeal site. The following photographs illustrate that all of the Ark Hill turbines skyline to varying degrees depending on the location and distance from which they are viewed.



Figure 3: Ark Hill windfarm from A94



Figure 4: Ark Hill windfarm from Ingliston Hill

There are a number of other operational wind turbines in Angus, all of which 'skyline'. Photographs of some of these are provided below.



Figure 5: Wester Meathie, Forfar



Figure 6: West Adamston, Auchterhouse



Figure 7: Lochlair, Craichie



Figure 8: Newton of Idvies, Letham



Figure 9: Hill of Stracathro, Brechin



Figure 10: East Pitforthie, Brechin

As a final note on landscape impact, one of the reasons for refusal cites the development being contrary to Policy ER5 of the *Angus Local Plan Review 2009*. As noted above, this references the *Tayside Landscape Character Assessment*, which states the following:

"The elevation of the Ochils and Sidlaws and their proximity to centres of population makes them technically well-suited as locations for telecommunications masts and aerials. Several of the hilltops are crowned with one of more masts, introducing strong vertical and industrial structures into the upland landscape ... There is a strong argument in favour of steering wind turbines towards areas where human influences are already more marked and in that respect, recognises that the Sidlaws may be one of the most suitable areas for wind energy development in Tayside".

Although the assessment is dated 1999, it still features in Local Plan policy and has been considered in the determination of similar applications, for example the Henderson Quarry turbine near Newtyle, which was granted planning permission last year. Although the document is referenced in the Report of Handling for the Ingliston Farm application, the above extracts, which were pertinent in the Henderson Quarry Report of Handling, have not been considered.

As an aside, it could conceivably be argued that the Ark Hill Wind Farm is now an area where human influence is more marked, and that therefore there is a strong argument in favour of steering current wind turbine projects to this area.

Regarding cumulative landscape impact, the appeal site falls just within 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"*.

Regarding cumulative impact, in his consultation response, the Council's Countryside Officer implies that appropriate cumulative assessment has not been undertaken. This is incorrect as a thorough cumulative impact assessment was provided as part of the LVIA prepared in support of the application. This can be found on pages 78 – 85 inclusive of the Supporting Environmental Document, and is accompanied by 14 cumulative wireframes and cumulative photomontages. As such it is not considered that the Countryside Officer's assessment has taken full account of the submitted information, and the appellant urges the LRB Members to form their own opinion following review of the submitted information, and the site visit.

It is considered that the 'prominence' of the proposed turbine location has been over-stated by the Council and that, due to a combination of landform and intervening vegetation, the extent of inter-visibility with other wind energy developments in the wider area (including Scotston Hill, Frawney, Govals and Henderson Hill) would be much less in reality. It should also be noted here that there is not a significant level of inter-visibility expected owing to these developments being located towards the other side of the Sidlaw Hills, as outlined in the Cumulative ZTVs submitted with the original application. Accordingly, it is considered that the Ingliston turbine can be accommodated without significant adverse cumulative effects on landscape character. Again, the appellant considers that this will become clear to LRB Members should they visit the site and its surroundings.

Although it is acknowledged that there will be a level of cumulative impact when the Ingliston Farm development is seen in the same view as the Ark Hill Wind Farm, it is considered that the addition of one single turbine of a very similar scale will not add to the visual impact of wind turbines in this area. Indeed, as noted within the *Strategic Landscape Capacity Assessment for Wind Energy in Angus*, applications within the Igneous Hills should *"exploit opportunities for clustering as a group in preference to separation"*.

Certainly from the Vale of Strathmore, for the majority of views it is considered that the Ingliston Farm wind turbine will not be significantly discernible from the existing Ark Hill development. For closer views within Denoon Glen, cumulative impact is not considered a significant issue, owing to the primary direction of views from nearby properties, and the separation between the two developments. This is explored further in the section below.

The above points would be consistent with recent comments from Angus Council, relating to the approved wind turbine at Henderson Quarry:

"Due to the limited turbine size and because it is generally located off the ridgelines, the additional influence on the landscape character is lessened. The proposed development in association with existing approved or operational wind turbines would not exceed the current windfarm character. As a result the proposal is not considered to result in an unacceptable cumulative impact on the landscape".

It is considered that the site has been chosen to take advantage of the consented applications in the vicinity, clustering close to the Ark Hill development so as to not add significantly to the frequency of wind turbines within the Sidlaw Hills. A site visit is considered to be the best way to demonstrate this to the LRB Members.

7.2. Visual Impacts

The Planning Officer's Report of Handling suggests that the extent to which the proposed turbine protrudes above the skyline means that levels of visual impact disproportionate to a single turbine development would be experienced.

In justifying this statement, the Report of Handling states that the turbine would extend higher above the skyline than *inter alia* the built turbine at Scotston Hill. This is incorrect. As detailed above, both the Ingliston and Scotston turbines would sit on ground circa 40m in height below the ridgeline and summit respectively. The extent of skylining would therefore be no worse.

As demonstrated by Photos 3 and 4 above, the appellant also does not agree that the proposed Ingliston turbine would protrude above the skyline to a greater degree than the Ark Hill turbines. Indeed, at least four of the turbines at Ark Hill sit on ground only circa 15-25m in height below other summits and ridgelines in the Sidlaws and, as such, are likely to skyline to a greater extent from a number of views. A number of the turbines at Ark Hill are also closer to the summits/ridgeline than the proposed development at Ingliston Farm, which is set 500m to the north of the end of the ridgeline. It is therefore expected that any impact would be further reduced, as the ridgeline extends to the south west, away from the development site. It is considered that this will be clear to LRB Members following a site visit.

Furthermore, it is suggested that the Council has over-stated the impact of the turbine on users of recreational routes in the area. The Core Path Network is 1,400m away from the appeal site at its closest point and the submitted LVIA concludes that impacts are unlikely to be significant. Conversely, the approved Henderson Quarry turbine lies only 26m from a Core Path, over 50 times closer than the development at Ingliston Farm. There appears to be some inconsistency in the approach to assessing impacts in relation to recreational routes.

It is also noted that the Council's Countryside Access Officer did not object to the proposal.

Turning to residential visual amenity, contrary to the comments of the Council's Countryside Officer, an assessment of the visual impact on all properties within 2km of the proposed development was undertaken as part of the submitted LVIA, as requested within Mr Neil Duthie's screening response.

Given the single turbine nature of the development and the separation distance achieved, the planner's Report of Handling concludes that visual effects on properties at Eassie and Balkeerie, either individually or cumulatively, would not be unacceptable. Only two households at Balkeerie objected to the application.

Concerns have however been expressed as to the potential visual effects of the turbine on properties to the south in Denoon Glen. This includes Muircroft (1.3km from turbine), Easter Denoon (714m), Wester Denoon (1.2km) and an unnamed property (~700m). There are also two derelict properties in the Glen, which have not been considered further. It is noted that Muircroft and Wester Denoon are a similar distance from the proposed development as properties in Balkeerie, for which the visual impact is considered acceptable within the Report of Handling.

It is acknowledged that these properties are within the general vicinity of the turbine, however given the separation distances, intervening vegetation and principal view directions from these dwellings, it is not accepted that any visual impact on these properties will lead to a significant impact on residential amenity. Indeed, the ZTV submitted with the original application demonstrates that there is very limited visibility, if any at all, within Denoon Glen. As noted above, and within the Supporting Environmental Document, this form of assessment also does not take into account vegetation and building cover, which will further reduce visibility.

It is also noted that there are several consented wind turbines in Angus which are located significantly closer to residential properties than the proposed development at Ingliston Farm.

In order to assist the LRB Members, further assessment is provided below, however it is considered that a site visit will best demonstrate the points raised in this Statement.

As demonstrated by Drawing ING087, none of the properties mentioned above would experience direct views of the turbines from principal directions.

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



Figure 11: View of Muircroft (1.3km from turbine) looking north-north-west from the T junction. The photo demonstrates that the windows are orientated north and south (i.e. away from the turbine) while the garden ground is screened by established trees.



Figure 12: View of Easter Denoon (791m from turbine) looking south-east from the public road. The photo illustrates that the principal view of this property is to the south-east (i.e. away from the turbine). It also shows that the house lies at a lower level than the road and the garden ground is screened by a stone wall and mature trees. Only a single rear facing 'secondary' room will have views toward the turbine.



Figure 13: View of Unnamed Property (~700m from turbine) looking north-north-east along public road. It shows that the majority of windows are orientated to the south-east (i.e. away from the turbine). A small garden lies to the south-east of the dwelling. To the north-west (i.e. towards the turbine) views are obscured by very close substantial farm buildings and rising ground.



Figure 14: View of Wester Denoon (1.2km from turbine) looking north-north-west. The property is well-screened on all sides by farm buildings and mature trees. The dwelling will not experience direct views from 'principal' rooms and the amenity of the garden ground to the south-east of the property will be retained.

As demonstrated above, given that none of the properties within the Glen will experience significant views of the proposed turbine, it follows that they will not experience significant cumulative visual effects in combination with Ark Hill. It is considered that this will be clear to LRB Members when they visit the site.

It should also be noted here, as outlined within the Supporting Environmental Document, that an independent Chartered Landscape Architect has completed a detailed LVIA, concluding the following:

"In considering the overall acceptability of the scheme, it is important to consider that where any significant visual effects on residents have been identified, these often relate to views from a limited number of rooms that may have direct and open views of the turbine. In many instances, the primary orientation of dwellings would be in the opposite direction to the proposed development and as such, views from these rooms would be unaffected.

Effects are not judged to be overbearing on residential amenity given the distance from turbine and the relatively limited extent of view a single turbine would affect. The nature of any significant visual effects is unlikely to result in significant effects on residential amenity."

The Council have not made the distinction between perceived visual impact (both standalone and cumulative) and how this translates to impact on residential amenity. Rather, a perceived significant impact in 'visual' terms has been translated into a significant impact on residential amenity. The two are quite different, however no consideration appears to have been given to this in the Countryside Officer's assessments. Similarly, little weighting appears to have been given to the fact that principal views, for all 'affected' properties, are all away from the proposed development.

Regarding consistency of decision making, an application for a taller wind turbine at Hill of Stracathro was granted planning permission in January 2013. A picture of this turbine can be viewed in Figure 9. Within the Report of Handling for this application, the following is noted:

"This is a fairly sizeable turbine which I accept, that due to its position on higher ground, would result in a relatively significant visual impact being experienced. However, surrounding residential properties do not generally have principal views towards the turbine at close distance and in this respect and in having regard to the very limited horizontal

extent of the single turbine, I do not consider that the proposal would unacceptably impact on residential amenity to an extent that would merit refusal of the application."

Similarly, and 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."

While the theoretical visibility mapping suggests that views of the turbine blades and nacelle may be visible to drivers on the public road through the Glen, this is unlikely to be the case in reality. In this respect, the theoretical visibility mapping takes no account of built form, woodland, treebelts etc. and therefore represents the 'worst case' scenario. The appellant considers that LRB members will be best placed to consider this matter following a site visit.

7.3. Cultural Heritage Effects

At the outset, it is worth noting that the reason for refusal provided in the Decision Notice refers to an unacceptable impact on the setting of two burial sites at Castleward and Denoon Law. However, on review of the Report of Handling and the Historic Scotland consultation, it is considered that an error has been made in the reason for refusal, and that the two burial mounds referenced are actually Wester Denoon and Castleward. This would be consistent with previous written correspondence between the appellant's Agent, the Council and Historic Scotland, and is documented within the Historic Scotland consultations.

Denoon Law is not a burial mound, as referenced in the Report of Handling, and Historic Scotland have confirmed in their responses to the Council that the impact on this Scheduled Ancient Monument

"would not be to such a degree that it would raise issues of national importance".

As such, and for the avoidance of doubt, it is considered that the concerns raised by Historic Scotland are related to the perceived impact on the setting of the Castleward and Wester Denoon burial mounds.

As noted previously, there has been significant consultation with Historic Scotland with regard to the application at Ingliston Farm.

Following a consultation response from Historic Scotland (17th October 2013), and at their request, an independent Cultural Heritage Setting Assessment was completed by AOC Archaeology, in line with national guidance. These works included a site visit. This was then submitted to Historic Scotland, along with two additional photomontages. The Setting Assessment is appended to this Appeal Statement, however please note the extracts below:

"The low height of the burial mound at Castleward, which appears to be greatly denuded, makes it difficult to identify or understand from any great distance. While views from the cairn into the surrounding landscape are clearly expansive, particularly views to the north-west, the cairn itself can no longer be understood as a feature when viewed from the wider landscape. Given the current condition of the monument, the visual sensitivity of the cairn is judged to be Medium.

The proposed turbine at Ingliston Farm is located in close proximity to the cairn, c. 500 m to its north. As such, the turbine will appear quite prominent in views towards the north. However, given the condition of the cairn the turbine cannot be said to challenge the cairn for dominance in the landscape. Furthermore, the significant sight line to the cairn is along the ridge of Castleward Hill and from the cairn itself the most important view is likely southwest towards the cairn at Wester Denoon. The proposed turbine is not located directly along this primary access, being set off to the north. Additionally, the turbine will be located behind the viewer when looking towards the cairn at Wester Denoon. Given this, an impact of Medium magnitude is predicted upon the setting of the cairn. This will result in an impact of Minor significance."

The report concluded:

"This assessment of impact upon the settings of the Castleward, Wester Denoon and Carlunie burial monuments and Denoon Law, fort has been undertaken at the request of Loco2gen Ltd. It has indicated that the proposed wind turbine at Ingliston Farm will have impacts of Minor significance upon the settings of Castleward burial mound and Carlunie Hill cairn. Impacts of Moderate significance are predicted upon the settings of Wester Denoon burial mound and Denoon Law fort.

The impacts of Minor significance upon the settings of Castleward and Carlunie Hill are not considered to be significant in terms of EIA regulations. The impacts of Moderate significance predicted upon the setting of the Wester Denoon and Denoon Law are significant in terms of EIA regulations and, while the turbine does not constitute an EIA development, will require consideration in the planning decision. Despite these assessments of significance, it is not considered that the placement of the Ingliston Farm turbine in the proposed location will impede the ability to understand the monuments or their ability to inform, in which their cultural value lies."

This assessment was completed by an independent Archaeologist, subcontracted by the appellant's Agent, specifically to provide an independent Setting Assessment to qualify the conclusions drawn in the Supporting Environmental Document submitted with the application.

Despite this assessment, Historic Scotland objected to the proposed development on 16th December 2013, noting the main concern to be the impact on the setting of the Castleward and Wester Denoon burial mounds.

This stance was not accepted by the appellant, the appellant's Agent or AOC Archaeology, especially given the precedent set by Historic Scotland during some of their previous assessments of similar applications in the vicinity.

For example, below is an extract from Historic Scotland's response to a similar sized development at West Mains, Auchterhouse:

"The turbine will be visible in views towards West Mains Hill, cairn from locations in the surrounding area, particularly the minor roads to the south from Auchterhouse and Denhead. We consider that as the proposed turbine will not break the skyline in front of the monument and there will be a degree of separation between the turbine and the monument it will not impede understanding of the dominance of the cairn in its landscape. In views out from the monument the turbine will be an obvious distraction as a large upright moving industrial element in an otherwise open agricultural landscape. We consider that the location of the turbine, downslope and 360m to the south of the cairn means that the turbine will not dominate the cairn nor impede our understanding of the dominance of the cairn over its surrounding landscape.

While the proposed location and scale of the turbine will have an adverse impact on the setting of the monument, we do not consider that impact to be of such significance as to impact on the qualities that contributes towards the national importance of the monument."

The turbine at Ingliston Farm lies almost 150m further from the burial cairn at Castleward than the West Mains turbine is from the West Mains Hill cairn. It is also down slope from the burial mound and will not break the skyline in the predominant view direction from the monument, noted to be to the north-west. The same Policy Background is noted for the West Mains response as with the Historic Scotland response to the Ingliston Farm turbine, yet the above conclusion has been reached for a different development, despite the West Mains Hill cairn being

"a prominent feature in the local landscape, as indicated by its use as a location for a trig point. The monument has extensive views out over the valleys to both south and east, dominating its surroundings and can be seen and identified in views to West Mains Hill from the south and east".

To provide the LRB Members with an overview of the prominence of the West Mains Hill cairn when compared to the Castleward and Wester Denoon burial mounds, please see the three photos below.



Figure 15: West Mains Hill cairn. This is clearly a prominent feature, yet Historic Scotland did not object to a wind turbine circa 360m from this monument.



Figure 16: Castleward burial mound. This is a significantly denuded/weathered monument, with no recognisable prominence in the landscape. Historic Scotland objected to the proposed wind turbine application, circa 500m from this monument.



Figure 17: Wester Denoon burial mound, highlighted by the red and white marker. A fence line intersects the monument, which is not considered a prominent feature and is difficult to locate in the landscape. This monument is 1.3km from the proposed development.

A summary of the comparisons between the assets at West Mains Hill cairn and Castleward burial mound is provided in the table below:

Monument	West Mains Hill, cairn	Castleward, burial mound
Description	The cairn's setting can be characterised as sitting on the south east facing summit of West Mains Hill overlooking open agricultural land to the south and east. The cairn's immediate setting is on a rounded summit which drops away steeply to the south east giving the cairn strong topographical links with the valleys to the south and east. The cairn is a prominent feature in the local landscape, as indicated by its use as a location for a trig point. The monument has extensive views out over the valleys to both south and east, dominating its surroundings and can be seen and identified in views to West Mains Hill from the south and east.	The cairn occupies a prominent location on the summits of Ingliston Hill, commanding panoramic views over much of the surrounding area. The setting of the cairn can be characterised as open hill top on a prominent ridge line on the northern flanks of the Sidlaw Hills. It has panoramic views including to and from Strathmore in the north west.

Monument	West Mains Hill, cairn	Castleward, burial mound
Dimensions	21m x 22m 1.5m in height	6m x 6m 0.40m in height
Prominence in landscape	Very prominent, and an obvious feature	Not prominent due to its very limited height and size
Condition of Cairn	Well preserved	Very denuded/weathered and unrecognisable as a cairn
Distance from turbine	360m	500m
Marked on OS map	Yes	No
Historic Scotland Decision	No objection	Objection

Table 1: Comparison between noted Scheduled Ancient Monuments

In order to further discuss the perceived impact on the two heritage assets in question, the appellant's Agent met with Historic Scotland's Head of Heritage Management and Historic Scotland's Heritage Management Team Leader.

AOC Archaeology provided a further report for discussion at this meeting, which concluded:

"We stand by our assessment of the original proposal which indicated impacts of Minor and Moderate significance, respectively, upon the setting of the scheduled burial cairns at Castleward and Wester Denoon.

Our comments on Historic Scotland's objection letters are set out above and we consider that further comment and/or clarification from them on points of prominence, key visual relationships and reduction of elevated location is necessary and would be helpful. This is especially true given that from Historic Scotland has note objected to a number of similar single turbine proposals."

As noted within the response Historic Scotland's response from 16th December 2013, "excavation of the buried land surface (of the burial mound) could increase our knowledge of prehistoric land use". During the meeting a fund of £20,000 was offered by the appellant to fund an investigative excavation of the Castleward site. It was also suggested that this could be completed in conjunction with local schools as an educational exercise. Despite Historic Scotland's suggestion that excavation works would be beneficial, they did not accept the appellant's generous offer.

Following this meeting, Historic Scotland completed another site visit. During this visit it is noted that the Historic Scotland representative had difficulty locating the Castleward burial cairn.

Regardless of all of the above, Historic Scotland re-submitted an objection to the wind turbine proposal.

All of the AOC Archaeology submissions, which include further information, are appended to this Statement. It is considered, however, that the LRB Members will gain a clear understanding of the points raised above if they visit the site to consider the impact on the Castleward and Wester Denoon burial mounds for themselves. The appellant urges the LRB Members to take note of the above, review the previously submitted information and attend the site, to draw their own conclusions as to the acceptability of this proposal.

During the site visit, it is suggested that note be taken of the following points:

- An independent Archaeologist has assessed the level of impact on the monuments in question to be acceptable;
- Neither monument is prominent;
- Both monuments, especially the Castleward burial mound, are significantly denuded/weathered;
- The setting of the monuments has already been impacted by the Ark Hill Wind Farm;
- The interaction between the two monuments is not considered to be impacted further by the proposed development;
- The nearest part of the installation is circa 500m away from the nearest monument;
- The proposed project will be operational for 25 years. After this period the land will be fully re-instated to its current use. In archaeological terms, it is accepted that this is an incredibly short timeframe;
- The Aberdeenshire Council Archaeology Service did not object to the proposal;
- There are hundreds of better preserved burial cairns in Scotland; and
- There are a number of examples of other turbine developments in Angus and indeed across Scotland, which are located closer to more prominent archaeological features, yet did not receive objections from Historic Scotland. This not only questions the consistency of the responses, but also highlights the high level of subjectivity within the assessments. It is for this reason that a site visit is considered to be beneficial.

Given the above, it is considered that any perceived impact on the heritage assets in question is certainly not significant enough to justify the refusal of such a significant investment in Angus.

7.4. Other Considerations

As detailed in the Planning Officer's report, there are no other concerns in relation to ecology, noise, shadow flicker, countryside access, transport, aviation, and telecoms that cannot be satisfactorily addressed by means of compliance with appropriately worded planning conditions and/or adherence to best practice construction techniques.

It is considered that the above Statement demonstrates the quality and value of the proposed site at Ingliston Farm for a single farm-based wind energy development. This is a very well-chosen location for a wind turbine, separated by a significant distance from dwellings and other sensitive receptors, resulting in a minimal and an acceptable impact on both the immediate surroundings and the wider area.

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.

It is not considered that the comments raised within the Report of Handling are a fair assessment of the application. As such, this Appeal Statement and the associated attachments are submitted to the LRB Members for their consideration.