

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 7 OCTOBER 2014

PLANNING APPLICATION - FIELD 500M SW OF COTTERTOWN KILRY

GRID REF: 322299 : 754118

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application 14/00461/FULL for ancillary works for an approved wind turbine (crane pad, hardstanding, sub-station building and temporary use of an existing borrow pit) in a field 500m south-west of Cottertown, Kilry ([Plan](#)). The application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

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

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

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

3. INTRODUCTION

3.1 The site is located approximately 500m to the south-west of Cottertown and approximately 900m to the south-west of the public road around Kilry. It is primarily hill grazing land and lies below Balduff Hill. The application site is not immediately visible from the closest part of the public road, but is visible at a distance from the northmost part of the Kilry road. The site lies relatively isolated on the hillside.

3.2 The application proposes the construction of a crane pad and hardstanding area, erection of a sub-station kiosk and temporary use of a borrow pit. The crane pad, hardstanding area and small building would be located around the approved site of the wind turbine whilst the borrow pit is located approximately 60m to the north. The applicant has stated that the crane pad and hardstanding would be formed from crushed stone material topped off with granular fill to provide a permeable surface. That material would be obtained from an existing borrow pit that has historically been used by the farmer as a source of material. It is indicated that the borrow pit would be 26m x 21m and up to 0.5m in depth for new extractions and approximately 430 tonnes of stone are likely to be required. Extraction would be by means of a mechanical digger over a period of approximately 4 days. The proposed sub-station would measure approximately 13sqm, and would reach a maximum height of approximately 2.7m. The external finishing materials would comprise a GRP enclosure and be dark coloured. A temporary access track, formed by using portable reinforced matting rolled out to provide a consolidated surface, would be formed through land owned by the applicant and utilising the route of an existing rough track. This is to allow access for construction purposes only and will be removed thereafter and as such is permitted development. It is indicated that any subsequent access required to the site would only

be occasional and undertaken by all-terrain vehicles.

- 3.3 A Transformer Kiosk proposed to be located alongside the sub-station building has been deleted. In addition the application has been amended to reduce the size and extent of the borrow pit.
- 3.4 The nature of the proposal did not require that the application be the subject of press advertisement.

4. RELEVANT PLANNING HISTORY

Application 11/00276/FULL for the erection of a 250kw (45m high) Wind Turbine was approved subject to conditions by the Development Standards Committee at its meeting on 6 December 2011 (Report 826/11 refers).

Application 12/00185/FULL for the erection of a 50m High Anemometer Mast was approved subject to conditions on 26 April 2012.

5. APPLICANT'S CASE

- 5.1 The applicant has submitted a Planning Report in support of the application.
- 5.2 This report identifies the intended works, construction programme, environmental considerations, landscape impacts and restoration/mitigation measures during and after development. It concludes by stating that the works are required as an integral part of the approved wind turbine development and are considered small-scale which will be completed within a four-week period.
- 5.3 The applicant has submitted a Species Survey for Pine Marten, Wildcat and Creeping Sibbaldia. With regard to pine marten, this survey concludes that there was no signs of habitat or recent activity of pine martin in this vicinity. With regard to wildcat, again no signs of habitat or recent activity were found in this vicinity. With regard to Creeping Sibbaldia, there was no signs of this species during the survey. There was however signs of Tormentil, which is also a member of the Rose Family. In this respect, this Tormentil could possibly have been mistaken for Creeping Sibbaldia.
- 5.4 The applicant also submitted further comments in support of the application. This includes a statement that the proposals originally included a second building at the application site (transformer kiosk), however, this is not required and only one building is now proposed (sub-station). Regarding the siting of the building at the application, the applicant has stated a willingness to re-align the sub-station on a north-south axis in order to reduce its visual impact and re-locate the building to a position on the southern edge of the hardstand, if this would be required. The applicant also stated a willingness to undertake planting work to the east side of any re-sited sub-station if so required, to "soften" any visual impact. Regarding the borrow pit, the applicant has stated that significantly less stone is now required to be taken for the development and amended cross-section plans to indicate this change have been submitted.
- 5.5 The applicant has also submitted comments from Share Energy on behalf of Wester Derry Wind Co-operative. This confirms that the co-operative was set up to allow members of the public to own and benefit from the turbine. Their project benefits from a Scottish Government backed loan which it will repay at 10% interest. Promotion of the co-operative has focused on local market towns such as Alyth, Blairgowrie and Kirriemuir (all within a 10 mile radius of the turbine site) to raise the £800,000 cost of the turbine, and there are 180 co-operative members. The co-operative has offered an increased community fund over the £2500/yr originally earmarked for Alyth Primary School. This extra fund (estimated at a further £2500/yr) will go directly to Isla Primary School.
- 5.6 The applicant has also commented on the submitted objections to the proposals. It is indicated that the proposals are only ancillary works for a consented wind turbine and, therefore, these minor ancillary works are required to be dealt with on their own merits. With regard to construction traffic, the applicant has confirmed the use of local stone from the existing borrow pit to minimise the number of haulage vehicle movements to the site. There will be no abnormal load deliveries generated and the turbine and its components will be delivered to the site on

standard road-use heavy goods vehicles and typical of most farm deliveries. The access track to the site will be a temporary surface over existing hill tracks and will be a rolled matt surface, which will be removed following completion of the 4-week turbine construction programme. This temporary track will minimise any visual intrusion. With regard to noise, the sub-station will not generate significant noise and this has been noted by the Environmental Health Officer. With regard to tourism, the applicant points out that Wester Derry Farm is a member of the Green Tourism Business Scheme and the modest scale of the small building and short duration of construction works will not have any adverse effect on tourism. Regarding any change in turbine scale, the applicant has confirmed that there has been no change in the turbine size or scale. The turbine remains to be a 45m high, 250kw wind turbine albeit the model has changed from a 2-bladed turbine to a 3-bladed turbine with the agreement of the planning authority. Finally, the applicant has confirmed that it was always the intention to connect the turbine to the National Grid by underground cabling as stated in the report by the planning authority for the wind turbine.

6. CONSULTATIONS

- 6.1 **Scottish Natural Heritage** - This consultee has confirmed that the submitted Species Survey followed the first level of their survey methodology, which was adequate for the current circumstances. These circumstances are that there is no current evidence or substantiated reports of wildcats using the surveyed area, and they do not consider that any further survey work is required.
- 6.2 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.3 **Angus Council - Roads** - This consultee has no objections to the proposals.
- 6.4 **Scottish Water** - There was no response from this consultee at the time of report preparation.
- 6.5 **Scottish Environment Protection Agency** - This consultee has no objections to the proposals.
- 6.6 **Angus Council - Flood Prevention** - This consultee has no objections to the proposals.
- 6.7 **Angus Council Environmental Health** – This consultee has no objections to the proposals, on the understanding that noise associated with construction operations is suitably controlled. They have also stated that, due to the relatively large separation distance between the proposed sub-station and the nearest noise sensitive receptors coupled with the low levels of noise that will be produced, they do not consider this to be an issue that requires control through a condition of the planning permission.
- 6.8 **Aberdeenshire Council Archaeology Service** – This consultee has indicated no objection to the application subject to a number of conditions.

7. REPRESENTATIONS

- 7.1 Thirty-three (33) letters of representation and one petition with 46 names attached were received objecting to the proposals. A number of the total letters of representation have been submitted by the same concerned residents. The letters of representation and petition will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website.
- 7.2 The main issues raised relate to: -
- concerns over further windfarm development in the area;
 - adverse effects on endangered flora and fauna;
 - adverse effects on residential amenity due to excessive noise levels;
 - adverse effects on visual amenity;
 - adverse effects on archaeological sites in the area;
 - concerns that the proposals will not be a community benefit as stated by the applicant;
 - concerned that all the equipment to be employed in the project will not comply with the

- appropriate European directives;
- inadequate Species Survey carried out;
- adverse effects on visual amenity;
- concerns that the approved wind turbine at the site has changed

These matters are discussed below.

7.3 Thirty two (32) letters of representation were received in support of the proposals. The letters of representation will also be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website.

7.4 The main issues raised relate to:-

- sustainable development is welcomed for the creation of renewable energy;
- this co-operative owned scheme is welcomed, which will benefit the local community;
- the works will have negligible impact;
- the works will not adversely affect any wildlife in the area;
- there are no wildcats or pine martens in the area of the application;
- these ancillary works are required for an already consented wind turbine.

These matters are discussed below.

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises:-

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

8.3 As the application is not of strategic significance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Plan Review form the basis for the consideration of the proposal. The relevant local plan policies are reproduced at Appendix 1.

8.4 In this case it must be borne in mind that planning permission has been granted for a wind turbine at this site. A number of the representations submitted raise issues regarding the suitability of the site for wind turbine development and raise concerns regarding the potential for further wind turbine development in the area. However, those matters are not relevant to the determination of this planning application. The relevant issues in this case are whether the works proposed by this application are acceptable having regard to relevant policies of the Local Plan and other material considerations.

8.5 Policies ER34 and ER35 of the Angus Local Plan Review 2009 deal specifically with proposals for renewable energy development and as such are relevant to consideration of the current application for development required in association with the approved wind turbine. In this respect the siting of the hardstanding/ crane pad is dictated by the location of the wind turbine. The proposed sub-station building is comparatively small scale and given its functional role there is merit in siting it in the proximity of the wind turbine. These works are generally small scale and the associated landscape and visual impacts would be limited. The formation of the hardstanding will require excavation in the region of 300mm but does not impact any site designated for natural or built heritage reasons and no objection has been received from consultees. These elements of the proposal do not give rise to significant issues in terms of other policy criteria.

8.6 In terms of Policy ER4, a number of the objectors raised concerns that the proposals would adversely affect pine martens/wildcats and their habitats as well as protected flora. A representation from a third party claimed that a dead wildcat had been found in the vicinity of the application site and following discussion with SNH it was agreed that it would be appropriate to

delay determination of this application in order to allow for this matter to be considered further. In this respect, a survey to cover the above flora and fauna has now been submitted by the applicant. This concluded that there were no evidence of wildcat or pine martens and no signs of Creeping Sibbaldia at the application site. SNH has reviewed this assessment and has indicated that it is satisfied that the survey has followed the appropriate methodology and is adequate to allow determination of the planning application. SNH has indicated that it does not consider that further survey work is required and on this basis I am satisfied that the proposals will not give rise to unacceptable impacts on protected flora or fauna.

- 8.7 The proposal also involves extracting material from an existing borrow pit close to the site. The borrow pit would cover an area of 26 x 21 metres with a maximum extraction depth of approximately 0.5 metres. This would allow for the extraction of up to 430 tonnes of material over a four day period. It is indicated that material would be extracted using a mechanical digger and that no blasting would be involved. Regarding the possible restoration of the borrow pit, the applicant has stated that this has already been used by the applicant for low key farm related activities and has been operated under permitted development rights for mineral extraction on agricultural land for agricultural purposes. Such use will continue in the future and as such, given the limited additional extraction proposed, interim restoration of the borrow pit is not considered appropriate or necessary. The proposed works would result in some modest change to the landscape as the surface area and depth of the existing borrow pit would be slightly increased. However, the site is generally remote from public roads and viewpoints. Again, the operation would be small scale and would not affect areas designated for natural or built heritage reasons. Consultees have offered no objections to the proposal in respect of impacts on natural or built heritage interests or in relation to impacts on watercourses. The Environmental Health Service has indicated no objection to the application subject to appropriate control of noise in the form of specific noise limits. Appropriate conditions limiting noise are proposed and subject to those conditions and having regard to the limited duration of the excavation works, impacts on the amenity of those in the area are not considered significant or unacceptable. The use of material from a borrow pit close to the site would reduce the need for materials to be brought on to the site and in this respect is likely to reduce the volume of development traffic on the nearby public roads.
- 8.8 Third parties have raised concern regarding potential impact on archaeological interests in the area but as indicated above the Council's archaeological advisor has offered no objection to the application subject to planning conditions. Those conditions would require an archaeological watching brief during operations and the erection of fencing to avoid works affecting the remains of the adjacent croft ruins. Conditions addressing these matters are proposed.
- 8.9 Objection has been raised regarding the ability of the equipment to be installed to comply with European Directives. However, it is the applicants responsibility to ensure that any equipment installed complies with relevant safety requirements or standards. The Planning Authority is not responsible for the enforcement of these European Directives and government guidance makes it clear that the function of the planning system is not to replicate or duplicate controls that fall under other regulatory regimes. Similarly, third parties have raised concern that the wind turbine will not provide a community benefit. However, this application is not for the wind turbine and issues associated with any community benefit arising from the turbine are not relevant to the determination of this planning application.
- 8.10 Concern has been raised by objectors that there may be further wind turbines proposed by the applicant at the site. However, this is not relevant to the determination of the current planning application. A wind turbine has been approved at this site and this application relates solely to the provision of infrastructure associated with that turbine. In relation to that turbine there has been no change to size or scale. The turbine remains to be a 45m high, 250kw wind turbine albeit the model has changed from a 2-bladed turbine to a 3-bladed turbine with the agreement of the planning authority.
- 8.11 The applicant has offered to re-align the sub-station kiosk on a north-south axis in order to present the narrow face of the building to the north, thereby reducing its visual impact when viewed from that direction. In addition, the applicant has indicated a willingness to undertake planting work to the eastern side of the re-sited kiosk to provide screening to "soften" the visual impact of the building. The possible re-siting of the sub-station and associated planting is noted

and, therefore, it is considered that the final location of the sub-station on the crane pad and associated planting scheme can be agreed by a condition of the planning permission. This will permit the most appropriate location and orientation of the building to be agreed prior to its installation.

- 8.12 In summary the proposed works are compatible with relevant policies of the Local Plan. I note the issues raised by third parties but as indicated above concerns regarding the principle of wind turbine development in this area or the potential for further wind turbine development are not relevant to the determination of this planning application. Relevant consultees have raised no objection regarding the amenity or environmental impacts of the development, including impacts on protected species. I am satisfied that any adverse impacts associated with the application can be mitigated by planning conditions. There are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

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 Approved subject to conditions for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

The proposed development complies with the development plan and would not have an unacceptable impact on the character or amenity of the surrounding area. There are no material considerations that justify refusal of the application.

Conditions:

1. That the works hereby approved shall be removed and the site restored in accordance with condition 2 of this permission within 6-months of either of the following: -
 - a) a wind turbine is not erected on the site within 3-months of the date of the initiation of development; or,
 - b) the site is no longer required for the siting of a wind turbine and/or no wind turbine has been present on the site for a period in excess of 3-months.

Reason: In order to ensure that the development is removed and the site restored in the event that the development is not required for its intended purpose.

2. That, prior to the commencement of the development hereby approved, the following shall be submitted to and approved in writing by the planning authority:-
 - a) Proposed colour(s) of sub-station. Thereafter, the development shall be carried out in accordance with approved details;

b) In respect of the crane pad/ hardstanding and sub-station, a scheme for the decommissioning and restoration of the site including aftercare measures. The scheme shall set out the means of reinstating the site to agricultural land following the removal of the components of the development. The applicants shall obtain written confirmation from the planning authority that all decommissioning has been completed in accordance with the approved plan and (unless otherwise agreed in writing by the planning authority) works for removal of site apparatus shall be completed in accordance with the time period set by condition 1 of this planning permission;

c) A scheme for the provision of protective fencing along the line shown in **yellow** on the approved plan. No development shall take place until the approved fencing has been erected and no works shall take place within the area inside that fencing without the prior written approval of the Planning Authority;

d) A scheme for the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the planning authority, during any groundbreaking and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences;

e) The precise location and orientation of the sub-station building on the hardstanding area. Thereafter, the works shall be carried out in accordance with approved details;

f) A scheme of landscaping associated with the proposed sub-station building. Thereafter, all planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity; to ensure that the site is satisfactorily restored; to protect known features of the historic environment; and to record items of archaeological interest .

3. That the development shall be carried out in accordance with Wester Derry Farm Planning Report by Realise Renewables dated 30 May 2014 and e-mail from agent dated 4 September 2014, as amended by conditions of this planning permission or as may otherwise be approved in writing by the planning authority.

Reason: In the interests of visual and residential amenity and to minimise impact on the environment.

4. That noise associated with construction operations including the extraction and movement of materials, plant and equipment shall not exceed the noise limits shown in the table below for the times shown. At all other times noise associated with construction operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.

Day	Time	Average Period (t)	Noise limit
Monday-Friday	0700-0800	1 hour	55 dBA Leq
Monday-Friday	0800-1800	10 hour	65 dBA Leq
Monday-Friday	1800-1900	1 hour	55 dBA Leq
Saturday	0700-0800	1 hour	55 dBA Leq
Saturday	0800-1800	10 hour	65 dBA Leq
Saturday	1800-1900	1 hour	55 dBA Leq
Sunday	0800-1800	10 hour	55 dBA Leq

Reason: In the interests of protecting the amenity of occupants of noise sensitive premises.

5. That the borrow pit associated with this permission shall be excavated in accordance with Amended Cross-Sections dated 17 September 2014, unless otherwise first agreed in writing with this planning authority. Material shall only be extracted from the borrow pit by means of a mechanical digger or such other method as may be first approved in writing by the planning authority and extraction associated with this permission shall be limited to a period not exceeding 7 days. The date of commencement of extraction shall be provided in writing to the planning authority at least five working days in advance, and the date of cessation of extraction shall be submitted in writing within two working days following cessation.

Reason: In order to control the physical extent, method of working and duration of use of the borrow pit in the interests of the amenity of the area.

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.

P&P/IM/ND

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Date: 17.09.2014

Appendix 1

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Policy S3 : Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:-

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

Policy S6 : Development Principles (Schedule 1)

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

Schedule 1 : Development Principles

Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where

necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Policy ER4 : Wider Natural Heritage and Biodiversity

The Council will not normally grant planning permission for development that would have a significant adverse impact on species or habitats protected under British or European Law, identified as a priority in UK or Local Biodiversity Action Plans or on other valuable habitats or species.

Development proposals that affect such species or habitats will be required to include evidence that an assessment of nature conservation interest has been taken into account. Where development is permitted, the retention and enhancement of natural heritage and biodiversity will be secured through appropriate planning conditions or the use of Section 75 Agreements as necessary.

Policy ER5 : Conservation of Landscape Character

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

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

- existing development;
- (d) priority should be given to locating new development in towns, villages or building groups in preference to isolated development.

Policy ER19 : Archaeological Sites of Local Importance

Where development proposals affect unscheduled sites of known or suspected archaeological interest, Angus Council will require the prospective developer to arrange for an archaeological evaluation to determine the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording any archaeological information. The evaluation will be taken into account when determining whether planning permission should be granted with or without conditions or refused.

Where development is generally acceptable and preservation of archaeological features in situ is not feasible Angus Council will require through appropriate conditions attached to planning consents or through a Section 75 Agreement, that provision is made at the developer's expense for the excavation and recording of threatened features prior to development commencing.

Policy ER34 : Renewable Energy Developments

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

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

Policy ER35 : Wind Energy Developments

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

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

TAYplan Strategic Development plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.