

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 7 OCTOBER 2014**

**PLANNING APPLICATION – FIELD 400M NORTH WEST OF MONTQUHIR FARM, CARMYLLIE**

**Grid Ref: 354021 : 741692**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No 14/00012/FULL for the Erection of Wind Turbine of 50 Metres to Hub Height and 77 Metres to Blade Tip and Ancillary Development for Mrs Louise Gray at Field 400M North West of Montquhir Farm, Carmyllie ([Plan](#)). This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason(s) and subject to the condition(s) 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 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 planning permission for the erection of wind turbine of 50 metres to hub height and 77 metres to blade tip and ancillary development at Field 400M North West of Montquhir Farm, Carmyllie.
- 3.2 The application site which measures 1787 square metres in area, is located 530 metres to the east of the B961 classified road and 1.4km north of the Crombie Crossroads. The application site is located at a ground level of 145 metres Above Ordnance Datum (AOD) and is currently in use as agricultural land as is the land immediately surrounding the application site. The closest third party residential property is located 554 metres to the north east of the wind turbine.
- 3.3 The application proposes the erection of a wind turbine with a hub height of 50 metres, a rotor diameter of 54 metres, an overall height of 77 metres, and a generation capacity of 500kW. A flat roofed substation building which has a footprint of 31 square metres and an overall height of 3.15 metres is to be located on an area of hardstanding to the south of the turbine. The application incorporates an access track some 475 metres long by 5 metres wide which will link the application site to an existing field entrance onto the B961. Whilst the proposed turbine falls within Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011, it is not considered likely to have significant environmental effects by virtue of its nature, size and location. EIA is therefore not required.
- 3.4 The application has not been subject of variation.
- 3.5 The application has been advertised in the local press and the relevant time period for third party comment has expired.

#### **4. RELEVANT PLANNING HISTORY**

There is no planning history that has any bearing on the determination of this application.

#### **5. APPLICANT'S CASE**

5.1 Supporting documentation has been provided to assist in the determination of the application. The documentation is broken down into the following sections:

1. Introduction
2. The Wind Turbine Proposal
3. Planning and Environmental Policy Context
4. Work to Date on Wind Energy Development
5. Landscape and Visual (the assessment includes a desktop study of the existing landscape; Zone of Theoretical Visibility (ZTV) drawing to assess potential viewpoints to gain a better understanding of the potential impact on the landscape by the proposed development. Photomontages and wireframes have been produced to indicate the potential impact of the development from identified viewpoints. Impacts of the proposed development have been assessed in terms of their magnitude, sensitivity and significance on the landscape character, designations, nearby ancient monuments and historic sites and local communities).
6. Hydrology
7. Socioeconomic
8. Cultural Heritage
9. Ecology
10. Shadow Flicker
11. Noise
12. Telecommunications
13. Aviation
14. Public Safety
15. Summary and Planning Statement

5.2 A Radar Mitigation Scheme has also been provided to address an initial objection from the Ministry of Defence in relation to potential unacceptable impacts on the air traffic control radar at RAF Leuchars.

#### **6. CONSULTATIONS**

6.1 The Roads Service has not objected to the proposal in respect of traffic safety.

6.2 The Environmental Health Service has offered no objections to the proposal subject to conditions to control the turbine type and noise emissions.

6.3 The Ministry of Defence (MOD) has been consulted on the proposal. The MOD has indicated that the development has potential to cause unacceptable interference to the Air Traffic Control radar at RAF Leuchars. However the MOD has indicated that the applicant has identified a scheme to potentially mitigate that impact. That scheme has been approved in principle by the MOD and on this basis no objection has been offered subject to a condition requiring prior approval and subsequent implementation of a mitigation scheme.

6.4 Historic Scotland has been consulted and considers there are unlikely to be any significant impacts on historic environment features within its statutory remit, and offers no objection to the proposal.

6.5 Aberdeenshire Council Archaeological Service provides advice to Angus Council on archaeology as part of a Service Level Agreement and has indicated no archaeological mitigation is required in relation to the proposed development.

6.6 The Civil Aviation Authority has offered no objections to the proposal.

6.7 National Air Traffic Services has offered no objections to the proposal.

6.8 Dundee Airport has offered no objections to the proposal.

- 6.9 Spectrum has offered no objections to the proposal.
- 6.10 Atkins has offered no objections to the proposal.
- 6.11 Joint Radio Company has offered no objections to the proposal.
- 6.12 RSPB has offered no objections to the proposal.
- 6.13 Scottish Water has indicated no objections to the proposal.
- 6.14 Letham and District Community Council has been consulted on the proposal and has offered no comments.

## 7. LETTERS OF REPRESENTATION

Eighty eight (88) letters of representation have been received from 74 properties; 35 are in support of the proposal with 53 raising objection. The letters of representation 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. The main issue raised relate to:

### Points of Support

- The proposal conforms with national policy and guidance.
- The scale of the development is appropriate for the landscape.
- A single wind turbine does not have the same clutter as that with a wind farm.
- Diversification of farming.
- Significant benefits to local economy.

Comment – The substantive issue in this case is not whether wind power is good or whether the local communities will benefit from the community turbine but is whether the proposed development subject of this application is appropriate on the application site. The substantive issues are addressed under Planning Considerations below.

### Points of Objection

- Contrary to policy and guidance
- Adverse landscape and visual impacts
- Cumulative impact with other windfarms
- Noise & shadow flicker
- Light pollution from aviation lighting
- Impacts on residential amenity
- Lack of socio-economic benefits
- Adverse impacts on built and cultural heritage
- Adverse impacts on ecology and wildlife
- Adverse impact on tourism and Angus economy
- Detriment to users of local viewpoint and footpaths
- Impact on RAF radars and air traffic movement
- Inappropriate decommissioning
- Benefits do not outweigh disbenefits
- Small contribution towards Government targets
- Misrepresentative supporting information

The above matters are discussed under Section 8, Planning Considerations below.

- **Turbines are inefficient and lack of energy benefits to the local economy is not proportionate to the environmental impact** – the effectiveness or efficiency of wind turbines or the appropriateness of Government targets/policy is not a matter for Council to consider in the determination of this application. However, an evaluation of the environmental impact of the development balanced against the environmental benefit of renewable energy generation is provided under Planning Considerations below.

- **Adverse health consequences** – the Scottish Government's Specific Advice Sheet on Onshore Wind indicates that a recent report prepared for the Department of Energy and Climate Change concluded that there is no evidence of health effects arising from infrasound or low frequency noise generated by wind turbines. I do not consider that the proposal should give rise to any other significant health issues provided it is capable of complying with relevant conditions in relation to matters such as noise levels and shadow flicker.
- **Safety issues** – in respect of turbines and safety, the Scottish Government's Specific Advice Sheet on Onshore Wind indicates that:- *Companies supplying products and services to the wind energy industry operate to a series of international, European and British Standards. The build-up of ice on turbine blades is unlikely to present problems on the majority of sites. When icing occurs the turbines' own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines. Site operators also tend to have rigorous and computer aided maintenance regimes and control rooms can detect icing of blades. Danger to human or animal life from falling parts or ice is rare. Similarly, lightning protection measures are incorporated in wind turbines to ensure that lightning is conducted harmlessly past the sensitive parts of the nacelle and down into the earth.*
- **The 21 day notification period is inadequate to allow the public to comment on planning applications** – the notification period is specified by the Scottish Government and Angus Council has undertaken this process in accordance with the requirements of relevant Regulations. Notwithstanding this, third party representations have been accepted outwith the 21 day minimum period.
- **Creation of a precedent** – every application is considered on its own merits against relevant development plan policies and other material planning considerations. The acceptability of this application is assessed below.
- **Devaluation of property value** – Members will be aware this is not a valid planning objection.
- **Loss of view** – Members will be aware this is not a valid planning objection.

## 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 The Development Plan merits considerable weight in the determination of the proposal. The development plan policies relevant to consideration of this application are provided in Appendix 1 and have been taken into account in the preparation of this report.
- 8.4 In addition to the development plan a number of matters are also relevant to the consideration of the application and these include: -
- National Planning Framework for Scotland 3 (NPF3);
  - Scottish Planning Policy (SPP);
  - Scottish Government 'Specific Advice Sheet' on Onshore Wind Turbines;
  - Tayside Landscape Character Assessment;
  - Angus Council Implementation Guide for Renewable Energy Proposals (2012);
  - Strategic Landscape Capacity Assessment for Wind Energy in Angus (Ironsides Farrar – 2014);

- Angus Wind farms Landscape Capacity and Cumulative Impacts Study (Ironsides Farrar, 2008);
  - Siting and Designing Wind Farms in the Landscape (SNH, Version 2 May 2014)
  - Siting and Design of Small Scale Wind Turbines of Between 15 and 50 metres in height (SNH, March 2012);
  - 'Assessing The Cumulative Impact of Onshore Wind Energy Developments' (SNH, March 2012)
  - Planning Advice Note 1/2011: Planning and Noise.
- 8.5 **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.
- 8.6 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.
- 8.7 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.

- 8.8 Angus Council has produced an **Implementation Guide for Renewable Energy Proposals**. It provides guidance for development proposals ranging from small single turbines to major windfarms. 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.
- 8.9 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** (March 2014) 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.
- 8.10 Proposals for wind turbine developments and associated infrastructure are primarily assessed against policies ER34 and ER35 of the ALPR although other policies within the plan are also relevant. The policy position provides a presumption in favour of renewable energy developments recognising the contribution wind energy can make in generating renewable energy in Scotland. These policies also require consideration of impacts on ecology including birds; cultural heritage including listed buildings, scheduled monuments, designed landscapes and archaeology; aviation; amenity in the context of shadow flicker, noise and reflected light; landscape and visual impact including cumulative impacts; future site restoration; transmitting or receiving systems; any associated works including transmissions lines, road and traffic access/safety and the environmental impact of this. These policy tests overlap matters contained in other policies and therefore these matters are discussed on a topic by topic basis.

### **Environmental and Economic Benefits**

- 8.11 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. The SPP sets out a "commitment to increase the amount of electricity generated from renewable sources" and includes a target for the equivalent of 100% of Scotland's electricity demand to be generated from renewable sources by 2020 along with a target of 30% of overall energy demand from renewable sources by 2020. Paragraph 154 of the SPP indicates that planning authorities should help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to electricity and heat from renewable sources.
- 8.12 The supporting information indicates the development of a wind turbine would allow the applicant to diversify his existing farm business by creating an additional sustainable source of income. It is indicated that the existing business emits 445 tonnes of CO2 per annum and the proposed wind turbine could generate 1,581MWh per annum which would offset the emission of over 700 tonnes of CO2. In this respect I accept that the proposed turbine could make a contribution towards renewable energy generation and as such the proposals attract in principle support from the development plan. I have had regard to that contribution in undertaking my assessment of the proposal. To assess the acceptability of the proposals in terms of the more detailed technical issues, the policy tests must be explored.

### **Landscape Impact**

- 8.13 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.

- 8.14 The application site lies within an area identified in the Tayside Landscape Character Assessment as 'Dipslope Farmland' Landscape Character Type (LCT) which is a 'medium' scale landscape type with interrupted views and a tamed naturalness. The site is located within an area of 'medium constraint' for windfarm development and the TLCA recognises that the suitability of this area will vary considerably. However, it acknowledges that the different character and quality within this area suggests that it may be better for wind farm development. It suggests that such developments should favour the shallow bowls on the dipslopes.
- 8.15 The Angus Windfarms Landscape Capacity and Cumulative Impacts Study undertaken by Ironside Farrar in September 2008 acknowledges that the Dipslope Farmland LCT is varied between small scale enclosed farmland to large open fields or small areas of heather moorland.
- 8.16 The Council's Implementation Guide for Renewable Energy Proposals suggests that this landscape character type has scope for turbines circa 80m in height. That does not mean that all sites will be capable of accommodating a turbine of that height and similarly it does not mean that turbines above that height will not be acceptable anywhere within the area. It provides some guidance which then requires site specific assessment.
- 8.17 The Strategic Landscape Capacity Assessment for Wind Energy in Angus (Finalised March 2014) classifies the area within which the turbine is proposed as Dipslope Farmland LCT and Redford Farmland landscape character area (sub-area iii). This centrally placed sub-area is the largest scale, highest and most open within the *Dipslope Farmland*. This is partly reflected in the scale of farms and field sizes. There are significant areas of large open fields with scattered settlement and roads, although it borders more populated areas. There are more sensitive areas including the Guynd designed landscape, and to the south of the linear ridge referred to above, proximity to the Coast LCA and settlements. An electricity transmission line crosses the southern part, descending to Arbroath. The Capacity Assessment advises that Redford Farmland has capacity for turbines up to 80m in height. The guidance indicates that this sub-area has the highest underlying capacity for wind energy in the *Dipslope Farmland* and is capable of accommodating medium/large turbines, subject to local constraints. The largest size turbines (medium/large) would be most suitable in the largest scale areas located in the centre and north of the sub area. Turbine groupings should remain relatively small and well separated to avoid overwhelming the underlying character. It is relevant to note that SNH, in its consultation response to application 09/00494/FUL for the erection of 3 x 110 metre turbines at Dusty Drum (a short distance to the southeast) advised that the proposed size of turbines would dominate the surrounding landscape and recommended the turbines be reduced in height by a third.
- 8.18 In this instance the proposed turbine is 77 metres to blade tip and located at a ground level of approximately of 145 metres AOD. The application site lies in a topographical dip within the area of the River Elliot Catchment which is within the undulating higher part of the Dipslope Farmland LCA around Redford and is the largest scale and most open landscape within the Dipslope farmland which is reflected in the scale of farms and field sizes. The application site is located away from the escarpment which separates the lower coastal Dipslope farmland from the higher more inland part of this LCA. In this respect the proposal would not affect this sensitive landscape feature by nature of its scale. The medium-large scale and the agricultural character of this area of the Dipslope Farmland make it one of the most suitable areas in Angus for medium-large to large turbines.
- 8.19 The proposed turbine would result in the introduction of a new large scale feature amongst the smaller scale elements in the landscape, however there is already an influence of manmade structures with a vertical presence in the landscape. Although the proposed turbine is close to the threshold of the size category between medium/large and large, the size of turbine proposed falls within the height guidelines provided by the Council's Implementation Guide and the recently completed Landscape Capacity Assessment for the Redford Farmland LCA. Although SNH raised concerns regarding the scale of turbines proposed at Dusty Drum, this application is for a single turbine of a lesser height than the Dusty Drum proposal and the landscape impacts associated with a single turbine would be less than those associated with a cluster of turbines and would comply with the height guidance previously provided by SNH. On this basis I do not consider that the landscape impact associated with the turbine to be unacceptable.

## Visual Impact

- 8.20 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. In assessing visual impact I consider that it is appropriate to have regard to recent appeal decisions within Angus where this issue has been considered in order to secure a degree of consistency in the decision making process.
- 8.21 Planning appeal decisions have generally accepted that residents should be treated as of high sensitivity in assessing the significance of visual impact. The magnitude of change (and, thus, the significance of the impact they will experience) will vary with the context of the house that they occupy: its distance from the proposed wind farm and orientation in relation to it; the presence of intervening screening from vegetation and other buildings; and the presence of other significant visual features. However it is not only the views from principal rooms that are of importance as residents also use the space around their house and the impact on occupiers and visitors approaching or leaving the properties must also be considered.
- 8.22 There are 10 residential properties within 1km of the proposed turbine. The closest property Muirhead Cottage (viewpoint 12) is located 564 metres to the east of the proposed turbine. The turbine is close to this property and it would be evident from the long track that provides access to the building. It would also be evident from the wider environs of the property. However, the house itself would have oblique views towards the turbine and has enclosing vegetation along its southern and western boundaries which would reduce the visual impact of the turbine. Nos. 1 and 2 Montquhir Farm Cottages and Montquhir Farm (viewpoint 11) are located between 536 – 616 metres east of the proposed turbine. Montquhir Farm would have views of the turbine partially screened by enclosing vegetation, however 1 and 2 Montquhir Farm Cottages are facing the open countryside to the south of the turbine and would experience generally unobstructed views of the turbine from their front gardens and possibly from windows at an oblique angle. I consider that the impact on the amenity of occupants at 1 and 2 Montquhir Farm Cottages would be significant and adverse. Notwithstanding this I note that the occupants have submitted letters in support of the proposal and are therefore more likely to be prepared to accept those impacts. Carnegie is located to the south west of the turbine at a distance of 689 metres. Whilst there will be unobstructed views of the turbine from the access to the property, the property itself is orientated with its views in a north west/south east direction and there are buildings and trees that would provide some screening of the turbine. Similarly the properties to the north west of the turbine – Hillhead Farmhouse; Grieve's Cottage, Hillhead Cottage and Greymar would experience oblique views towards the turbine some of which are partially screened by existing vegetation. Whilst I accept there will clearly be a visual impact from those properties nearest to the turbine, having regard to the physical relationship between the houses and the turbine I do not consider that the impact on their residential amenity would be so significant as to be unacceptable and justify refusal of the application as a result.
- 8.23 The visualisation from viewpoints 2 and 3 give an impression of the impact that would be experienced from Greystone, Mains of Carmyllie, West Cottage, Viewfar, Carmyllie House, the former Manse, Carmyllie Parish Church and Graveyard, and the War Memorial which lie in the region of approximately 1.27km – 1.5km to the north, north east and north west of the proposed turbine. The applicant's assessment suggests that the overall visual impact would be Major and Moderate to Moderate-Major from these locations. It is noted that in the determination of the proposal at Dusty Drum that it was considered that the development of 3 x 110 metres would have unacceptable visual impacts on the aforementioned properties. The proposal at Montquhir is for a single turbine of a lesser height that is located further to the west than the proposal at Dusty Drum. The properties in these general locations have principal elevations that face towards the proposed turbine. However, some of the properties would experience screening of the turbine from boundary hedging and trees and others have principal elevations that are at oblique angles to the turbine.
- 8.24 In relation to the Guynd, and Crombie and Monikie Country Parks viewpoints 5, 6 and 9 illustrate the impact that would be experienced from these locations. The Guynd in theory could have views of the nacelle and blades at a distance of 2.71km however due to screening and existing topography this area would be unlikely to experience significant views of the turbine. Similarly Crombie Country Park in theory could also have views of the nacelle and blades at a distance of 1.91km, however as with The Guynd due to screening and existing



topography this recreational area would be unlikely to experience significant views of the turbine. In relation to Monikie Country Park the turbine blades would be partially visible on the northern east horizon from the eastern part of the perimeter of both reservoirs however due to existing tree cover the turbine would be screened from other locations within the park. Whilst walkers around the reservoirs and those undertaking pursuits in the reservoirs will experience a visual impact at 4.82km, I do not consider that these impacts would be so significant as to merit refusal of the application.

- 8.25 The turbine would have significant impacts on other residential property in the surrounding area and would also have significant impacts on roads and footpaths. However, I do not consider that any of those impacts would be so significant as to merit refusal of the application.

### **Cumulative Landscape and Visual Impact**

- 8.26 An assessment of cumulative landscape and visual effects is also required by local and national policy. SNH Guidance on 'Assessing The Cumulative Impact of Onshore Wind Energy Developments' (March 2012) indicates that cumulative landscape effects can include effects on the physical aspects of the landscape and effects on landscape character. Cumulative visual effects can be caused by combined visibility and/or sequential effects. Combined visibility may be in combination i.e. where several wind farms are in the observers arc of vision or in succession where the observer has to turn to see various wind farms. Sequential effects occur when the observer has to move to another viewpoint to see different developments.
- 8.27 The Council's Implementation Guide identifies the Dipslope Farmland Landscape Character Type as a 'Landscape with Views of Windfarms' and suggests that it has capacity to change to a 'Landscape with Occasional Windfarms'. The Strategic Landscape Capacity Assessment for Wind Energy in Angus (Finalised March 2014) indicates most of the remaining lowland and coastal areas of Angus have some underlying capacity for wind energy development but are generally not suited to larger turbines, large groupings or extensive concentrations of wind turbine development. The proposed development is located within the LCT 13 Dipslope Farmland (Sub-Area iii). The proposed "limits to future development" for this part of the Sub-Area is landscape "with wind turbines".
- 8.28 In this case there are a number of other wind turbines operating, approved or currently within the planning system in the wider area and landscape character type and adjacent landscape character types, specifically to the north of the proposed turbine site. A 77 metre high turbine has been approved but not erected at Cuthlie, Arbroath, 4.6km to the east; a 67 metre high turbine has been erected at North Mains of Cononsyth, 4.8km to the north; a 77 metre high turbine has been approved but not erected at Ascurry Farm, Letham, 4.8km to the north; a 67 metre high turbine has been approved at Greenhillock, Kirkbuddo 5.4km to the north west; a 77 metre high turbine has been approved at Stotfaulds Farm, Monikie 4.7km to the south west; a 45.9 metre high turbine has been erected at Lochlair Farm, Carmyllie, 3km to the north west; a 45.5 metre high turbine has been erected at Parkconon Farm, Colliston, 5.6km to the north and a 47.5 metre high turbine has been erected at Newton of Idvies Farm, Letham 5.79km to the north. There are undetermined planning applications for 2 x 79.6 metre high turbines at Crofts Farm, Carmyllie 4.25km to the north east; 47.5 metre high turbine at Janeston Farm, Colliston, 7.5km to the north east and 48.5 metre high turbine at Newton of Boysack, Arbroath 8.1km to north east.
- 8.29 The Strategic Landscape Capacity Assessment suggests a maximum number of turbines in a group should be five with a separation distance between medium turbines of between 3-6km and a separation distance between medium/large turbines of 5-10km in this sub-area. Having regard to that guidance a separation distance between 4-8km would be desirable between medium and medium/large turbines. The spacing distances with operational/approved turbines at North Mains of Cononsyth, Ascurry Farm, Greenhillock, Stotfaulds, Lochlair and Parkconon would be considered too close based on the distances highlighted above. However, due to screening by vegetation and topography there would be little inter visibility between the turbines at North Mains of Cononsyth and Parkconon. It is therefore considered that the insertion of a further medium/large turbine in this landscape can be accommodated whilst considering the spacing distances. In relation to cumulative visual impacts there would be a cumulative visual relationship with the operational/consented turbines at Lochlair, Stotfaulds and Ascurry Farm as well as the pending application at Crofts Farm. Due to the proposals position in a largely screened area, cumulative visual impact within the directly

surrounding landscape would be limited to mostly sequential cumulative visual impact which means that turbines are not seen at the same time but at different times when travelling. Combined visibility of turbines would mainly affect viewpoints on higher ground at further distance, such as stretches of the B9128 near Lochlair and the high ground to the north of the application site such as West Hills and Greystone. In respect of the turbines at North Mains of Cononsyth, Newton of Idvies, Greenhillock and Parkconon due to screening by vegetation and topography there would be little inter visibility between these turbines and the proposed turbine. In light of the above considerations the cumulative landscape and visual impacts associated with the proposal are not considered unacceptable. The level of existing turbine development in the area would remain within the levels of landscape change anticipated by Council guidance, and whilst there would be some cumulative visual impact this would not be at an unacceptable level from key viewpoints.

- 8.30 Whilst approval of all the undetermined applications could give rise to significant landscape and visual impacts, this application on its own would not give rise to unacceptable cumulative landscape or visual impacts in respect of existing and consented turbines in the area. Any decision on this application could be taken into account when those proposals are determined.

#### **Amenity (Noise/Shadow Flicker/Reflected Light)**

- 8.31 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 operational efficiency. Policy ER35(c) 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. Policy S6 Schedule 1 also refers to amenity impacts whilst Policy ER11 deals specifically with noise pollution.
- 8.32 The Environmental Health and Roads Services have raised no concerns regarding such impacts. On this basis I do not consider that there are any unacceptable amenity impacts from noise, shadow flicker, light, surrounding land uses or road safety that cannot be satisfactorily addressed by conditions.

#### **Impact on Natural Heritage**

- 8.33 The Angus Local Plan Review contains 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. 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.
- 8.34 It is relevant to consider that the site holds no statutory or non-statutory nature conservation designations. The Firth of Tay & Eden Estuary Special Protection Area (SPA), SAC and Ramsar Site is located 8.5km to the south of the application site. This area is a complex of estuarine and coastal habitats with the SAC designated for its marine habitats and mammals. The SPA supports populations of European important species and internationally important wintering migratory species. The supporting information does not identify potential for any significant impacts on this site. The supporting information also indicates there are no mammals of significance on the site.
- 8.35 It is noted that third parties have raised concern regarding the potential ecological impact of the development on pink footed geese. The RSPB has been consulted on the proposal and has not identified any significant concern. Other turbine proposals in the wider area and closer to area that are generally considered more sensitive due to their goose populations are now operational and I am not aware of any significant impacts arising from their operation. Based on information available, the ecological effects of the wind turbine are not likely to be significant, and there appear to be no reasons why this proposal should be rejected on ecological grounds. Accordingly, on the basis of available environmental information,

consultation responses and site visits I am satisfied that the ecological impact of the development does not justify refusal of this application.

### **Cultural Heritage**

- 8.36 The development plan provides a number of policies that seek to safeguard cultural heritage. These include policies ER16, ER18 and ER19 of the Angus Local Plan Review. Policy ER34 requires proposals for renewable energy development to have no unacceptable detrimental effect on any sites designated for natural heritage, scientific, historic or archaeological reasons.
- 8.37 Within 2km of the proposed turbine there are no Scheduled Ancient Monuments or category A listed buildings. Between 2 – 5.5km of the proposed turbine there are Scheduled Ancient Monuments at Guildy, enclosure; Hynd Castle, Tower house; Pitcundrum, Enclosure; Panmure Castle and Moat; Camus's Cross; Kellyfield Palisaded Enclosure and Kirkbuddo Wood, Roman Camp. Between 2 – 5.4km there are category A listed buildings at Panmure Estate West Gate, Panmure Estate Commemorative Column and Affleck Castle. The Gynd Historic Garden and Designed Landscape is located 2km to the east of the proposed turbine.
- 8.38 Historic Scotland has considered the proposal in so far as it relates to potential impact on these nationally important designations and has offered no objections in respect of impacts on interests within its remit. Aberdeenshire Council's Archaeological Service has not objected to the application on the basis of impact on unscheduled archaeological sites.
- 8.39 There are other listed buildings within the vicinity of the proposed turbine at Carmyllie 1.26km to the north east. There are 4 listed buildings at this location which include Carmyllie Parish Kirk including Graveyard and Boundary Walls (B listed); Carmyllie House, Former Parish Kirk Manse including Ancillary Buildings, Bee Boles, Garden Walls and Ha-Ha (C listed); Parish Kirk – Beadle's House (C listed) and Parish Kirk – Hearse House (C listed). The turbine will be visible from these properties and, in some views, will be intervisible with these listed properties. However, I am satisfied that the proposed development will not have any unacceptable impact on the setting of any of these listed buildings. Overall it is considered that the proposed development would not give rise to unacceptable impacts in terms of any cultural heritage interests.

### **Remaining Issues / Other Development Plan Considerations**

- 8.40 The remaining policy tests cover the impact of transmission lines associated with energy generation developments; impacts on transmitting or receiving systems; impact of transporting equipment via road network and associated environmental impacts; impact on authorised aircraft activity; and arrangements for site restoration.
- 8.41 The supporting statement indicates that power to the turbine will be transmitted along an 11kV underground cable connecting the turbine to a substation which is shown on the plans. I consider that a buried cable would have negligible impact in this area given the cultivated nature of the surrounding land.
- 8.42 With regards to impacts on TV and other broadcast reception it is recognised that wind turbine development can give rise to interference. However it is generally accepted that digital signals are more robust to such disruption than the previous analogue system. In this case technical consultees have not raised any concern. I am not aware of any significant issues associated with the existing turbines in the wider area. In any case this matter could be addressed by planning condition.
- 8.43 In terms of access and road safety the applicant proposes to provide an access track and the Roads Service has considered the application and has no objections.
- 8.44 In relation to impacts on aircraft activity the MOD (subject to conditions), NATS, CAA and Dundee Airport have not objected to the application. On this basis I am satisfied that the proposal is unlikely to give rise to any significant impacts on authorised aircraft activity.
- 8.45 The applicant has indicated that the turbine would be located on site for a period of 25 years. A planning condition could be used to secure removal of the apparatus and restoration of the site.

- 8.46 Overall I am generally satisfied that, as the proposal does not give rise to any unacceptable impacts in terms of the above assessment, the proposed site represents a reasonable choice.

### **Other Material Considerations**

- 8.47 Scottish Government policy supports the provision of renewable energy development including wind farms. The SPP confirms that planning authorities should support the development of wind farms in locations where amongst other matters the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. The SPP also indicates that areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.
- 8.48 In this case I accept that the wind turbine would contribute to meeting government targets and in this regard attracts some support from national policy and from the development plan. The proposal is not considered to give rise to any unacceptable environmental or amenity impacts.

### **Summary**

- 8.49 The matters raised both in support and objection to the application are noted. However, there are no matters that would lead to a conclusion that the application should be refused. As indicated above the environmental and amenity impacts associated with this proposal are not considered unacceptable. Government and Council policy give support to wind turbines in appropriate locations. The effectiveness or efficiency of wind turbines or the appropriateness of Government targets/ policy is not a matter for Council to consider in the determination of this application.
- 8.50 Regard has been had to the environmental information provided in relation to the application and comments received from consultees. Account has also been taken of all relevant representations made both in support and in opposition to these proposals and to relevant appeal decisions that have given rise to similar issues. As discussed above the impacts associated with this development are not considered unacceptable subject to appropriate mitigation. Consultees have advised that potential adverse impacts can be mitigated and that amenity impacts arising from matters such as noise and shadow flicker can be controlled by condition.
- 8.51 The development would contribute towards meeting government energy targets and government guidance confirms that schemes should be supported where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. In this case the technology would appear to have potential to operate efficiently and available evidence suggests that environmental impacts can be satisfactorily addressed. In this case the technology would appear to have potential to operate efficiently and available evidence suggests that environmental impacts can be satisfactorily addressed.
- 8.52 In this case, the proposal will give rise to some significant landscape and visual impacts, however having regard to the Council's published guidance and my assessment of the proposal, I do not find those impacts unacceptable. I find that the proposal accords with the development plan subject to appropriate planning conditions. There are no material considerations that would justify refusal of the application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission, 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 recommendation 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 for the following reason(s) and subject to the following condition(s).

#### **Reason(s) for Approval:**

The application complies with the relevant development plan policies and will provide a source of renewable energy in a manner that is consistent with the requirements of both local and national planning policy. There are no material considerations that justify refusal of the application.

#### **Conditions:**

1. That the wind turbine hereby approved shall be removed from the site no later than 26 years after the date when electricity is first generated unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of electricity generation shall be provided to the Planning Authority within one month of that date.

*Reason: In order to limit the permission to the expected operational lifetime of the wind farm and to allow for restoration of the site.*

2. That the turbine shall be an Enercon Directwind 54, 500kW with a hub height of 50 metres and a maximum height to blade-tip of 77 metres unless otherwise agreed in writing by the Planning Authority.

*Reason: For clarification and the avoidance of misunderstanding and because the technical assessment of the planning application has been based on this specific type of turbine.*

3. The rating level of noise emissions from the wind turbine (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed at any property lawfully existing at the date of this planning permission,  $L_{A90}$  35dB (A) at wind speeds up to 10 m/s at 10m height.

*Reason: In the interests of residential amenity and minimising potential noise impact.*

4. In the event that noise emissions from any wind turbine exceeds the levels set by this permission, operation of the turbine/s shall cease until measures to reduce noise levels to comply with this permission are implemented. Should such measures fail to achieve compliance with the noise levels set by this permission the operation of the turbine/s shall cease until otherwise approved in writing by the planning authority.

*Reason: In order to safeguard the residential amenity of adjacent property.*

5. The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). This data shall be retained for a period of not less than 24 months. The wind turbine operator shall provide this information in the format set out in Guidance Note 1(e) to the Planning Authority on its request, within 14 days of receipt in writing of such a request.

*Reason: In order to safeguard the residential amenity of noise sensitive property located close to the development.*

6. No electricity shall be exported until the wind turbine operator has submitted to the Planning Authority for written approval a list of proposed independent consultants who may undertake noise compliance measurements in accordance with this permission.

Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

*Reason: In order to ensure an appropriate monitoring regime is in place to investigate any noise complaint which may arise and to mitigate any such impact.*

7. Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

*Reason: In order to protect residential amenity in the context of potential noise emissions from the turbine and in order to ensure an appropriate monitoring regime is in place to investigate any noise complaint which may arise and to mitigate any such impact.*

8. The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request by the Planning Authority to investigate a complaint, and such others as the independent consultant considers likely to result in a breach of the noise limits.

*Reason: In order to ensure an appropriate monitoring regime is in place to investigate any noise complaint which may arise.*

9. The wind turbine operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority for compliance measurements to be undertaken, unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

*Reason: In order to safeguard the residential amenity of noise sensitive property located close to the development.*

10. Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), the wind turbine operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to condition 9 above unless the time limit has been extended in writing by the Planning Authority.

*Reason: In order to safeguard the residential amenity of noise sensitive property located close to the development.*

11. That no works in accordance with this planning permission shall commence unless and until the Planning Authority has approved in writing, in consultation with the Ministry of Defence, a radar mitigation scheme. The scheme shall include the location and external

appearance of the equipment. The turbine shall not become operational unless and until all measures required by the approved radar mitigation scheme have been carried out and demonstrated to the written satisfaction of the Planning Authority, in consultation with the Ministry of Defence to be operationally effective. Thereafter the developer shall comply with all other obligations contained within the radar mitigation scheme. For the purposes of this condition, 'radar mitigation scheme' means a scheme designed to mitigate the impact of the development upon the Primary Surveillance Radar and the air traffic control operations of RAF Leuchars that rely on the radar, as at the date of the radar mitigation scheme. The radar mitigation scheme will set out the appropriate measures to be implemented to that end.

*Reason: In the interests of aviation safety.*

12. That the turbine shall be fitted with 25 candella omni-directional red lighting or infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. The lighting shall thereafter be maintained in operational condition during the lifetime of the turbine hereby approved.

*Reason: In the interests of aviation safety.*

13. That prior to the commencement of development, the applicant shall provide the Ministry of Defence (Defence Estates – Safeguarding) with the following information, a copy of which shall also be submitted to the Planning Authority;

- Proposed date of commencement of construction;
- Estimated date of completion of construction;
- Height above ground level of the tallest structure;
- Maximum extension height of any construction equipment;
- Latitude and Longitude of the proposed turbine.

*Reason: In the interests of aviation safety.*

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

*Reason: In order to protect any private water supplies that may be affected by the development, in the interests of residential amenity.*

15. That should the wind turbine no longer be required or should it cease to generate electricity for a period of six months it shall be removed and the site restored to its previous condition in accordance with the details approved under condition 16(iii) of this permission. The restoration works shall be completed no later than twelve months following the date that the turbine has ceased to generate electricity or as otherwise agreed in writing with the Planning Authority.

*Reason: In order to ensure that the turbine is removed and the land restored to its previous condition in the event that the turbine is no longer required in the interests of the visual amenity of the area.*

16. That prior to the commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Planning Authority: -

- (i) The precise route and details of the transmission cables from the turbine. Thereafter the transmission cables shall be provided only in accordance with the approved details;
- (ii) Details of the colour of the wind turbine which shall be Agate Grey (RAL 7038) unless otherwise agreed with the Planning Authority. Thereafter the turbine shall be finished in accordance with the approved details;

- (iii) 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 developer 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 within 12 months of the final date electricity is generated at the site;
- (iv) A survey of existing television signal reception to establish a baseline against which to assess the impact of the wind turbine. Thereafter, within six weeks of the wind turbine coming into operation, and subsequently at the reasonable request of the Planning Authority following receipt of a complaint, a report assessing the effect of the wind turbine on local television signal reception ('the report') shall be submitted to the Planning Authority. If any impact on TV reception signal takes place, the report shall include detailed measures to overcome reception interference. In the event that interference with TV signals occur, the operation of the turbine shall cease until measures to mitigate any such interference are implemented. Should such measures fail to address the TV interference the operation of the turbines shall cease until otherwise approved in writing by the Planning Authority.
- (v) A mitigation scheme to address any impacts caused by shadow flicker shall be submitted for the written approval of the Planning Authority. Once approved the operation of the wind farm shall take place in accordance with the scheme unless the Planning Authority gives written consent to any variation. For the avoidance of doubt the mitigation scheme shall apply to all sensitive receptors including all residential properties and office buildings within 10 rotor diameters of a turbine.

*Reason: In order that the Planning Authority may verify the acceptability of the transmission lines, access route and turbine colour in the interests of visual amenity; in order to ensure appropriate site restoration; in order to mitigate any impacts on television reception and in the interests of residential amenity.*

17. That unless other first approved in writing by the planning authority, the turbine hereby approved shall: -

- have no symbols, signs, logos or other lettering by way of advertisement displayed on any part of the wind turbine;
- not be lit other than for the purposes of aviation safety.

*Reason: In the interests of the visual amenity of the area.*

18. That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with the B961 Dundee – Friockheim Road, giving a minimum sight distance of 215 metres in each direction, at a point 2.4 metres from the nearside channel line of the B961 Dundee – Friockheim Road. Within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel.

*Reason: In the interests of road safety and to ensure that a satisfactory standard of visibility is maintained at the junction of the proposed access with the public road.*

19. That, prior to the erection of the turbine, the verge crossing at the proposed access shall be improved to form a new bellmouth junction with kerbed radii of 9 metres and a minimum throat width of 5.5 metres. The verge crossing shall be constructed in accordance with the Angus Council Road Standards (Type D Junction).

*Reason: To provide a safe and satisfactory access in a timely manner.*

20. That, prior to the commencement of development, a Construction Traffic Management and Routing Plan shall be submitted for the written approval of the Planning Authority. The details of the plan should consider arrangements for the following:

- (i) agreement with the Roads Authority on the routing for abnormal loads;



- (ii) the type and volume of vehicles to be utilised in the delivery of construction materials;
- (iii) assessment of the suitability of the proposed routes, including bridge capacities, to accommodate the type and volume of traffic to be generated by the development. The assessment shall include details of swept path analyses and include DVD video route surveys;
- (iv) mitigating measures on public roads, including, carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street furniture;
- (v) the restriction of delivery traffic to agreed routes;
- (vi) the timing of construction traffic to minimise impacts on local communities, particularly at school start and finish times, during refuse collection, at weekends and during community events;
- (vii) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (viii) liaison with the roads authority regarding winter maintenance;
- (ix) contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;
- (x) a dust and dirt management strategy, including sheeting and wheel cleaning prior to departure from the site;
- (xi) the location, design, erection and maintenance of warning/information signs for the duration of the works, at site accesses and crossovers on private haul roads or tracks used by construction traffic and pedestrians, cyclists or equestrians;
- (xii) contingencies for unobstructed access for emergency services;
- (xiii) co-ordination with other major commercial users of the public roads on the agreed routes in the vicinity of the site;
- (xiv) traffic management, in the vicinity of temporary construction compounds;
- (xv) the provision of data from traffic counters, installed at locations and at intervals to be agreed with the Roads Authority, at the applicant's expense;
- (xvi) arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and
- (xvii) procedures for dealing with non-compliance with the approved plan.

The Construction Traffic Management and Routing Plan shall be implemented in accordance with the approved details.

*Reason: To ensure the free flow of traffic, in the interests of road safety and for the convenience of road users.*

21. At least one month prior to commencement of development, the developer shall provide to the planning authority written details of the bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs on the expiry of the consent/permission period in accordance with the requirements of condition 16(iii). No development shall start on site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the planning authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent/permission.

The adequacy of the approved bond or other financial provision shall be subject to a review at five yearly intervals from commencement of development, to be paid for by the developer and conducted by a competent independent professional who has relevant experience within the wind energy sector. The findings of such reviews shall be submitted in writing to the planning authority within 2-months of the anniversary of the commencement of development.

*Reason: To ensure that there are sufficient funds available for the full costs of site restoration.*

**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/RK

E-Mail: [Planning@angus.gov.uk](mailto:Planning@angus.gov.uk)

Date: 23.09.14

**Appendix 1: Guidance Notes for Noise Conditions**

**Appendix 2: Relevant Development Plan Policies**

## Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise conditions. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

### Guidance Note 1

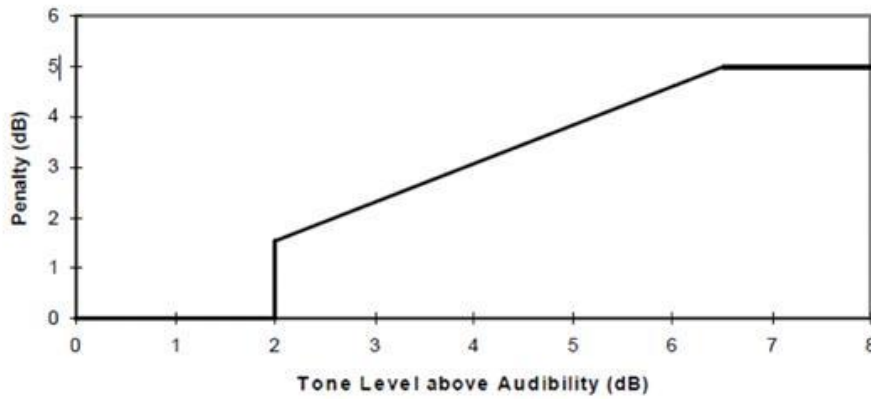
- (a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be ‘standardised’ to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.
- (e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.
- (f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise emissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

## **Guidance Note 2**

- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)
- (b) Valid data points are those measured in the conditions specified in the agreed written assessment protocol, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

## **Guidance Note 3**

- (a) Where, in accordance with the approved assessment protocol, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.
- (e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



#### Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the agreed written assessment protocol.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- (e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request and the approved protocol.
- (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

- (g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- (h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling then the development fails to comply with the conditions.

## TAYplan

### Policy 3: Managing TAYplan's Assets

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:-

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geo-diversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; and,
- identifying and safeguarding parts of the undeveloped coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development and set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate.

### Policy 6: Energy and Waste/Resource Management Infrastructure

Local Development Plans should identify areas that are suitable for different forms of renewable heat and electricity infrastructure and for waste/resource management infrastructure or criteria to support this; including, where appropriate, land for process industries (e.g. the co-location/proximity of surplus heat producers with heat users).

Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations:-

- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;
- Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
- Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;
- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;
- Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,
- Consistency with the National Planning Framework and its Action Programme.

## ANGUS LOCAL PLAN REVIEW

### DEVELOPMENT PLAN POLICIES AGAINST WHICH THE PROPOSAL HAS BEEN ASSESSED

#### 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 S5: Safeguard Areas

Planning permission for development within the consultation zones of notifiable installations, pipelines or hazards will only be granted where the proposal accords with the strategy and policies of this Local Plan and there is no objection by the Health & Safety Executive, Civil Aviation Authority or other relevant statutory agency.

#### Policy S6: Development Principles

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

Schedule 1 : Development Principles	
<b>Amenity</b>	
(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).
<b>Roads/Parking/Access</b>	
(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 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 ER11: Noise Pollution**

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere.

Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise-sensitive land uses. Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

**Policy ER16: Development Affecting the Setting of a Listed Building**

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.



### **Policy ER18: Archaeological Sites of National Importance**

Priority will be given to preserving Scheduled Ancient Monuments in situ. Developments affecting Scheduled Ancient Monuments and other nationally significant archaeological sites and historic landscapes and their settings will only be permitted where it can be adequately demonstrated that either:

- (a) the proposed development will not result in damage to the scheduled monument or site of national archaeological interest or the integrity of its setting; or
- (b) there is overriding and proven public interest to be gained from the proposed development that outweighs the national significance attached to the preservation of the monument or archaeological importance of the site. In the case of Scheduled Ancient Monuments, the development must be in the national interest in order to outweigh the national importance attached to their preservation; and
- (c) the need for the development cannot reasonably be met in other less archaeologically damaging locations or by reasonable alternative means; and
- (d) the proposal has been sited and designed to minimise damage to the archaeological remains.

Where development is considered acceptable and preservation of the site in its original location is not possible, the excavation and recording of the site will be required in advance of development, at the developer's expense.

### **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 ER20: Historic Gardens and Designed Landscapes**

Sites included in the "Inventory of Gardens and Designed Landscapes in Scotland", and any others that may be identified during the plan period, will be protected from development that adversely affects their character, amenity value and historic importance. Development proposals will only be permitted where it can be demonstrated that:

- (a) the proposal will not significantly damage the essential characteristics of the garden and designed landscape or its setting; or
- (b) there is a proven public interest, in allowing the development, which cannot be met in other less damaging locations or by reasonable alternative means.

Protection will also be given to non-inventory historic gardens, surviving features of designed landscapes, and parks of regional or local importance, including their setting.

### **Policy ER30: Agricultural Land**

Proposals for development that would result in the permanent loss of prime quality agricultural land and/or have a detrimental effect on the viability of farming units will only normally be permitted where the land is allocated by this Local Plan or considered essential for implementation of the Local Plan strategy.

### **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.