

**APPLICANT'S RESPONSE TO FURTHER
REPRESENTATIONS**



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13th October 2014

Ms Karen Maillie
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

By email only

Dear Ms Maillie,

**Proposed Single Wind Turbine at Ingliston Farm (Ref: DMRC-10-14)
Appellant's Response to Additional Representations**

With reference to the above, I now write to submit the Appellant's comments on the additional representations submitted in response to this Appeal. I have done this by addressing each of the respondents' comments separately.

This letter should be read alongside the Appeal Statement dated 29th August 2014 which addresses, in detail, comments raised in the Case Officer's Report of Handling.

Letter from Mr Matt Dunlop

I am pleased that Mr Dunlop remains fully supportive of the application, and agree entirely with his comments regarding the lack of prominence of the Castleward Burial Mound, noting his comments that "*there is nothing to see*" and that "*tractors and quad bikes can freely run over*" the monument.

The Appellant is also pleased that Mr Dunlop recognises the turbine's importance in safeguarding future jobs in Angus and helping to secure the future of this long standing Angus business.

Letter from Mr Richard Moore

I am grateful for Mr Moore's support of the application. Whilst making a valid point about wind power versus nuclear, coal and gas, he also confirms his view that there is nothing present at Castleward Hill of any notable cultural value.

Letter from Andrew Brewster

Regarding noise monitoring, I can confirm that the Council's Environmental Health Officer raised no objections to the proposed development, both as a standalone installation and when considered cumulatively with Ark Hill Wind Farm. The noise levels at Easter Denoon will be below acceptable limits as defined in national guidance.

This point was confirmed in writing by a letter to Angus Council on 15th November 2013, which directly addressed concerns raised by the Brewster family, who reside at Easter Denoon. An extract of this letter is copied below:

"Chapter 11 and Appendix C within the Supporting Environmental Document confirm that the limits set by the ETSU-R-97 regulations will not be exceeded at any properties. A Cumulative Noise Assessment has also been recently submitted to Angus Council's Environmental Health Department. This assessment concludes that there will be no significant cumulative noise impact, and that the noise levels at nearby receptors are not predicted to increase above the permitted levels as outlined within the conditions attached to the planning permission for the Ark Hill Wind Farm. It is not considered that any omissions have been made in the submitted Noise Assessments. A circa 700m residential separation distance is relatively large for a single turbine scheme, and our assessments have concluded this will be sufficient to remove the risk of unacceptable noise impact on nearby dwellings."

As noted within the Case Officer's Report of Handling, *"the Environmental Health and Roads Services have raised no concerns regarding such impacts. On that basis there are not considered to be any unacceptable amenity impacts from noise, shadow flicker, light, surrounding land uses or road safety that cannot be satisfactorily addressed by conditions"*.

Mr Brewster also references the Angus Council *'Implementation Guide for Renewable Energy Proposals'*. He quite rightly confirms that the existing windfarm character of the Igneous Hills is *'Landscape with views of windfarms'*, and that the acceptable future windfarm character is *'Landscape with occasional windfarms'*.

As noted in Table 3 of the same document, *'Landscape with occasional windfarms'* denotes a landscape that has more capacity for wind turbines than a *'Landscape with views of windfarms'*. The Implementation Guide therefore confirms that there is scope for additional wind turbine development in the Igneous Hills. This is referenced within the Appeal Statement submitted on 29th August 2014, and in the original Supporting Environmental Document submitted in September 2013.

Mr Brewster also claims that the Implementation Guide states that *"there is no scope for ridgeline developments"* or developments which cause *"any infliction on historic monuments"*.

This is inaccurate. The guidance states the following regarding the Igneous Hills:

"Considered to have scope for turbines circa 80m in height which do not disrupt the principle ridgelines or adversely affect the setting of important landscape features monuments such as Kinpurney Monument and Auchterhouse hillfort."

The proposed turbine is less than 80m in height and sits away from any principle ridgelines. No concerns have been raised as to the impact on Kinpurney Monument and Auchterhouse hillfort since the initial application was made to Angus Council. The monuments in question, particularly the Castleward Burial Mound, are not considered important landscape features. This is backed up by an independent Cultural Heritage Setting Assessment, which can be viewed within the submissions, and is covered at length in the Appeal Statement. It is also considered that a site visit by LRB Members will demonstrate this point.

Email from Jane Brewster

Mrs Brewster refers to Locogen as the 'Developer' throughout her submission. For the avoidance of doubt, Locogen are the agent of Mr William Shaw, not a development partner.

Regarding the submission of Drawing ING087, it is not accepted that this constitutes raising a 'new matter'.

The Case Officer's Report of Handling states:

"In terms of cumulative visual impact on nearby houses, those located in the glen at Denoon are most at risk ... The prominence of the proposal in a different direction of view from the existing development at Ark Hill would increase the overall cumulative impact, and would also give the impression of being surrounded by wind turbines."

As we are appealing against this Report of Handling, it is imperative that Drawing ING087 was submitted, as it demonstrates to LRB Members that the proposed turbine at Ingliston Farm is not prominent in a different direction to Ark Hill, nor is it considered that this would give the impression of being surrounded by wind turbines. Drawing ING087 demonstrates that views of the proposed turbine from properties within Denoon Glen would, in fact, be infrequent or nonexistent.

Regarding comments raised on principal viewing directions, there can be no doubt that the principle view from Easter Denoon is to the front of the house, facing directly away from the turbine. Although it is noted within various submissions from Locogen that there are a small number of windows to the rear of the property, it is not considered that visibility of the turbine from these windows would constitute a significant loss of amenity. It is considered that this will be clear to LRB Members during a site visit.

Mrs Brewster also suggests that Drawing ING081 has been included as an additional submission as part of the Appeal. For the avoidance of doubt, Drawing ING081 was submitted with the original application in September 2013. Mrs Brewster raised concerns about the omission of some properties within the assessment in her submission to the Council on 4th November 2013. These were addressed in my letter to the Case Officer, dated 15th November 2013.

With further regard to our 'omission' of other properties within 2km of the appeal site, as this is an Appeal against the Case Officer's Report of Handling, those properties raised in the report, namely the dwellings in Denoon Glen, have been the focus of the Appeal Statement. At the request of the Council, an assessment of properties within 2km of the development was included within the original Supporting Environmental Document. This was further supported by an additional submission to the Council, post-validation.

It should be noted here that the Report of Handling confirms that, for dwellings at Eassie and Balkeerie, *"the separation distances involved and as this is a single turbine, these (visual) impacts in themselves are not considered unacceptable"*.

Mrs Brewster draws her own conclusions on the impacts denoted by drawing ING038 and the Landscape and Visual Impact Assessment. These conclusions are considered to be inaccurate. The LVIA submitted within the Supporting Environmental Document includes a detailed written assessment from a Chartered Landscape Architect of the landscape and visual impact from a number of viewpoints (see Table 14). Mrs Brewster quite rightly states that a number of receptors have 'high' sensitivity. However, it is how this 'sensitivity' relates to 'magnitude of change' that dictates the 'significance' of the impact. In many cases the magnitude of change is considered 'negligible', resulting in only a 'minor', and 'not significant' effect.

Indeed, the Chartered Landscape Architect confirms within the Supporting Environmental Document that *"affects are not judged to be overbearing on residential amenity given the distance from the 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. 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".

This methodology follows national guidance and is clearly outlined in Appendix A of the Supporting Environmental Document, which was submitted in September 2013.

Regarding the proximity to Ark Hill Wind Farm, the Appeal Statement notes that *"the windfarm at Ark Hill lies around 2.5km to the south-east of the appeal site"*. The nearest turbine is approximately 1.8km away and the furthest turbine is approximately 2.8km away. It is not felt that stating that the Ark Hill Wind Farm lies 'around' 2.5km from the appeal site is in any way inaccurate or misleading.

Mrs Brewster references the closure of a local joiners firm, W. Douglas, as an attempt to discredit the Appeal Statement; she appears to be stating that Mr Shaw has claimed to have used this firm's services during the construction of his new buildings, despite the local firm having closed circa 10 years ago. Neither Mr Shaw nor Locogen would reference a deceased local trader to demonstrate local benefit from this project. W Douglas Contractors are a local agricultural drainage firm, who provided drainage measures for the new building foundations and hardstanding.

Mrs Brewster then references the potential for solar photovoltaic cells on the new buildings at Ingliston Farm. Although this is not considered relevant to this application, I am able to offer the following notes. Even if Mr Shaw was to cover both of his new roofs with solar panels, this would generate in the region of 85,000kWh of electricity per annum, which certainly will not cover the electricity requirements at the farm. As noted within the Supporting Environmental Document, the proposed wind turbine will generate 1,660,000kWh of electricity. This is over 20 times the generation of any potential solar scheme at the farm. In order to match the level of generation from solar, Mr Shaw would need to install a 10-12 acre solar farm. This is not considered a useful suggestion, especially as the land on Ingliston Hill slopes to the north, away from the sun.

Regarding letters of support / objection to the development, it is felt that the statements from the original Appeal Statement are accurate. These are:

- *Less than half of the households in Denoon Glen have raised concerns to the development; and*
- *The neighbouring landowners Strathmore Estates, Mr Durston and Mr Fotheringham have either supported the application or have raised no objection to the proposal.*

Comments from Mrs Brewster regarding other uninhabited properties within the Glen of Denoon are not considered pertinent to this application, as Mrs Brewster is suggesting that these will remain uninhabited. Even if they were inhabited, these dwellings are a suitable distance from the turbine to not be impacted by the proposed development.

Mrs Brewster also claims that the application has caused *'division in the community'*. As noted in our letter to the Council dated 15th November 2013, which was submitted in response to Mrs Brewster's representation dated 4th November 2013, there are 57 residential properties within 2km of the proposed development. In response to the original application, letters of objection were submitted by residents of 4 of these 57 properties. This represents 7% of local dwellings. Furthermore, only 3 of these 4

dwellings have submitted additional representations to this Appeal. It is not considered that this represents 'division in the community'.

Mrs Brewster also references Mr Shaw's residence as being outside of the community. Mr Shaw works at Ingliston Farm on a daily basis, and it should be noted here that both Mr Shaw's mother and brother live at Ingliston Farm, and support this application.

Mrs Brewster closes with a comment that she feels the community would benefit more economically if the proposed development were not to be constructed. If the properties remain uninhabited then there will be no Council Tax payments from these properties. As, based on Mrs Brewster's comments, their occupation appears to be dependent on the Ark Hill Wind Farm, the payment of Council Tax is considered an irrelevant factor in the determination of this application. However, it is certainly contested that this application will cause economic harm to the locality; it has been made clear within the Appeal Statement that 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.

Email from John Brewster

It is considered that the question of cumulative impact raised by Mr Brewster has been satisfactorily addressed in the various submissions made by Locogen on both the initial application and the Appeal Statement for this single wind turbine development.

Regarding Mr Brewster's concerns on noise and shadow flicker, it has been confirmed that there will be no unacceptable noise and shadow flicker impact by the Council's Environmental Health Officer, both as a standalone development and cumulatively when considered with the Ark Hill Wind Farm. This is also confirmed in the Case Officer's Report of Handling.

It is not considered that any ongoing investigations Mr Brewster is completing on noise impacts from the Ark Hill Wind Farm are considered relevant to the determination of this application.

Email from Michael Ryan

Again, it is considered that comments on cumulative impact have been satisfactorily addressed.

As noted above, there will be no significant noise and shadow flicker impacts, as concluded within the Supporting Environmental Document, by the Council's Environmental Health Officer, and by the Case Officer in their Report of Handling.

Regarding the site access, the junction created at the mouth of the 'Long Andra' will be suitably wide enough to permit visibility in both direction, as is likely to be required through planning conditions, and a full Traffic Management Plan will be completed, post-consent, for agreement with the Council's Roads Department. This will ensure that there are no dangers to the nearby school or residents from construction traffic.

It should also be noted here that neither the Council's Countryside Access Officer nor the Roads Department have objected to the proposal.

Letter from Philip and Marianne Jenkins

The comment made above regarding route access is considered to address any further concerns on public safety during construction. A full Traffic Management Plan will be completed and submitted to the Council for approval prior to any works starting on site.

Traffic Management Plans are generally conditioned on planning permissions, and completed post-consent.

Regarding the query raised on the efficiency of the turbine, I can confirm that an efficiency rating of 38-40% is accurate for this machine.

I am pleased that Mr and Mrs Jenkins consider the photographs submitted in the Appeal Statement to be "*irrelevant*", and of properties "*marginally affected by the proposed turbine*".

Viewpoint 3 (Drawings ING045-047) and Viewpoint 4 (Drawings ING048-050), included within the original application, are taken from nearby Eassie School and Eassie Village Hall, respectively. As such, it is felt that their comments regarding the omission of these viewpoints are inaccurate.

Regarding economic benefit to the local economy, Mr and Mrs Jenkins are of the opinion that the local benefit of this project will cease as soon as the turbine is commissioned. The turbine will generate a secure income to the farming business for 20 years. This diversification will safeguard jobs and create revenue for further investment in buildings, machinery and staff, all of which is money that will be spent locally.

Email from Robert Brewster

It is not considered that there is anything within this submission which requires further clarification. Mr Brewster's comments appear to be focussed on the Ark Hill Wind Farm, and the scheme of delegation within Angus.

Email from Andrew Vivers

Mr Vivers has raised concerns over the impact the Ark Hill Wind Farm is having on his health. These comments are not considered to be relevant to this proposal. Ingliston Farm is over 5km from Mr Vivers' property and is a single turbine development, as opposed to an 8 turbine development at Ark Hill. The wind turbine at Ingliston Farm is also a quieter machine to those at Ark Hill, and is further away from Mr Vivers' property than the Ark Hill Wind Farm. It is therefore considered that none of the health effects outlined in his representation would be exacerbated by the proposed development. As noted above, the Council's Environmental Health Officer has raised no objections to the proposal.

Mr Vivers then makes further comments on a number of syndromes and diseases. It is considered that none of the comments raised here are directly relevant to the consideration of this Appeal.

It should also be noted here that Mr Vivers has objected to almost every wind turbine of this scale in Angus, Perth and Kinross, Fife and Aberdeenshire. Indeed, the Committee Officer has confirmed that she is still awaiting confirmation from Mr Vivers as to whether it is indeed the Ingliston Farm application to which his objection refers, as the proposed development is not mentioned anywhere in his submission.

Although this does not preclude him from raising an objection, I would hope his comments would be given their due weighting.

Letter from Paul Basford

I am pleased that Mr Basford has made such pertinent comments about the 'value' of the heritage asset at Castleward, and about the suitability of this site for wind energy

development. More specifically, I feel that the following extract from his letter is possibly the most relevant:

"I would urge LRB Members to consider whether Historic Scotland are justified in their objection to the extent that it stops a considerable investment in both an Angus business and in the Angus economy".

It is considered that the requested LRB site visit will help Members to draw their own conclusions on this matter, along with any impacts on visual amenity which have been raised.

I hope the above provides adequate information on the comments raised by a small number of local residents. It is felt that this letter, read alongside the Appeal Statement, and accompanied by a site visit, will demonstrate to LRB Members that this site is a well-suited location for a single, farm-based turbine which will benefit both a local Angus business and the wider Angus economy.

Yours sincerely,

Andy Lowe
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