

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 29 MARCH 2016

PLANNING APPLICATION – LAND AT BLACK HILL, GLEN ISLA, ANGUS

GRID REF : 320515 755768

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No. 14/00947/EIAM for erection of 14 No. wind turbines measuring up to 115 metres to blade tip (8 in Angus and 6 in Perth and Kinross) and associated infrastructure comprising foundations, crane hard standings, around 14 km of access track (including two bridges and two culverts), two borrow pits, a permanent anemometry mast and ancillary works and structures for Wind Prospect on Land at Black Hill, Glen Isla. This application is recommended for refusal.

1. RECOMMENDATION

It is recommended that the application be refused for the reasons given at Section 10 of this report.

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

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

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

3. INTRODUCTION

3.1 The applicant seeks full planning permission for the erection of 14 mono tower wind turbines at 115 metres to blade tip and 70 metres to hub with a 90 metre rotor diameter and associated infrastructure comprising a 70 metre lattice tower anemometer mast, crane pads around 14 km of track at around 5 metres wide including 2 bridge water crossings and two culverts, a switchgear building construction compounds and 2x borrow pits on land at Black Hill, Glen Isla.

3.2 The application site, which measures 457 hectares in area, straddles the administrative boundaries of Angus and Perth and Kinross Councils. As this is the case each council is required to consider the elements of the development proposal that lie within their respective administrative areas. The site consists primarily of open moorland and plantation forestry. Plantation forestry bounds the north, west and east of the site. Moorland and pasture lies to the south/SE and slopes down towards Kilry which is a scattered settlement of individual dwellings and small groups of dwellings and small farm units set within Glen Isla (known as the Garden Glen). Other notable features around the site is the existing Drumderg Wind Farm (16 turbines at 107m to blade tip) which lies to the west beyond the Perth and Kinross Boundary at a distance of 1.1km from the site

3.3 That being the case the elements of the development that would be located within the Angus administrative boundary would be the majority of the access track and its associated development, (save for the spur serving turbines 1-6), borrow pit 1 and borrow pit 2, the switchgear building, the main construction compound, turbines 7-14 (8 turbines) with associated set down areas and crane pads and the anemometry mast. It is these aspects of the development that Committee is required to consider.

- 3.4 The site access would run roughly north west from the U388 Craig Isla - Brewlands Bridge Road for around 300m before turning west at New Craig. The track would pass to the south of Knaptam Hill where it would resume a north westerly course taking the north slope of Balduff Hill at around 350m AOD. The track would pass through an unnamed area of plantation woodland on the west slope of Balduff Hill necessitating some tree felling. Borrow Pit 1 would be located in this vicinity. The track would then head north towards Nether Drumhead passing to the west of Derryhill and the east of Westhill before turning north west again. At this point the track will have dropped down to the 290m contour on the south western slope of Hill of Fernyhirst. The track would continue to the west of Hill of Fernyhirst until around the 360m contour. At this point the track would split with a spur heading south onto the north slope of Hill of Three Cairns which is currently treed forming part of the Forest of Alyth. This part of the site is within Perth and Kinross and would be where turbines 1-6 and their associated infrastructure would be located. The treed area within which the turbines would stand would be clear felled to accommodate the development.
- 3.5 Within Angus, the track would continue roughly northwards around the upper east slope of Hill of Fernyhirst and east slope of Black Hill with turbines 7-12 and the anemometry mast located off of spurs at either side of the main track. The track would breach the crest of the hill on the 420m contour and terminating adjacent to the tree line of the forest of Alyth at the point where Hare Hill meets Saddle Hill with Turbine 14 on the 410 m contour and Turbine 13 on the 370m contour.
- 3.6 The application is supported by an Environmental Statement (ES). The application and Environmental Statement have been subject of statutory advertisement in the local press.

4. RELEVANT PLANNING HISTORY

- 4.1 A scoping opinion relating to the project was issued by Angus Council in November 2013 which identified the key issues to be addressed by the Environmental Statement, in accordance with The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.
- 4.2 A Proposal of Application Notice (PAN) was issued on 21 March 2014 (ref: 14/00250/PAN). It was confirmed on 30 April 2014 that the pre-application consultation (PAC) proposals detailed in the notice were considered to be acceptable for the type of development proposed.
- 4.3 A planning application (ref:14/01993/FLM) for that element of the proposal (i.e. 6 turbines and associated tracks) that is within the administrative area of Perth and Kinross is with that Council for determination.

5. APPLICANT'S CASE

- 5.1 The applicant has submitted the following documents in support of the proposal:-
- Planning Statement;
 - An Environmental Statement (November 2014) (ES) including (1) Non-Technical Summary (NTS); (2) Written Statement (Main Text); (3) Figures including Visualisations; and (4) Technical Appendices including a Pre-Application Consultation Report;
 - Supplementary Environmental Information (January 2016).
- 5.2 The **Pre-Application Consultation Report** (PAC Report) has been submitted as part of the applicant's submission which documents the consultation undertaken with the public prior to the submission of the planning application. The undertaking and submission of a PAC Report is a mandatory requirement for a major planning application.
- 5.3 The **Planning Statement** considers the proposal in the context of the development plan framework for both Angus and Perth and Kinross and other material considerations including national policy and guidance and local guidance. In the Statement the conclusion is drawn that it is considered that the proposal is in accordance with the development plans for both Angus and Perth and Kinross administrative areas as well as National Policy and relevant guidance.
- 5.4 An **Environmental Statement** (ES) has been submitted in support of the application which contains an introduction (Ch1) and a project description (Ch2). The ES outlines the need for

the development (Ch3) and gives details of the planning of the development (Ch4). The ES further contains technical assessments of the following topics:-

Ch5. Ecology.	Ch6. Ornithology.
Ch7. Hydrology.	Ch8. Landscape and Visual.
Ch9. Cultural Heritage.	Ch10. Telecommunications and Aviation
Ch11.Noise.	Ch12. Traffic and Transport.
Ch13. Socio-Economic Assessment	Ch14. Land Use, Recreation and Access

The ES is supported by a Non-Technical Summary (NTS) ; Figures (Volume 3) incorporating Visualisations; and Technical Appendices (Volume 4). The figures including a Zone of Theoretical Visibility (ZTV) and viewpoints from various locations close to and more distant from the site. A copy of the NTS is attached as an appendix to this report.

- 5.5 The ES, including the Non-Technical Summary, and the Supplementary Environmental Information is available on the Council's Public Access portal and is available to view in the Members' Information Hub. A copy of the Non-Technical Summary (NTS) is attached as Appendix 1 to this report.

6. CONSULTATIONS

- 6.1 **Atkins** - No objection.
- 6.2 **British Telecom** - No objection.
- 6.3 **Civil Aviation Authority** - No objection.
- 6.4 **Tayside Biodiversity Co-ordinator** - There was no response from this consultee at the time of report preparation.
- 6.5 **Dundee Airport Ltd** - No safeguarding objection.
- 6.6 **Angus Council Environmental Health** - No objection regarding construction noise, operational noise shadow flicker or private water supplies subject to the attachment of appropriate planning conditions to any planning permission granted.
- 6.7 **Everything Everywhere** - There was no response from this consultee at the time of report preparation.
- 6.8 **Historic Environment Scotland** - No objection as the conclusion has been reached for each identified asset that the effect of the development is not so adverse to raise such issues of national significance however the proposal would have significant adverse impact on heritage assets in the area and HES recommend that the layout is re-evaluated to mitigate such impacts.
- 6.9 **NERL Safeguarding** - No safeguarding objection.
- 6.10 **SSE Plc** – No objection. The Coupar Angus electricity substation has sufficient capacity at present to allow the project to connect.
- 6.11 **Joint Radio Co Ltd** - No objection.
- 6.12 **Ministry Of Defence** - No objection however in the interests of air safety the MOD request that the development should be fitted with aviation safety lighting with all turbines to be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. If planning permission is granted MoD would like to be advised of the following prior to commencement of construction;
- the date construction starts and ends;
 - the maximum height of construction equipment;
 - the latitude and longitude of every turbine.
- 6.13 **Angus Council - Flood Prevention** - There was no response from this consultee at the time of report preparation.

- 6.14 **RSPB Scotland** - No objection however conditions are suggested relating to the development of a habitat management plan which meaningfully sets out long term plans for the site and post-construction monitoring targeted at hen harrier and short-eared owl and the effects of forestry removal.
- 6.15 **Scottish Environment Protection Agency** - No objection providing conditions are attached relating to a number of matters. In respect of private water supplies (PWS), SEPA initially identified that there may be a well at Overdrum Head and that it was unknown whether this well is still in use or what it is used for. However, following the submission of supplementary environmental information, SEPA have indicated that they no longer have concerns in respect of PWS as both sources for PWS are outwith their recommended buffer.
- 6.16 **Scottish Natural Heritage** - No objection but only if any permission granted is made subject to conditions. However, SNH also advise this proposal would create a confusing pattern of wind farm development on the Highland boundary fault, which is not a good fit with the existing Drumderg and consented Tullymurdoch wind farms. It would also result in significant adverse cumulative landscape and visual impacts upon, landscape character, views and recreational amenity of walkers on the hills and mountains along and to the north of the Highland boundary, including the Catevan trail and views and visual amenity of residents and visitors in Glen Isla, Strathmore and the Sidlaws.

Following the submission of additional detailed wildlife reports by third party objectors with particular reference to Wild Cat the it was advised that additional conditions should be attached. SNH advise that the foregoing would be applicable in respect of all protected species including Schedule 1 birds and while there would be possible impacts on breeding birds during the operational phase due to collision risk, such impacts are not considered by SNH to be significant on the regional or national level.

- 6.17 **Spectrum** - Additional coordination with Atkins and JRC required.
- 6.18 **Police Scotland** - There was no response from this consultee at the time of report preparation.
- 6.19 **Aberdeenshire Council Archaeology Service** - Agree with the mitigation measures proposed in section 9.8 of the Cultural Heritage chapter of the Environmental Statement for the Angus Council area, namely that a programme of archaeological works is required comprising evaluative archaeological assessment, micro-siting of turbines etc where necessary and/or the erection of fencing around archaeological features where required. As such, should the application be minded for approval the Archaeological Service request that it be made conditional of archaeological works in accordance with a written scheme of investigation to be submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority and thereafter that the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.
- 6.20 **Kirriemuir Landward West Community Council** - Objection. The development is too close to well established rural communities and will have an adverse effect on local residents in Glen Isla and Kilry due to unacceptable landscape and visual impacts and cumulative landscape and visual impacts. As a result KLVCC indicate that they consider the proposal to be contrary to the Development Plan and national and local policies and guidance. KLVCC indicate that they surveyed the local community twice regarding potential wind energy development at Saddle Hill and that in objecting to this planning application, KLVCC believes that it is representing the views of the residents in the area closest to the development as a result of the findings of these surveys.
- 6.21 **Angus Council - Roads** – No objection subject to suggested conditions relating to the timely formation of an appropriate verge crossing at the site access and the undertaking and submission of a Construction Traffic Management and Routing Plan for further written agreement prior to the commencement of development and the subsequent implementation of such a plan once agreed.

- 6.22 **Scottish Water** - No objection.

- 6.23 **Cairngorms National Park Authority** - No objection however concerns raised regarding the incremental encircling of the Cairngorms National Park by wind farm developments.
- 6.24 **Transport Scotland** - Transport Scotland is satisfied with the submitted ES and has no objection to the development in terms of environmental impacts on the trunk road network but requests that any consent that the Council may grant is subject to conditions.
- 6.25 **Forestry Commission (Scotland)** - No objection. FC(S) welcome proposal to maintain woodland on the site and indicate that any compensatory planting should be secured and have consent in place before any construction or felling begins. FC(S) have suggested planning conditions to secure such planting.

7. LETTERS OF REPRESENTATION

The application has attracted a number of representations both for and against the proposals.

Support: 126 letters of support have been received. The majority of these letters are submitted on standard format letters which make the following points: -

- Contributes to renewable energy targets.
- Tackles climate change/reduced greenhouse gas emissions.
- There is a community benefits package that would benefit the local community.
- Electricity is renewable, cheaper electricity bills in the long-term.
- There will be business and employment opportunities associated with the windfarm.
- Any traffic disruption is considered short term and acceptable.
- The location is suitable.
- The technology would replace old forms of power generation that are reaching the end of their life span.

The individual supporting letters make the following additional points: -

- Electricity supply in the area is unreliable; particularly for peak business use and the development would contribute to providing a reliable supply of electricity locally.
- Economic benefits would enable more effective land management.

Objections: 534 objections have been received along with a petition with 65 signatures. The issues raised are summarised as follows:-

- Unacceptable design, out of scale, impact on landscape character, Cairngorms, wild land and Glen Isla.
- Visual impact on communities, residents, road users, visitors, recreational users (Cateran trail and Munros).
- Cumulative landscape and visual impacts.
- Concerns with the residential survey.
- Impact on ecology/protected species (construction and operation).
- Concerns regarding ornithology surveys.
- Noise and health issues.
- Shadowflicker, sunlight/daylight impacts.
- Woodland/tree loss.
- Potential flooding.
- Health and safety/ ice throw/ turbine safety.
- Impacts on historic sites (archaeology cultural heritage).
- Impact on peatland.
- Impact on water supply.
- Contrary to development plans/policy.
- Road safety and traffic impact.
- Impact on designated sites (SSSI/SPA/SAC).
- Concerns with grid connection location.
- Adequacy of decommissioning provisions and decommissioning bonds.
- Concerns regarding new access track, road and bridge widening.
- Adverse impact on economy and existing businesses (tourist/rural economy).
- Concerns with MoD lighting.

- Potential for pollution.

The above matters are addressed in the planning appraisal section of this report. However the following issues raised are best addressed at this stage under the following headings:-

- Viability/subsidies are born by tax payers - the impact this submission has on tax payers fall out with the remit of this planning assessment.
- Property values - it should be noted that the loss in property value falls out with the remit of this assessment.
- Efficiency of turbines questioned and no site specific wind data - a number of representations express concern at the support given through planning policy and Government Planning Guidance to the use of wind technology contending that it offers broad support to an inefficient technology which relies on the extensive use of natural resources through the production and construction process and relies on extensive public subsidy whilst delivering minimal climate change benefits.
- Adequacy of publicity of application – the application, the environmental statement and the supplementary environmental information have been advertised in accordance with relevant regulations.

Whilst these concerns are noted it must be acknowledged that Planning Policy does provide support for appropriately sited and designed wind farm development. In those locations where landscape and visual concerns are raised it will be appropriate for any decision maker to have regard to the amount of energy contribution to be delivered by a proposal and the extent to which that will contribute to Scottish Government commitment to generating an equivalent of 100% of electricity demand from renewable sources by 2020.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.
- 8.3 In this case the development plan comprises: -
- TAYplan (Approved 2012)
 - Angus Local Plan Review (Adopted 2009)
- 8.4 The key development plan policies relevant to consideration of this application are provided in Appendix 2 and have been taken into account in the preparation of this report.
- 8.5 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and subsequently published for a statutory period for representations. The statutory period for representation has now expired and unresolved representations have been submitted to Scottish Ministers for consideration at an Examination. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to policies and proposals of the plan that are subject to unresolved objection. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation or decision.

- 8.6 In addition to the development plan a number of other publications are also particularly relevant to the consideration of the application. These include: -
- National Planning Framework for Scotland 3 (NPF3);
 - Scottish Planning Policy (SPP);
 - Scottish Government 'Specific Advice Sheet' on Onshore Wind Turbines;
 - The Environmental Statement (ES), and environmental information submitted in respect of this application by the applicant, consultees and third parties;
 - Tayside Landscape Character Assessment (1998);
 - Angus Windfarms Landscape Capacity and Cumulative Impacts Study (Ironside Farrar, 2008);
 - Angus Council Implementation Guide for Renewable Energy Proposals (2012);
 - Strategic Landscape Capacity Assessment for Wind Energy in Angus (Ironside Farrar – 2013)
- 8.7 **NPF3** states that the Government is committed to a Low Carbon Scotland and through the priorities identified in the spatial strategy set a clear direction to tackling climate change through national planning policy. Renewable energy technologies, including onshore wind, are identified as key aspects to realising this aim whilst recognising that a planned approach to development is required to find the correct balance between safeguarding assets which are irreplaceable while facilitating change in a sustainable way.
- 8.8 The **Scottish Planning Policy** (SPP, June 2014) represents a statement of government policy on land use planning. In relation to onshore wind, the SPP states that 'Planning authorities should set out in the development plan a spatial framework identifying areas that are likely to be most appropriate for onshore wind farms. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community and cumulative impacts. Proposals for onshore wind should continue to be determined while spatial frameworks are and local policies are being prepared and updated'. Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:
- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
 - the scale of contribution to renewable energy generation targets;
 - effect on greenhouse gas emissions;
 - cumulative impacts - planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
 - impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
 - landscape and visual impacts, including effects on wild land;
 - effects on the natural heritage, including birds;
 - impacts on carbon rich soils, using the carbon calculator;
 - public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
 - impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
 - impacts on tourism and recreation;
 - impacts on aviation and defence interests and seismological recording;
 - impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
 - impacts on road traffic;
 - impacts on adjacent trunk roads;
 - effects on hydrology, the water environment and flood risk;
 - the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
 - opportunities for energy storage; and
 - the need for a robust planning obligation to ensure that operators achieve site restoration.

- 8.9 The Scottish Government's Planning Advice Notes relating to renewable energy have been replaced by Specific Advice Sheets (SAS). The '**Onshore Wind Turbines SAS**' identifies typical planning considerations in determining planning applications for onshore wind turbines. The considerations identified in the SAS are similar to those identified by policies ER34 and ER35 of the ALPR and the SPP as detailed above.
- 8.10 Angus Council has produced an **Implementation Guide for Renewable Energy Proposals** (IG). It provides guidance for development proposals ranging from small single turbines to major wind farms. It indicates that wind developments are the primary area of renewable energy proposals in Angus and the planning considerations are strongly influenced by the scale and location of the proposal including landscape and visual impact, potential adverse effects on designated natural and built heritage sites, protected species, residential amenity, soils, water bodies and access.
- 8.11 Scottish Natural Heritage in conjunction with Angus and Aberdeenshire Councils commissioned Ironside Farrar to review current landscape sensitivity and capacity guidance in relation to wind energy development. The **Strategic Landscape Capacity Assessment for Wind Energy in Angus** (November 2013) provides updated information on landscape capacity for wind energy development and the potential cumulative impact of proposals in the context of operational and consented developments.
- 8.12 Bringing the above together, the key policy and material considerations in relation to the proposal are: -
1. Environmental and economic benefits;
 2. Landscape impact;
 3. Visual impact;
 4. Cumulative landscape and visual impact;
 5. Impact on residential amenity;
 6. Impact on natural heritage;
 7. Impact on cultural heritage;
 8. Socio – economic Impacts;
 9. Other development plan considerations;
 10. Other material considerations.
- 8.13 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 detail the information that should be contained within an Environmental Statement (ES). The Council provided a scoping opinion in respect of this proposal in order to identify the key areas that should be addressed through the environmental impact assessment process. Having regard to responses from statutory consultees, it is considered that the submitted ES complies with the requirements of the EIA Regulations in terms of the information included therein.

Environmental and Economic Benefits

- 8.14 Policy 6 of TAYplan indicates that one of its aims for the city region is to deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets. The local plan indicates that Angus Council supports the principle of developing sources of renewable energy in appropriate locations.
- 8.15 The SPP refers to support for transformational change to a low carbon economy including deriving[amongst other things] the equivalent of 100% of electricity demand from renewable sources by 2020. Paragraph 154 of the SPP indicates that planning authorities should guide renewable energy development to appropriate locations. A number of key considerations are given. These include but are not limited to cumulative impacts, impacts on communities and individual dwellings, landscape and visual impacts, effects on natural heritage including birds, public access considerations, impacts on the historic environment, and impacts on tourism and recreation. The SPP goes on to state that areas identified for wind farms should be suitable for use in perpetuity.
- 8.16 In this case the proposed development would contribute towards generation of renewable energy and the applicant indicates that annual production would be sufficient to meet the electricity demand of 20,105 homes, which is significant in the context of Angus. The ES suggests that the CO² annually displaced by the proposed wind farm would be equivalent to 52,109 tonnes per annum.

- 8.17 The ES identifies what are considered to be general economic benefits associated with the development, including the potential for employment generation within the renewables sector (subject to local firms and workers competing successfully). Economic benefits such as temporary spending on accommodation and services in the operational and decommissioning phases and small scale demand throughout the operational life of the development as well as improved access via the wind farm access tracks are also highlighted as potential benefits. Such benefits do however need to be weighed against disbenefits such as the potential landscape and visual effects of the development and its potential to negatively affect not only local residential amenity but also recreational tourism in the long term. This aspect is discussed in greater detail below in the Socio-Economic discussion. The ES refers to a Visit Scotland Consumer Research Survey undertaken in 2011 that showed that around 80% of respondents would be undeterred from visiting by the prospect of seeing a wind farm. This needs to be weighed against the potential for 20% of visitors to be deterred. Whilst the research is generic, it is reasonable to draw the conclusion that a potential 20% drop in visitor numbers would represent a significant negative consequence for many tourism related businesses. The ES highlights the fragility of the tourist industry in the area, particularly in Angus. How such a potential loss would compare with the potential benefits of the development is not quantified however it is worth noting that the Visit Scotland research was undertaken in the context of the prospect of an appropriately sited and designed wind farm. The matters of siting and design are further discussed in relation to the landscape and visual assessment and the wider discussion below.
- 8.18 The ES indicates that the cost of the project would equate to around £45 million overall, with around 96% of expenditure in the construction phase. The Gross Value Added (GVA) figure given between the Angus and Perth and Kinross Local Authority Areas would be around £1.36 million with £5.5 million in Scotland. The main direct economic impact is likely to be in the construction phase which would take around 12 months. No estimate is given of how many full time equivalent (FTE) jobs in Angus or the neighbouring authority area would be created in either the development and planning stage, the construction phase or in the operation and maintenance of the wind farm. It is not anticipated however that the development would amount to significant long term employment opportunity in the local area beyond the construction phase (subject to local firms and workers successfully competing) based on the information provided in the ES.
- 8.19 The development would contribute towards meeting the government's target of producing 100% of electricity through renewable technologies by 2020. Regard has been given to the benefits that the scheme would provide in terms of generation of renewable energy in undertaking the assessment of the proposal against other development plan policies highlighted below.
- 8.20 The applicant indicates that a community benefit fund would be created as part of the proposal. The Angus Local Plan Review makes it clear that local community benefits associated with wind farm proposals will not be considered as part of any planning application.

Landscape Impacts

- 8.21 Policy 6 of TAYplan indicates that in determining proposals for energy development consideration should be given to landscape sensitivity. Local plan Policy ER5 (Conservation of Landscape Character) requires development proposals to take account of the guidance provided by the Tayside Landscape Character Assessment (TLCA), prepared for Scottish Natural Heritage (SNH) in 1999, and indicates that, where appropriate, sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape. Policy ER34 of the Local Plan indicates that proposals for renewable energy development will be assessed on the basis of *no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints*. The local plan indicates that the Highland area (which includes the Highland Summits and Plateaux) is sensitive to the potential landscape and visual impact of large turbines. It indicates that the possibility of satisfactorily accommodating turbines in this area should not be discounted but suggests that locations associated with the Highland Summits and Plateaux and the fault line topography are likely to be less suitable. It further indicates that in all cases, the scale, layout and quality of design of turbines will be an important factor in assessing the impact on the landscape. It also indicates that the Highland area has significant natural heritage value and the development of large scale wind farms is

likely to be limited due to potential adverse impact on visual character, landscape and other natural heritage interests.

- 8.22 The application site is within the Tayside Landscape Character Assessment (TLCA) Landscape Character Type (LCT) 3: Highland Summits and Plateaux which is described as a large scale landscape of hills, ridges and mountains of wild, remote and windswept character. The Highland Summits and Plateaux LCT is described as one of the remotest and wildest landscapes in the UK. The landscape guideline for development in the TLCA is to 'discourage any development on the Highland Summits and Plateaux'. In terms of tall structures, it discourages proposals for aereals, masts or wind turbines because of their likely impact on the harsh, undeveloped character of the Highland Summits and Plateaux.
- 8.23 The Angus Windfarms Landscape Capacity and Cumulative Impacts Study, September 2008, prepared for the council by Ironside Farrar (IF) provides further information on the landscape capacity of the Highland Summits and Plateaux LCT. A landscape capacity assessment is derived from combining the results of landscape sensitivity; visual sensitivity; and landscape value assessments. In terms of landscape capacity, It indicates that the scale of the Highland Summits and Plateaux LCT is large to very large with topography of undulating or rolling Plateaux and rounded summits, falling steeply at the edges into the glens. It indicates that the Mounth is very open and highly visible from the lowlands to the south and further mountains to the north. There are a high number of sensitive recreational receptors using the area in which the site is located and the visual sensitivity is medium to high. This leads to an overall medium landscape sensitivity, accordingly to the study. As a backdrop to lowland Angus, an area of high recreational value and an area of remote and wild characteristics the Highland Summits and Plateaux LCT is of high landscape value and as such has a low capacity for windfarm development.
- 8.24 Angus Council has prepared further guidance on renewable energy proposals which was approved by the Infrastructure Services Committee at its meeting on 14 June 2012. This document seeks to clarify existing development plan policy and to assist in considering proposals against those policies. The Council's Implementation Guide indicates that the Highland Summits and Plateaux is considered to have no scope for wind turbines. The implementation guide assessment provides guidance on the Local Plan and has been extrapolated from sources including the Tayside Landscape Character Assessment, the Landscape Capacity and Cumulative Impacts Study, Reporters findings from planning appeals, responses from statutory consultees and reflects the particular scale and landscape of Angus. The Strategic Landscape Capacity Assessment for Wind Energy in Angus indicates that the Highland Summits and Plateaux has no underlying capacity for wind turbines and no remaining capacity for wind turbines. It indicates that the landscape character sensitivity of Highland Summits and Plateaux is medium; visual sensitivity is medium/high and landscape value is medium/high. The current 'wind energy landscape type' is *Highlands Summits and Plateaux with wind turbines (albeit this is largely as a consequence of turbines outwith Angus)*.
- 8.25 Regionally, the proposed development would be located within the Mounth Highlands part of LCT3 and locally within the Forest of Alyth Landscape Unit. The Mounth Highlands comprise a more extensive area of upland with spurs extending southwards; the hills are more rounded than those further west and rock outcrops are fewer. The proposed site is on one of the southward spurs. This upland spur separates Glen Isla from Glen Shee to the west. The southern end of the upland spur comprises a number of rounded summits around 2km apart. The proposed windfarm would be located on the summit of Black Law (443m) extending southwards to the summit of The Hill of Three Cairns (379m). The windfarm would effectively be on the top of the end of the upland spur, towards its eastern edge overlooking Glen Isla. This part of LCT3 has extensive areas of moorland and commercial plantation forestry. On the lower ground to the east of the proposed development is a Caledonian pine forest creation scheme. The proposed site is typically between 1 and 2km from LCT1b (Lower Highland Glens) to the east and LCT5 (Highland Foothills) to the south. The existing windfarm at Drumderg would be around 1km to the west at its closest.
- 8.26 The ES seeks to summarise the relevant content of capacity studies for each of Perth & Kinross and Angus Council areas. David Tyldesley Associates (DTA) produced the "Landscape Study to Inform Planning for Wind Energy" (2010) and Ironside Farrar (IF) produced the Strategic Landscape Capacity Assessment for Wind Energy in Angus (2014)(see 8.23 above). The latter covers the largest part of the application site.

- 8.27 The IF assessment advises that, *“whilst large in scale and often of rolling shape considered suitable for windfarm development, the hills also have a wild and remote character. The large scale may also be deceptive and the largest size turbines could reduce the perceived scale and grandeur of the hills”*. Landscape capacity (according to Landscape Character Assessment Topic Paper 6 – Techniques and criteria for judging capacity and sensitivity published by SNH and The Countryside Agency), is derived from considering landscape character sensitivity and visual sensitivity which together inform landscape sensitivity. The landscape capacity is derived from combining landscape sensitivity with landscape value.
- 8.28 As stated above, the IF assessment (2014) considers that LCT3 has medium landscape character sensitivity and high visual sensitivity, which together have a landscape sensitivity of medium/ high. Landscape value is assessed as high.
- 8.29 In terms of visual sensitivity, the approaches differ between both studies. The DTA report (2010) relies specifically on predicted impacts upon 12 iconic viewpoints as well as 11 principal tourist and amenity routes within Perth & Kinross. The IF assessment (2014) has a broader approach including settlements, routes and viewpoints supported by inter-visibility mapping. This enabled an assessment of the visual sensitivity of each LCT or sub area. Landscape Value for each LCT or sub area was also systematically assessed.
- 8.30 The Cateran Trail passes close to the application site which is on a hilltop along the northern edge of Strathmore and widely visible from the Cairngorms National Park. Accordingly, visual sensitivity and landscape value are considered to both be high, which accords with the IF assessment (2014). Whilst it is acknowledged that the Cairngorms National Park Authority has not objected to the proposal, concern has been raised relating to the encircling of the Cairngorms National Park by wind farm development.
- 8.31 The ES places a level of reliance upon the existing presence of turbines within LCT3 as a landscape element, thus leading to a reduction in landscape character sensitivity to more turbines. It has conventionally been the case that wind turbines are viewed as temporary structures in the landscape albeit that they are sited for a long term (typically > 25 years with potential for repowering). The SPP does however state that wind farm sites should be suitable in perpetuity. An approach that relies on the existing presence of turbines underplays the base landscape capacity as assessed within SLCAWEA. It therefore logically follows that existing turbines could theoretically increase sensitivity to further turbines.
- 8.32 SNH has published *“Siting and Design of Wind Farms in the Landscape”* (updated May 2014). Paragraph 3.33 advises:
- “A key design objective will be finding an appropriate scale for the wind farm that is in keeping with that of the landscape. The wind farm should be:*
- *of minor vertical scale in relation to the key features of the landscape (typically less than one third);*
 - *of minor horizontal scale in relation to the key features of the landscape (where the wind farm is surrounded by a much larger proportion of open space than occupied by the development);*
 - *of minor size compared to other key features and foci within the landscape; or separated from these by a sufficiently large area of open space (either horizontally or vertically) so that direct scale comparison does not occur.”*
- From viewpoints within the ES the landform would be the equivalent number of turbine heights as follows (where views have enabled size comparison):
- Less than one turbine height: VP2 (perceived full turbine height);
 - One to two turbine heights: VP4, 5, 8 (perceived full turbine height), 10 (perceived full turbine height), 11, 25;
 - Two to three turbine heights: VP7 (perceived full turbine height), 12, 15, 16, 18, 19, 20;
 - Three or more turbine heights: None
- 8.33 From Strathmore and the Sidlaws the landform is typically between two to three times turbine heights. From other viewpoints within the Glen Isla area the landform would typically range from less than one to two times turbine heights. Neither meets the first of the bullet points

within the SNH guidance. More locally, the large turbines would commonly be viewed in comparison with smaller scale features in the landscape including trees, houses and farm buildings, particularly from around Kilry. This causes tension with the third bullet in the SNH guidance. It is therefore concluded that the proposed turbines would, by virtue of their size and hilltop position, adversely affect the perceived scale of the landscape and would have a diminishing effect on the perceived scale of the hills. This would typically be beyond any such effects which currently arise from Drumderg.

- 8.34 The ES indicates that the proposal would have significant effects upon landscape character type LCT3 although it is suggested that this would be in relation to a limited area. However, it also recognises significant effects upon landscape character areas beyond that LCT and predicts significant impacts for LCT1b Mid Highland Glens (Glen Isla). The ES suggests that this would be localised to the area around Kilry. Perceptual effects do however extend beyond areas where the proposed development would be most visible and/ or prominent, particularly for travellers within the glen.
- 8.35 The size, number and hilltop location of the proposed wind turbines would lead to landscape effects over a greater distance than would have occurred with smaller turbines or a site on lower ground. Again, the ES opinion that significant landscape effects would not extend beyond 2km from the site is not supported. Given the above, this is considered an under-assessment of likely effect. It is considered that turbines of the proposed size at the proposed location would be beyond the underlying landscape capacity and would adversely affect the perception of landscape scale. The site, on a hilltop at the edge of Strathmore, together with the size of the turbines would be highly prominent. The proposal is considered to be contrary to policy ER5 and ER34 of the local plan in that the site selected would not be capable of absorbing the proposed development to ensure that it fits into the landscape. The proposal would have adverse impacts in respect of landscape character, setting within the immediate and wider landscape, and sensitive viewpoints.

Visual Impact

- 8.36 Policy S6 of the Angus Local Plan Review requires that proposals should not give rise to unacceptable visual impacts. Policy ER34 of the local plan also indicates that renewable energy development will be assessed on the basis of no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints. The submitted ES is supported by a Landscape and Visual Impact Assessment (LIVA). Within the LIVA, the proposed turbines are sometimes difficult to see on a number of the submitted visualisations and the photomontages therefore do not always provide a good impression of the levels of visibility or prominence of the proposed turbines in views. Some of the more distant photography has been taken when visibility was poor. These visualisations have therefore relied upon wirelines. Notwithstanding this, sufficient information has been provided to enable an assessment of the visual impacts of the proposals to be undertaken.
- 8.37 As shown on the Zone of Theoretical Visibility assessments (ZTVs) within the ES, the location on a hilltop on the edge of Strathmore inevitably leads to the proposed wind farm being widely visible from Strathmore; the Sidlaw hills to the south from viewpoints and hilltops to the west, north and north-east both within and out with the Cairngorms National Park. As previously mentioned, the CNPA has expressed concern regarding the encircling of the national park with wind farms which will inevitably have a visual impact from within the park. Theoretical visibility extends from Perth and Dunkeld to the south-west and north-east of Forfar.
- 8.38 In addition, its proposed location overlooking Glen Isla would lead to the wind farm being visible from much of the Glen. The road network within Glen Isla does not always follow the lower ground within the glen. Public roads often cross shoulders of higher ground slightly deviating from the topographic pattern of the glen. Similarly, the elevation of the glen floor rises naturally towards the north. Both of these factors lead to a repeating pattern of vantage points from where views of the wind farm would occur.
- 8.39 The ES assesses visual effects from 27 viewpoints. The assessment of sensitivity within the ES is generally considered reasonable although the assessment of magnitude is more conservative. This is in part due to the calibration of the threshold definitions which, for example, would assess a prominent change as being only medium. It is notable that only one viewpoint (according to the ES) would experience a high magnitude of effects. In the ES, hilltop viewpoints are typically predicted to experience low magnitude of effects. In other

methodologies, full visibility from a hilltop as close as 6-7km would likely be considered at least of medium magnitude. Similarly, other viewpoints are also considered to be under-assessed. As a result, it is considered that the ES under-predicts the magnitude of effects overall, which, in turn, has led to a typical under-assessment of significance.

- 8.40 The proposed wind farm would be a prominent feature from hilltops and higher ground north of Strathmore, both within and out with the National Park and that these effects would be significant. This would include parts of the Cateran Trail.
- 8.41 The size of the turbines and their proposed location on a prominent hilltop on the edge of Strathmore inevitably leads to the proposed wind farm being widely visible from Strathmore and the Sidlaws to the south. Whilst magnitude and significance would reduce with distance, the typical skyline location would likely increase the extent of significant effects.
- 8.42 Similarly, viewpoints within Glen Isla are considered to substantively under-assess magnitude. These viewpoints are from less than 1km to slightly more than 8km from the wind farm. Given the size of the turbines; their position on higher ground overlooking the glen; the often corridor nature of views; and their proximity, it is considered that they would typically be significant in views and would dominate the scattered settlement of Kilry; its environs and approaches.
- 8.43 The wind farm would drape across the top of Black Hill with turbines proposed on either side of the hill and at different elevations. This would mean that the wind farm would often typically not be viewed as a coherent arrangement, with turbines commonly stacked above and behind each other, often with turbines both in front of the hill and behind it. This would create a cluttered and sometimes confusing image with turbines overlapping at different heights and the blade tips of other turbines protruding from behind the hill. (VP1, 3, 5, 11, 12, 18)
- 8.44 The ES includes a Visual Assessment of Views from Residential Properties. The assessment includes some 75 houses and other unoccupied houses. These are supported by wirelines.
- 8.45 Overall, the ES predicts significant effects on 24 houses of which only 10 would be predicted to have a “new” significant effect in addition to the baseline of other existing, consented and application wind farms. As explained below, it is considered that the assessment of magnitude of effects is conservative and therefore it is likely that significant effects would be greater than predicted in the ES
- 8.46 According to the ES, the most affected houses are predicted to be around Kilry to the east and south-east of the proposed wind farm, with the 3 houses at Drumhead predicted to be the most affected (ES houses 2, 3 & 4). The proposed turbines would be 1,390m from the closest of these houses. The theoretical arc of view would however be between 48 and 53 degrees for these properties. This together with the higher ground location (at an elevation of up to around 150m higher than the houses) would lead to the proposed windfarm (regardless of Drumderg) becoming a dominating feature close to the houses, their gardens and approaches. The wind farm would have an unavoidable perceptual and visual presence. Whilst the turbines would be most fully visible from houses 2 and 3, house 4 would have the least obstructed views towards the turbines.
- 8.47 To the east of Drumhead, the houses are typically on lower ground, resulting in varying levels of screening due to intervening topography. For example, houses at Whinloans and Little Kilry (houses 5 and 6) are predicted to have views of blades and a small number of hubs. The proposed wind farm would be 2,350m and 2,200m from these houses respectively (19 times turbine height). The turbines would however be sited on substantially higher ground relative to houses within the glen. It is also considered that for Whinloans, the magnitude (assessed in the ES as low) is somewhat under-assessed, with an over-reliance on garden screening in the assessment. The house has views in the direction of the wind farm and the garden boundary being a stone dyke with widely spaced mature trees with views towards the proposed turbines underneath their canopies. Views in the direction from the rear garden are more open.
- 8.48 Houses at Loanhead & Loanhead of Kilry (houses 12-15) would have views towards the proposed wind farm partially obstructed by intervening topography. The turbines would be around 2.5km from the houses. Some of the turbines would be almost hidden behind landform, or with blades visible only. Some of the turbines would be almost fully visible. Magnitude is assessed within the ES as being low or low to medium in one case, due to

screening from intervening vegetation. Despite garden trees and shrubs, views towards Black Hill are a feature of these properties and their environs. The role of the vegetation in mitigating effects is considered overly optimistic and consequently, it is considered that magnitude has been under-assessed.

- 8.49 South and south-east of Burnside and West Derry screening from intervening convex topography becomes less common, often with only the bottom sections of some turbines being screened in this way. This also includes houses around Bridge of Glenisla and on the rising ground to the east of the River Isla overlooking Kilry and towards the hills upon which the proposed wind farm would be located. Whilst the turbines would further away than from those houses referred to above, they would however experience views of most of the turbines on the skyline above the scattered village. The assessment within the ES does not consider views from first floor windows; land within curtilage but outwith gardens and the approaches to houses. This coupled with a sometimes over-emphasis on the screening properties of intervening vegetation has in some cases led to an under-assessment of magnitude. An illustration of this is Knockmist (house 65) which has panoramic views in the direction of the development broken by scattered trees. Knockmist is assessed likely to experience effects of low magnitude. This is considered to be an under-assessment. A low hedge at The Faulds (house 54) has led to a similar under-assessment. The proposed wind farm would commonly be a prominent feature on the skyline from houses in this area, many of which currently do not have views of Drumderg. Black Hill is commonly part of views around Kilry. The view from Kilry village hall (VP4) is representative of the general level of visibility within the village.
- 8.50 Overall, there is considered to be an under-assessment of magnitude of effects experienced by houses resulting from an over reliance on the ability of trees, shrubs and hedges to mitigate effects; an over-emphasis upon oblique views of the turbines reducing magnitude; and a lack of consideration of the environs, approaches and setting of houses.
- 8.51 Criterion (b) of ALPR policy ER34 refers to unacceptable visual impacts in relation to sensitive viewpoints. Criterion (b) of Schedule 1 of Policy S6 also requires that proposals should not give rise to unacceptable visual impact. Given the size of the turbines; their position on higher ground overlooking the glen; the often corridor nature of views; and their proximity, it is considered that they would typically be significant in views and would dominate the village of Kilry; its environs and approaches. There is considered to be an under-assessment of magnitude of effects experienced by houses. One final consideration in respect of visual impact is the impact of the development at night time. It is noted that the Ministry of Defence (MoD) in their consultation response have not objected to the proposal but have requested that in the interest of air safety, the development should be fitted with aviation lighting. MoD request that all turbines be fitted with red lighting or infra-red lighting with a flash pattern of 60 flashes per minute. While infra-red lighting would not pose an issue, omni-directional red lighting would potentially represent a significant impact visually on the night time environment within and around Glen Isla that would contribute to making the development an inescapable presence for those most affected. This matter could however potentially be addressed with a planning condition. Notwithstanding this, for the reasons detailed above it is considered that the development would give rise to adverse visual impacts on the occupants of the residential properties in and around the scattered village of Kilry and within Glen Isla and other sensitive receptors in the general area. Given the nature of the proposal, it is not considered that there are any means of mitigating this impact. The proposal is therefore considered to be contrary to Policy ER34 as well as Criterion (b) of Policy S6.

Cumulative Landscape and Visual Impacts

- 8.52 Development plan policy requires consideration of cumulative landscape and visual impact associated with wind turbine development. The Strategic Landscape Capacity Assessment for Wind Energy in Angus indicates that the existing wind energy landscape type is Highland Summits and Plateaux with wind turbines but it further indicates that there is no capacity for further wind turbines. It indicates that the future wind energy landscape type should remain Highland Summits and Plateaux with wind turbines.
- 8.53 The ES considers that within 1km of the proposed development, the typology would become "wind farm landscape". That exceeds the capacity identified in the Strategic Landscape Capacity Assessment. Beyond 1km, the ES considers that a typology of "landscape with wind farms" (landscape with wind turbines) would be created. The proposed development would occupy a prominent hilltop adjacent to Glen Isla, and by virtue of the size, number and hilltop location of the proposed turbines would have a significant effect upon landscape character.

This view is shared by SNH who have stated that cumulative landscape and visual impacts are central to their advice for this application. SNH are of the view that in combination with existing Drumderg and consented Tullymurdoch sites, Saddle Hill would extend the footprint and further concentrate wind energy development in the hills between Glen Shee and Glen Isla (Mounth Highlands: Forest of Alyth LCT). Wind turbines would be a key characteristic of this 'landscape with wind farms'. The proposed development, particularly combined with Drumderg (operational) Tullymurdoch (consented) and Welton of Creuchies (consented) would result in cumulative development beyond the underlying landscape capacity.

- 8.54 There is a single 45m turbine at Wester Derry above Kilry on the northern slopes of Balduff Hill. The modest sized turbine is sometimes viewed "in combination" with Drumderg but the separation between the two help reduce scale confusion. The proposed wind farm would be significantly closer to the Wester Derry turbine and would more commonly be viewed "in-combination" with the proposed wind farm leading to localised scale confusion.
- 8.55 Some of the viewpoint wireframes and photomontages indicate stacking or layering of wind farms (operational and consented along with the proposed wind farm) and the creation of substantial horizontal arrays of wind turbines introducing significant clutter in views. These effects are more widespread from hill top viewpoints, but are also evident from Strathmore. From VP3, the proposed wind farm would almost fill the visual gap between Drumderg and Tullymurdoch creating a combined wind farm arc of around 70 degrees. From VP5, the proposed wind farm would similarly extend the wind farm arc to around 45 degrees. From VP6, the proposed wind farm would again fill the gap between Drumderg and Tullymurdoch creating a wind farm arc of around 45 degrees. From VP7 the proposed wind farm would augment a continuous wind farm arc of around 35 degrees. From VP11 &16, the almost continuous arc would be around 30 degrees.
- 8.56 Cumulative wirelines (from viewpoints and houses) demonstrate that the proposed wind farm would commonly be seen "in-combination," "in-succession," and "in-sequence" with Drumderg (operational) and Tullymurdoch (consented) from the part of Glen Isla around Kilry, west of Bridgend of Lintrathen and in particular west of Knock of Formal (VP5). Together they would, by virtue of their size; proximity; dominating high ground position; and their combined horizontal extent, visually dominate that part of the glen. Whilst some parts of each of the developments are sometimes behind landform, from some parts of the area, the three wind farms together would typically ensure that wind turbines would always dominate views and would become unavoidable. This would represent a major cumulative visual effect.
- 8.57 This view is shared by SNH who have advised that in terms of visual impacts good siting and design is critical to getting good development in the right place. SNH highlight that their guidance states that:

'A key factor determining the cumulative effect of wind farms is the distinct identity of each group.... A wind farm if located close to another and of similar design, may appear as an extension; however if it appears at least slightly separate and of different design, it may conflict with the other development. In these cases, and if a landscape is unable to accommodate the scale of combined development, wind farm groups should appear clearly separate'

SNH notes that the consented wind farm at Tullymurdoch, if constructed would maintain the integrity of the simple design of the operational Drumderg wind farm despite being closely related. These developments are identified as 'baseline schemes'. SNH notes that including the proposed development, all three schemes would be seen together in various combinations which from some viewpoints would appear as a confusing and complex image where two or three wind farms overlap or join together incoherently. It is the view of SNH that the complex combination of views would result in significant adverse cumulative visual impact for walkers on the high summits of the mountains to the north of Strathmore, users of the Catevan Trail and residents and visitors to the south of the Highland boundary fault due to the increased horizontal spread and changing combination of wind turbines in views. SNH indicates that it considers the addition of the proposed development to be in conflict with the established pattern of wind farm development in the area.

- 8.58 In relation to houses, the ES predicts that 14 houses would experience significant cumulative effects. These are houses which already have views of existing or consented wind farms (typically Drumderg) and would also have views of the proposed development.

- 8.59 As discussed above, houses 2, 3 & 4 at Drumhead would experience significant effects as a result of the proposed wind farm alone. However these three houses typically have views of Drumderg (existing) and Tullymurdoch (consented). Each of the three houses would have a theoretical cumulative arc of view (AOV) of 120 degrees. Together, the approved and operational development in the area along with the proposed development would have an overwhelming presence at Drumhead.
- 8.60 The existing Drumderg wind farm is sometimes visible from houses around Kilry. Being slightly further away from the houses, it is typically less prominent when compared to the proposed wind farm. It would nevertheless result in cumulative effects typically increasing the horizontal spread and in some cases the overlapping and stacking of turbines in views from houses.
- 8.61 Panoramic cumulative views are typically experienced from houses on higher ground east of River Isla. It is considered that these cumulative effects have in some cases been under-assessed. Middleton Farm Cottages for example (houses 31-35) are assessed in the ES as likely to experience medium magnitude for the proposed wind farm. The wind farm, when considered alongside Drumderg and Tullymurdoch, would add to the horizontal wind farm spread along the skyline, beyond the wireline. It would therefore be reasonable to presume that the cumulative effect would be greater than for a single wind farm. Contrary to the assessment within the ES it is considered that the cumulative effect would be substantial. Knockmist (house 65) which would experience similar views is also considered to be under-assessed.
- 8.62 Taking account of the information contained within the ES and undertaking my own assessment, I consider that the cumulative landscape and visual impacts associated with this development in combination with other developments both operational and consented in the area would be significant and adverse. The proposed development, particularly with Drumderg (operational) Tullymurdoch (consented) and Welton of Creuchies (consented) would effectively extend both wind turbine landscape and landscape with wind turbines typologies north-eastwards into Glen Isla. It is considered that both typologies are beyond the underlying landscape capacity given that the Strategic Landscape Capacity Assessment for Wind Energy indicates that the Highland Summits and Plateaux landscape character type has no underlying capacity for wind turbines of any size. The proposed wind farm would often be viewed "in combination" with Drumderg, Tullymurdoch and Welton of Creuchies often creating a substantial arc of view occupied by wind turbines, particularly from higher viewpoints but not exclusively so. Similarly, many houses locally would also experience unacceptable cumulative visual impacts.

Effect on Residential Amenity (including noise and shadow flicker)

- 8.63 Criterion (a) of ALPR policy ER34 requires the siting and appearance of renewable energy apparatus to be chosen to minimise its impact on amenity, while respecting operational efficiency. Criterion (c) of ALPR policy ER35 indicates wind energy developments must have no unacceptable detrimental effect on residential amenity, existing land uses or road safety by reason of shadow flicker, noise or reflected light. Criterion (a) of Schedule 1 of Policy S6 indicates that the amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic. Policy ER11 deals specifically with noise pollution.
- 8.64 SPP recognises that the potential impact of wind farm development on the amenity of the nearby residents and communities is a material consideration in the determination of planning applications. Issues such as noise and shadow flicker can all affect residential amenity and should be taken into account in determining planning applications.
- 8.65 PAN 1/2011: Planning and Noise indicates there are two sources of noise from wind turbines - the mechanical noise from the turbines and the aerodynamic noise from the blades. Mechanical noise is related to engineering design. Aerodynamic noise varies with rotor design and wind speed, and is generally greatest at low speeds. Good acoustical design and siting of turbines is essential to minimise the potential to generate noise. The Scottish Government's Specific Advice Sheet for onshore wind turbines confirms that proposals should be considered against 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97).

- 8.66 As discussed above, it is considered that the development would have an unacceptable visual impact on the occupiers of several residential properties, within the 2km study area identified in the ES. For the avoidance of doubt, I consider that for those reasons the amenity of the properties identified would be adversely and unacceptably affected by the wind farm development proposed.
- 8.67 Other potential impacts on residential amenity are covered in criterion (c) of policy ER35. In this respect the submitted ES contains a Noise Assessment, which has been supplemented with additional data and studies. Supplementary Environmental information (SEI) has also been submitted in respect of noise impacts. This information has been reviewed by the Council's Environmental Health officers who have indicated that subject to appropriate conditions and mitigation, operational wind turbine noise could be controlled within recognised noise limits.
- 8.68 Government guidance indicates that shadow flicker should not be an issue where sufficient separation distances are provided between turbines and nearby dwellings (as a general rule 10 rotor diameters). The ES identifies that no properties are located within 10 rotor diameters (900m) of any turbine and no significant impact is predicted which is considered reasonable. The Environmental Health has no concerns with this assessment and considers that any matters that could arise could be addressed through the use of a planning condition relating to the mitigation of shadow flicker.
- 8.69 In respect of private water supplies, both SEPA and Environmental Health Officers initially highlighted that there is insufficient information submitted to reach the conclusion that all of the supplies in the area have been assessed. Following the submission of Supplementary Environmental Information (SEI) by the applicant, Environmental Health are satisfied that any impact on private water supplies can be mitigated and controlled by planning conditions. SEPA indicate that they have no comment to make in respect of PWS as the sources for the private water supplies are outwith their recommended buffer zones.
- 8.70 Criterion (a) of policy ER34 requires the siting and appearance of renewable energy apparatus to be chosen to minimise its impact on amenity, while respecting the need for operational efficiency. Appeal decisions in the Angus area have however confirmed that the reference to siting also related to the location of the proposed development. These decisions indicated that there was no persuasive case that, as a general proposition, maximising power output from any given site ought to be the overriding consideration. Rather, it is a question of seeking an acceptable balance between "harvesting" the available wind resource and landscape and visual impact of the necessary generating apparatus.
- 8.71 In this instance, I find that the development would have a detrimental effect on residential amenity due to visual impact as discussed earlier in this report.

Impact on Natural Heritage

- 8.72 The Development Plan framework provides a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. It also indicates that the Local Biodiversity Action Plans will constitute material considerations in determining development proposals. Policy ER35 specifically requires that proposals should demonstrate that there is no unacceptable interference to birds. Policy ER4 requires safeguarding of habitats protected under British or European law or other valuable habitats and species.
- 8.73 SPP indicates, amongst other things that the importance of complying with international and national conservation obligations must be recognised e.g. the potential impact on bird populations at proposed sites near roosting and feeding areas and on migration pathways requires careful assessment. Planning guidance produced by Scottish Natural Heritage (SNH) indicates that experience suggests that many bird species and their habitats are unaffected by wind turbine developments and the impact of an appropriately designed and located wind farm on the local bird life should, in many cases, be minimal. To date, the most common concern has been the risk of 'bird strike' i.e. birds flying through the area swept by the blades and being hit, causing injury or death. This will depend on a number of considerations such as, the particular species and numbers, the nature of the bird flight and any relevant seasonal patterns. The risk of disturbance to bird species during construction and operation of the wind farm is also an important consideration. For some species this is of greater potential significance than collision mortality.

- 8.74 Chapter 5 the ES relates to ecology while chapter 6 relates to ornithology. Studies undertaken by the applicant as part of the Ecological Impact Assessment include an Extended Phase 1 Habitat Survey and National Vegetation Classification Survey; a Protected Species Survey and a Bat Survey. In respect of ornithology, between April 2010 and September 2013 various Vantage Point Surveys were undertaken as well as Breeding Bird Surveys; Breeding Raptor Surveys; Black Grouse Surveys and a Winter Walkover Survey. The ES indicates that no significant effects are predicted on any plant communities of high nature conservation value and that no significant effects are predicted on any animal species of high nature conservation value or any legally protected animal species. In respect of ornithological interests, the ES concludes that while the development may result in some residual habitat loss and displacement around the wind farm infrastructure, there will not be significant impacts on ornithology as a result of the development subject to identified mitigation. The site holds no statutory or non-statutory nature conservation designations.
- 8.75 The ES highlights that Dun Moss and Forest of Alyth Mires Special Area of Conservation (SAC) and its constituent Sites of Special Scientific Interest (SSSI) lie around 700m west of the site while the River Tay SAC is located around 4.8 km from the site. Other designated areas of note within the search area are Forest of Clunie Special Protection Area (SPA) and Loch of Lintrathen and Loch of Kinnordy SPAs and SSSIs and the River Tay SAC. The ES predicts that no significant effects on any statutory designation would occur as a result of the development.
- 8.76 It is noted that third parties have raised detailed concern regarding potential ecological impacts that could arise from the proposed development including detailed protected species reports. SNH, SEPA and RSPB have all been consulted on the proposal and none have raised an objection or identified any significant issues that they consider could not be overcome by conditions or mitigation. It is indicated that concerns highlighted could be addressed by ensuring mitigation through planning conditions, which would amongst other matters, ensure that the mitigation measures identified in the ES are implemented. Having regard to these responses and all of the environmental information available, I conclude that the proposed development would not, subject to the recommended mitigation measures and conditions, give rise to any unacceptable impacts on natural heritage interests. Overall I am satisfied that the scheme could, subject to appropriate planning conditions, comply with criterion (b) of Policy ER35 and Policy ER4.

Impact on Cultural Heritage

- 8.77 The development plan provides a number of policies that seek to safeguard cultural heritage. These include TAYplan Policy 3 and policies ER12, ER16, ER18, ER19 and ER20 of the Angus Local Plan Review. In addition, policy ER34 in the ALPR requires proposals relating to renewable energy development to have no unacceptable detrimental effect on any sites designated for natural heritage, scientific, historic or archaeological reasons.
- 8.78 Chapter 9 of the ES addresses cultural heritage and archaeology issues, and refers to policy considerations. The ES identifies that an assessment of impacts on cultural heritage has involved a desk study of designations and records and field surveys of two study areas comprising an inner study area that takes in the land within the planning application boundary, an area of woodland to the north of the site plus a corridor 100m wide centred on the proposed access. The outer study area extends to 20 km from the proposed turbines. This distance is indicated as the maximum extent of potentially significant effects on the setting of heritage assets. A viewpoint and wireline analysis was also undertaken. This data is used to describe the location, nature and extent of any known or potential assets, provide an assessment of the importance of the assets, assess the likely scale of any impacts, outline suitable mitigation and provide an assessment of residual effects.
- 8.79 In terms of impacts on Scheduled Ancient Monuments (SAMs), the ES attributes a high sensitivity. The statement identifies that there are two SAMs within the inner study area – Redlatches Settlement and Field System (HA4) which is approximately 2km north of the nearest turbine, albeit set within an area of plantation woodland. The other SAM Craighead Settlement and Field System (HA10) lies within the Perth and Kinross administrative boundary. 13 SAMs are located within 5km and the ES states that there were no SAMs outwith 5km of the site that met the criteria for inclusion in the assessment. The ES indicates that the magnitude of change at Redlatches SAM would be negligible, which would equate to a minor significance of impact. In respect of this SAM, the ES indicates that the SAM is

preserved in a small clearing within plantation forestry and that the setting of the settlement are limited to the local topography and features. Wider views are considered in the ES to be of marginal relevance.

- 8.80 Historic Scotland (Now Historic Environment Scotland) were consulted on the proposal and while they did not object due to their assessment that for each historical asset identified, the effect of the development was not so adverse as to raise issues of national significance; they did conclude that the development would have a significant adverse impact on some heritage assets. Redlatches, settlement and field system 1900m SSE of (index no. 4640) and Redlatches, settlement and field system 1900m S of (Index no. 4673) are both referred to in this respect. In respect of Redlatches 4640, HES indicate that The proposed wind farm will intrude into the immediate setting of the settlement and in particular the most north-eastern of the turbines (T13 and T14) which will appear as a dominant feature on the eastern slope of Black Hill. The other remaining three turbines on Black Hill would impact upon the setting of this monument but to a slightly lesser extent (see VP CH5; Figure 9.8). In respect of Redlatches 4673, HES consider that the northern most two turbines (T13 and T14), in particular (those on Black Hill) would appear to almost full height to the south of the monument. These two turbines may frame the clearing and have the potential to become dominant elements in the landscape (see VP CH6; Figure 9.9). Similar comments are made in respect of the SAM at Carraighead within PKC. Based on the information presented with the application HES assess that magnitude of impact on the above monuments would be high and that there will be a significant adverse impact upon their setting. HES further state that mitigation of these impacts would require the removal or re-siting of turbines T2/3 and T13/14. No such mitigation is available within the scope of the current application. While the comments in respect of turbines T2/3 are for PKC to consider, in respect of turbines T13/14 it is clear that the assessment of magnitude of change and impact upon the setting of the Redlatches SAMs has been down played in the ES and that the development would result in adverse impacts on the setting of nationally important archaeology. On that basis, the proposal is considered to be in conflict with the provisions of Policies ER18 and ER34 in ALPR and Policy 3 in TAYplan.
- 8.81 As indicated, there are a number of other sites of archaeological interest located in the wider study area. In relation to the other identified SAMs, Historic Environment Scotland has not raised any concern and does not object to the proposal on these grounds. Aberdeenshire Council's Archaeology Service has not objected to the proposal on the basis of unscheduled archaeology sites and has confirmed that the approach outlined in the ES for mitigation in relation to unscheduled archaeology within the Angus Council part of the site is acceptable. This is conditional however on the undertaking of a programme of archaeological works and a suspensive condition has been suggested in that respect which it would be considered appropriate to attach to any planning permission should Members be minded to grant planning permission.
- 8.82 There are 14 Category B listed buildings and no Category A Listed Buildings that could potentially be affected by the proposed development within a 5 km radius. Balintore Castle (Category A Listed) lies around 8.5 km to the north east however the submitted ZTV shows no theoretical visibility from the asset. It is considered that the assessment of these buildings in the ES, and the resultant significance of effect that would arise from the proposed development, is accurate. As such the impact on these building is not considered to be significant and, as a result the assessment in respect of listed buildings is acceptable.
- 8.83 There are two Garden and Designed Landscapes (GDL) within 10 km of the site that could potentially be affected by the proposal. Craighall of Rattray lies within the PKC area and the effects of the proposal on the asset would be for PKC to consider. Airlie Castle lies within the Angus Council administrative area. It is considered that the assessment of the effect of the development on the GDL in the ES, and the resultant significance of effect that would arise from the proposed development, is accurate. As such the impact on the GDL is not considered to be significant and is, as a result, acceptable.
- 8.84 Overall it is considered that while the effects of the development proposal on non-scheduled archaeology, listed buildings and their settings and GDL in the Angus Area are not unacceptable, the potential impacts on two SAMs within the Angus area, notably Redlatches, settlement and field system 1900m SSE of (index no. 4640) and Redlatches, settlement and field system 1900m S of (Index no. 4673) would be high impact resulting in significant and adverse effects on their settings. The proposal therefore does not comply with the provisions of Policies ER18 and ER34 in ALPR and Policy 3 in TAYplan.

Socio-economic Impacts

- 8.85 Policy ER30 of the Angus Local Plan Review identifies criteria against which proposals affecting agricultural land and farm units will be considered. These seek to resist irreversible use of prime quality agricultural land and protect the viability of farm units. Policy SC31 seeks to protect open space of recreational, sporting and amenity value. Policies of both the TAYplan and Angus Local Plan Review provide support for appropriate tourism development.
- 8.86 SPP indicates, amongst other things, that tourism and recreation, support local economies and to varying degrees such activities depend on the quality of the environment, in particular the landscape. This does not mean that renewable energy developments are incompatible with tourism and recreation interests. Sensitive siting can successfully minimise adverse impacts, particularly visual impacts, but it is unrealistic to expect such developments to have no effect at all. Opinions are divided as to whether some renewable energy developments and infrastructure developments, such as wind farms, reservoirs or hydro schemes, may themselves be of interest to tourists and the extent to which their existence can be compatible with recreational pursuits such as hill walking. SPP recognises that tourism is a well established and valuable contributor to the rural economy and to the prosperity of many towns and villages in rural Scotland. It is mainly associated with Scotland's natural and scenic and cultural heritage. It is therefore important that the role of tourism in the rural economy and the assets on which it is based should be reconciled with the need to promote renewable energy generation.
- 8.87 The majority of the application site incorporates land with a fairly low agricultural capability (Classes 5.2 and 5.3: Land Capable of Supporting Improved Grassland- Non-Prime) and land currently in plantation forestry use and the actual land-take required to facilitate the development is comparatively small. Consequently, this would not prevent the undertaking of agricultural or indeed, forestry activity on and around the site in future; albeit that any potential agricultural activity would be fairly low grade.
- 8.88 Turning to recreation interests the proposal has the potential to affect those enjoying the area for its recreational attributes. Those who are mostly likely to be affected are walkers on local footpaths and rights of way, riders, cyclists, hill walkers, anglers, shooters and visitors travelling to the attractions in Strathmore and the Angus and Perthshire Glens. The most direct affect on such interests would be as a consequence of visual impact. The supporting ES suggests that improved access could be a benefit of the development as a result of track formation affording greater access to the Cateran Trail and Hill Track 184.
- 8.89 As discussed earlier, a 2011 VisitScotland consumer research paper suggests that up to 20% of visitors could be deterred from return visits to a place by the presence of a wind farm. However I have no definitive evidence to suggest that such impact would reduce visitor numbers or participation in recreational activities to an extent that would impact on the economy of the area as a direct result of the proposed development.
- 8.90 The concerns raised by objectors regarding the potential impact of the development on the tourist industry are however noted and I agree that if visitor numbers were to fall locally by 20% as a result of the development as suggested in VisitScotland research, this would represent a significant negative impact. Whilst there have been a number of surveys undertaken to assess the impact of wind farm development on the tourist industry there does not appear to be definitive information on the impact of existing developments. The possibility of impact cannot be discounted, in that some visitors might be deterred from making return visits to holiday accommodation in the vicinity of the site because of the presence of the wind farm. It is indicated in the ES that some additional demand would be created during the construction period with a small amount of regular demand during the operational phase however such demand would be fairly minimal in the long term when balanced against the prospect of the potential for visitor numbers to drop by as much as 20% in an sector which is identified in Angus as having growth potential.
- 8.91 I recognise that the construction of a wind farm would potentially generate other employment opportunities in the area however these would be subject to local businesses successfully competing within a very specialised sector. In the current economic climate this can be an important consideration however there are no guarantees that any significant local employment opportunity will be generated by the development. However, in this case, I do not consider that the prospect of employment opportunity whether guaranteed or otherwise

overrides my concerns in relation to the overall impact of the development on landscape character and visual amenity.

Other development plan considerations

- 8.92 In terms of impacts on aviation, Dundee Airport, NERL, the CAA and the MoD have been consulted on the proposal and all have raised no objection. The MoD has requested a planning conditions, relating to the requirement for aviation lighting being fitted to each turbine. There is also be a requirement to ensure that the turbines are accurately plotted on aviation maps. Subject to the imposition of planning conditions, I consider that there are no reasons to conclude that the proposal would adversely affect authorised aircraft activity. On the basis of the proposed conditions the application would not interfere with aircraft activity and would comply with Policy ER35.
- 8.93 The ES indicates that the grid connection for the development has not been finalised although it is currently expected that the grid connection point would be at Coupar Angus and a proposed cable route is indicated in the ES (Volume 3, Figure 2.15). This matter would require further investigation with the local Distribution Network Operator; Scottish and Southern Energy (SSE). It is anticipated that wooden pole mounted overhead lines would be used beyond the site boundary. The cable route runs exclusively within the PKC administrative boundary. All cables within the site would be undergrounded. The grid connection would require consent from Scottish Government under Section 37 of the Electricity Act and as such all matters relating to the connection would be controlled through that process. At this stage there are no unacceptable environmental impacts within the Angus administrative boundary anticipated to arise from this connection. SSE were consulted on the application and confirmed that at the time of consultation, there was sufficient capacity at Coupar Angus to allow the development to connect.
- 8.94 In terms of transportation and access, no evidence has been presented to suggest that the arrangements for construction and maintenance traffic would compromise road safety or cause unacceptable and significant environmental or landscape change. The applicant provided documentation within the ES to support the proposed arrangements. Angus Council Roads has offered no objection to the proposal, subject to planning conditions requiring the approval of a Construction Traffic Management and Routing Plan and the timing of the construction of an appropriate verge crossing at the site access. This would allow agreement with the Local Roads Authority over the detail of accessing the site and any mitigation required to allow safe access, without damage to the surrounding area. Transport Scotland (TS) were also consulted on the application in respect of traffic movements on the Trunk Roads Network as the equipment would be landed at the Port of Rosyth and transported to the site via the A985 (T), the M90 (T) before connecting to the local roads network. TS find the submitted assessment in the ES to be acceptable and agree that the route on the trunk road is viable for the transportation of abnormal loads. TS have however requested that conditions be attached to any planning permission granted requiring further agreement of routes for abnormal loads and signage and traffic control measures prior to the commencement of deliveries to the site.
- 8.95 No objections have been received from technical consultees regarding the impact of the development on any existing transmitting or receiving systems. I have no issues in this regard. Concern has been raised in representation in regard to impact on television reception and radio signals. It is understood that the advent of digital signals minimises such disruption but in any case I consider that these matters could be addressed by planning conditions.
- 8.96 Similarly I consider that a planning condition could be used to secure the restoration of the site at the end of the operational life of the development and for the provision of a restoration bond to cover the cost of the restoration.

Other material considerations

- 8.97 Scottish Government policy supports the provision of renewable energy development including wind farms. SPP confirms that planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.
- 8.98 The wind farm would contribute to meeting government targets and in this regard attracts some support from national policy and from the development plan. However, as discussed

above I consider that this proposal would result in a significant adverse landscape and visual impact and would be detrimental to the amenity of local residents. Whilst wind farms are necessary to meet government energy targets; and I accept that this is a location where the technology could operate efficiently, I do not however consider that the environmental impacts have; or can be satisfactorily addressed. Accordingly I do not consider that the proposal receives unqualified support from the SPP. I recognise the benefit of producing electricity by renewable means but do not consider that there is anything in government policy that suggests this should be at the expense of the amenity of those that live nearby unless there are very compelling reasons for the site selection. In this case I find no such reason. In the particular circumstances of this case, I do not consider that the environmental benefit of the production of renewable energy outweighs the very direct harm that this proposal would cause to the amenity of occupants of nearby residential property and other sensitive receptors or to the wider landscape. For this reason I do not consider that the meeting of generation targets justifies granting planning permission contrary to the provisions of the development plan.

- 8.99 The applicant has indicated an intention to provide a community contribution. The Angus Local Plan Review confirms that such contributions are 'separate from planning gain and will not be considered as part of any planning application'. SPP indicates that community trust funds associated with renewable energy developments should not be treated as a material planning consideration unless it meets the tests set out in relevant government guidance on the use of Planning Agreements. It is not considered that the community contribution proposed in this case would meet the tests set out in that guidance. As such the proposed contribution is not a material planning consideration that can be taken into account in the determination of this application.
- 8.100 Regard has been given to appeal decisions for other wind farm development proposals in Angus, at Mountboy by Montrose, Montreathmont Moor by Friockheim, Finavon Hill by Forfar, The Welton and Kinlune Hills, Kingoldrum and Nether Kelly, Arbroath. These decisions, in so far as they relate to assessment of the acceptability of landscape and visual impacts, have been taken into account. The judgments made by the Reporters in these respective appeal decisions have assisted in the assessment. On the basis of this assessment I conclude that the landscape and visual impacts are unacceptable.

Conclusion

- 8.101 In the above assessment regard has been given to the environmental information contained within the ES that relates to the application as well as having regard to all comments received from consultees. Consideration has also been given to all relevant representation, made both in support and in opposition to the proposed development, as well as having regard to relevant cases in appeal decisions that gave rise to similar issues.
- 8.102 It has been found that the proposed wind farm would comply with some of the relevant policies and criteria contained within the development plan. However, this must be balanced against the findings of the significant and adverse landscape, cumulative landscape and adverse impacts identified in respect on the visual amenity of residents within a close proximity to the proposed development and from significant viewpoints and recreational amenities. I find that these impacts are unacceptable and in this respect the proposal is considered to be contrary to the relevant objectives of development plan policy. Therefore, whilst it is accepted that the proposal would provide a contribution towards the Government energy targets, Government guidance on this matter confirms that renewable schemes should only be supported where technology can operate both efficiently and where environmental and cumulative impacts can be satisfactorily resolved. In this case the environmental impacts identified herein have not been satisfactorily addressed.
- 8.103 Accordingly it is considered that the proposed development is contrary to development plan policy. There are no material considerations that would justify approval of the application contrary to the provisions of the development plan.
- 8.104 As stated at paragraph 3.2 above the foregoing assessment is undertaken in respect of the parts of the proposed development that are located within the Angus Council administrative area only. Perth and Kinross Council are carrying out their own assessment of the six turbines and associated infrastructure that would be located within their administrative area separately.

- 8.105 This application is for a development that is contrary to policies of the development plan. Should the Committee determine to approve the application contrary to the development plan, reasons for doing so will require to be specified accordingly.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for refusal of this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the present recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that the application be refused for the following reasons.

Reasons:

1. *Reason: That the proposed wind turbine development would result in unacceptable adverse landscape impacts, including cumulative impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types. Accordingly the application is contrary to Policies 3 and 6 of TAYplan and Policies S1, ER5 and ER34 and ER35 of the Angus Local Plan Review.*
2. *Reason: That proposed wind turbine development would give rise to unacceptable visual impacts, including cumulative impacts on occupants of residential properties and on those using the wider area for recreational purposes. Accordingly the application is contrary to Policy 6 of TAYplan and Policies S1, S6, ER34 and ER35 of the Angus Local Plan Review.*
3. *Reason: That proposed wind turbine development would give rise to adverse impacts on the setting of Scheduled Ancient Monuments and there is no overriding public interest to allow the development in a form that would have such impact. Accordingly the application is contrary to Policies 3 and 6 of TAYplan and Policies ER18 and ER34 of the Angus Local Plan Review.*

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

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Date: 18 March 2016

APPENDIX 1 – NON TECHNICAL SUMMARY (NTS)

APPENDIX 2 – RELEVANT DEVELOPMENT PLAN POLICIES