

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 17 FEBRUARY 2015

PLANNING APPLICATION – FIELD 1025M SOUTH OF BELLAHILL FARM, MELGUND, BRECHIN

Grid Ref: 353457 : 754600

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No 13/00998/FULL for the Erection of a Single Wind Turbine of 32.4 Metres to Hub Height and 45.9 Metres to Blade Tip Including Temporary Access Track and Ancillary Infrastructure for Mr Andrew Hughes at a Field 1025m South of Bellahill Farm, Melgund, Brechin. This application is recommended for conditional approval.

1. RECOMMENDATION

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

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

This report contributes to the following local 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 a single wind turbine of 32.4 metres to hub height and 45.9 Metres to blade tip including a temporary access track and ancillary infrastructure at field 1025m south of Bellahill Farm, Melgund, Brechin.

3.2 The application site is located on a plateau between the higher Turin Hill and Forfar Hills to the south and west, with views over the lower landscape of the South-Esk valley to the north and Montreathmont Forest to the east. The site lies approximately 1km south of Bellahill Farm and approximately 690m west of Pitkenney Farm. The site comprises agricultural land. A line of trees runs from the public road to the north towards the proposed turbine site.

3.3 The application proposes the erection of a wind turbine with an overall height of 45.9 metres, and a generation capacity of 225kW. A new access track is proposed which leads from the public road to the north to the turbine. A flat roofed substation building which has an overall height of 3 metres would be located on an area of hardstanding at the northern end of the access track adjacent to the public road. 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.

- 3.6 This application requires to be determined by the Development Standards Committee as it is recommended for approval and has been subject of objection from Aberlemno Community Council.

4. RELEVANT PLANNING HISTORY

Planning application (ref: 12/00729/FULL) approved the installation of one 50m high meteorological data gathering mast for a temporary period of three years on a site immediately to the north east of the current application.

A planning application (ref: 13/00290/FULL) for a 74m high wind turbine (50m to hub height and 74m to blade tip) was refused planning permission on 1 July 2014 adjacent to the meteorological mast. The applicant requested a review of that decision and the review was dismissed in January 2015 by the Development Management Review Committee.

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. Executive Summary
2. Introduction (Provides details on the application; site planning history; application site; the applicant and agent)
3. Project Description (provides details on turbine model; foundation details; access track; right of way; electrical grid connection, maintenance; decommissioning; micrositing; geology and hydrogeology; hydrology; wider environmental social benefits; community benefit fund and job creation)
4. Site Description
5. Local and Regional Policy Guidance
6. Technical Assessments (Noise Impact Assessment; Shadow Flicker; Aviation/NATS/MOD; Telecommunications; Health and Safety and Wind Resource Assessment)
7. Ecological and Ornithological Assessment
8. Archaeological Assessment
9. Conclusions

- 5.2 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. A transport route assessment has also been submitted.

- 5.3 The submitted information suggests that the turbine can be located in this area in a manner that does not give rise to unacceptable impacts.

6. CONSULTATIONS

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

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

- 6.3 Aberdeenshire Council Archaeological Service provides advice to Angus Council on archaeology as part of a Service Level Agreement and has requested that should planning permission be granted a watching brief condition be attached.

- 6.4 Historic Scotland, National Air Traffic Services, Dundee Airport, Ministry of Defence, Atkins, Joint Radio Company have all been consulted and offered no objections to the proposal.

- 6.5 Ofcom, Scottish Water, Civil Aviation Authority, SNH, RSPB has been consulted on the proposal and have offered no comments.

- 6.6 Aberlemno Community Council have objected to the proposals indicating that it will represent a large industrial structure in the historic heart of rural Angus and will be highly visible from

the Aberlemno Stones, Turin Hill Fort and Finavon Hill Fort. Considered that application 13/00290/FULL should be taken into consideration given its close proximity and also that there will be a number of properties affected by both applications.

7. LETTERS OF REPRESENTATION

Eight (8) letters of objection have been received from five (5) properties. 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 issues raised relate to:

Points of Objection

- **Contrary to Government and Council Policy**
- **Unacceptable adverse impacts on the landscape**
- **Adverse cumulative impacts**
- **Unacceptable noise and shadow flicker impacts on neighbouring residential properties**
- **Adverse impacts on scheduled ancient monuments**
- **Adverse impacts on wildlife**
- **Adverse impacts on tourism**
- **Misrepresentative supporting information**

The above matters are discussed under Planning Considerations below. In respect of issues not considered in the assessment section these are discussed as follows.

- **Ineffective means for generation of renewable energy** – 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.
- **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** – Members will be aware this is not a material planning consideration.
- **Loss of view** – Members will be aware this is not a material planning consideration.

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 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 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.
- 8.5 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 – 2013);
 - Angus Wind farms Landscape Capacity and Cumulative Impacts Study (Ironsides Farrar, 2008);
 - 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.
- 8.6 **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.
- 8.7 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.

8.8 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.

8.9 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.

8.10 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.

8.11 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 are discussed on a topic by topic basis below.

Environmental and Economic Benefits

- 8.12 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.
- 8.13 The supporting information indicates the proposed wind turbine would offset the emission of approximately 254 tonnes of CO₂ and can supply electricity equivalent to the yearly demands of around 125 households. 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.

Landscape Impact

- 8.14 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.
- 8.15 The application site lies within an area identified in the Tayside Landscape Character Assessment (TLCA) as 'Low Moorland Hills' Landscape Character Type (LCT). The Strategic Landscape Capacity Assessment for Wind Energy in Angus (SLCA) (March 2014) provides more detailed assessment of the Low Moorland Hills LCT and subdivides the area into smaller Landscape Character Areas (LCA) based on their more localised landscape characteristics. The site is situated within sub area (ii) Montreathmont Moor. This is a medium to large scale farming and forestry landscape dominated by Montreathmont Forest. The SLCA indicates that this sub area has a base landscape capacity for small/medium (15 to 30 metre high) turbines; medium capacity for medium (30 to 50 metre high) turbines; and low capacity for medium/large (50 to 80 metre high) turbines. The remaining capacity reflects the base landscape capacity. The detailed guidance highlights that the key determining issues are the need to avoid domination of the landscape character and views from residential properties.
- 8.16 The Angus Windfarms Landscape Capacity and Cumulative Impacts Study undertaken by Ironside Farrar in September 2008 acknowledges that the 'Low Moorland Hills' Landscape Character Type (LCT) comprises two sub-types: the lower, flatter and mainly afforested Montreathmont Forest & Moor and surrounding farmland to the east of Turin Hill and north of Guthrie and the area of widely separated steep sided hills in rolling farmland to the west.
- 8.17 The Council's Implementation Guide for Renewable Energy Proposals suggests that this landscape character type has scope for turbines circa 80m in height which do not disrupt the principal ridgelines or adversely affect the setting of important landscape features and monuments such as Balmashanner Monument; and Finavon and Turin hillforts.

- 8.18 In this instance the proposed turbine is 45.9m to blade tip and falls into the category of medium sized turbines as defined in the Strategic Landscape Capacity Assessment. The proposed turbine is located at approximately 155m AOD and would rise to an overall height of 200.9m AOD. Turin Hill and its Iron Age Hill Fort lie to the south-west of the turbine site at a distance in the region of 2km. Turin Hill rises to a height of 262m AOD and the differential in height between the turbine and hill top is such that the Forfar Hills would maintain their dominance in the landscape.
- 8.19 The turbine would give rise to some significant landscape impacts on the minor roads in its vicinity but such impact would be localised and occurs with any turbine proposal. In this case the proposed turbine is consistent with the height guidelines provided by the Council's Implementation Guide and the Strategic Landscape Capacity Assessment.

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 In this instance there are a number of properties within 1km of the application site. I have visited the residential properties considered to be most affected by the proposed turbine and made my own assessment having regard to representations received in respect of the application.
- 8.23 The properties located at Craiksford are the closest to the turbine, located approximately 610 metres to the south-west and the property at Mansfield is located approximately 1241m to the west of the proposed turbine. The main living room windows and amenity space of these properties are not directly orientated towards the turbine. Whilst occupants would gain views of the turbine from the amenity space around the dwellings, given the height of the turbine, the separation distances involved and as this is a single turbine with limited horizontal spread, the turbine would not be a dominant or overbearing feature. On this basis the visual impact would not be unacceptable. Occupants of other properties to the west would experience views of the turbine but again given the height, separation distance and horizontal extent of the turbine, visual impact would not be unacceptable.
- 8.24 The properties in the vicinity of Cotton of Pitkenney are located approximately 670m south/south-east of the proposed turbine. Whilst occupants would gain views of the turbine from the amenity space around the dwellings, given the height of the turbine, the separation distances involved and as this is a single turbine with limited horizontal spread, the turbine would not be a dominant or overbearing feature. On this basis the visual impact would not be unacceptable. Other properties located to the south / south east are located at a greater distance to the proposed turbine and views towards the turbine would likely be partially screened by the farm complex at Cotton of Pitkenney. Overall the visual impact is therefore not considered to be unacceptable in this instance.
- 8.25 The farmhouse at Pitkenney is located to the east of the existing farm complex and at a distance in the region of 760m from the proposed turbine. The farm complex would provide some screening of the proposed turbine from the farmhouse. Whilst occupants would gain views of the turbine from the amenity space around the dwelling, given the height of the turbine, the separation distances involved and as this is a single turbine with limited horizontal spread, the turbine would not be a dominant or overbearing feature. On this basis the visual impact would not be unacceptable. Views of the turbine would be apparent from other

properties to the east, including Melgund Bank Farm (approximately 1078 metres) but the associated visual impact would not be unacceptable.

- 8.26 Buttermilk Cottage and the Farmhouse at Bellahill are located approximately 845m north of the proposed turbine. Both Buttermilk Cottage and the Farmhouse are orientated to the south towards the general area of the turbine. The turbine would in part be obscured by the landform to the front of the properties which slopes steeply upwards (to the south). Whilst occupants would gain views of the turbine from the dwellings and the surrounding amenity space, given the height of the turbine, the separation distances involved and as this is a single turbine with limited horizontal spread, the turbine would not be a dominant or overbearing feature. On this basis the visual impact would not be unacceptable. Occupants of other properties to the north would experience views of the turbine but again given the height, separation distance and horizontal extent of the turbine, visual impact would not be unacceptable.
- 8.27 The turbine would be visible from a number of residential properties but given its height, the separation distance between the properties and the turbine, and the limited horizontal extent of a single turbine, it is not considered that it would be dominant or overbearing on the occupants of any property. As such visual impact on residential property is not considered unacceptable.
- 8.28 In terms of visual impacts of the proposed turbine on the landscape setting of Turin Hill Fort, this would only occur in certain places and within close vicinity of the development, from the stretches of minor roads to the north of the turbine site and possibly minor roads north of Montreathmont Forest. Along the B9134 road between Forfar and Brechin it is considered that there would be very limited visibility, if any, of Turin Hill and the turbine site. Visual impact on the Hill fort would therefore be judged insignificant or low. Similarly the visual impact of the turbine on the panoramic and distant landscape-views from the viewpoint on Turin Hill is not considered unacceptable and could be further mitigated by appropriate colouring of the turbine.
- 8.29 The turbine would be visible from the environs of the Aberlemno Standing Stones (scheduled monument) which lie approximately 1.75km to the north-west. However, the visual impact on the setting of the monument would be estimated low, due to the limited size and horizontal extent of the turbine and as there are a range of modern structures already visible on the horizon line.
- 8.30 In summary, the proposed turbine would be readily visible in the surrounding area and would give rise to visual impacts on sensitive receptors in the area (residential and recreational receptors), and on those using local roads in the area. However, I do not consider that any of these impacts would be so significant as to merit refusal of the application.

Cumulative Landscape and Visual Impact

- 8.31 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.
- 8.32 The Implementation Guide provides interpretation of the level of turbine development that a Landscape Character Type is capable of absorbing. As an acceptable level of change of landscape character the future Wind Energy Landscape Type for this area has been defined as Landscape with Occasional Windfarms, with a capacity for turbines of up to 80m tip height. If the future development was to be limited to maintain a Low Moorland Hills landscape with occasional wind turbines for the east of Forfar, ideally distances between medium turbines or medium and medium-large turbines should not be smaller than 3 to 4 km.
- 8.33 Within the distance of 5km there is an existing medium-large sized turbine to the south-east of the site near Pickerton Guthrie (appn. 12/00365/FULL refers) which would be at a 4 km distance. There is also one medium sized turbine of 34.2m tip height at 2.8km consented near

Carsegowrie (appn. 13/00130/FULL refers) and a small sized turbine of 20.3m tip-height at 1.7km to the east near Melgund Muir Pitkenney (appn. 10/00995/FULL refers).

- 8.34 Within the distance of 5km there are two pending applications for turbines, for a medium-large turbine of 77m tip-height at 4.1km distance to the south-east of the site near Dubton Farm Guthrie (appn. 14/00606/FULL refers) and a 67m high turbine at a distance of 4.3km at Finavon , Forfar. Another application for a turbine for a medium-large sized turbine of 67m blade-tip at 4.1km distance North East of Balnacake Farm which was recently refused and subject of an application for review by the Development Management Review Committee. An application for a medium-large turbine of 74m to blade-tip on land approximately 260m to the north-east of the current application site was refused and a subsequent review dismissed by the Development Management Review Committee.
- 8.35 Significant cumulative landscape impact arising from the proposed turbine and consented turbines is unlikely as there are only two consented turbines of significant height in the vicinity of 5km at the time of writing this report, which are at Pickerton and Carsegowrie. Both are at a sufficient spacing distance.
- 8.36 In terms of cumulative visual effects, the 77m tip-height turbine at 4 km distance to the south-east of the site near Pickerton Guthrie (12/00365/FULL) is visible from close to the proposed turbine site. Successive views of the two turbines are likely to be experienced from stretches of minor roads on the plateau of Pitkenney. A sequential view of the two turbines when travelling on the B9113 would occur in the stretch south of Montreathmont Forest. However the proposed turbine would very likely be screened by the forest and on this basis cumulative impact is unlikely to be significant. Potential for inter-visibility with the medium sized turbine at Carsegowrie also appears to be very limited.
- 8.37 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)

- 8.38 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.
- 8.39 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.
- 8.40 Issues in terms of visual amenity are discussed above under the section that deals with visual impact. The proposal is not considered to give rise to unacceptable amenity issues by virtue of visual impact.

Impact on Natural Heritage

- 8.41 The Development Plan 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. The Local Plan 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.
- 8.42 The 'Onshore Wind Turbines SAS' indicates wind turbine developments have the capacity to have both positive and negative effects on the wildlife, habitats, ecosystems and biodiversity of an area. there is also the potential for negative environmental effects, with possible loss of or damage to valuable habitat resulting from construction of turbine bases, access tracks or other works. Such impacts can be significant particularly if they relate to habitats that are

difficult to replicate. There is also the potential of collision risk, displacement or disturbance by forcing birds or bats to alter flight paths. Wind farms should not adversely affect the integrity of designated sites protected under EU and UK legislation (Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Sites of Special Scientific Interest (SSSIs)) or wider conservation interests. 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.

- 8.43 In this instance SNH and the RSPB have been consulted but not made any comments on the application. I am not aware of any specific species or habitats in the area that are of particular nature conservation value and none have been identified by consultees. On this basis I do not consider there to be any significant impacts on birds or other nature conservation interests in the area.

Cultural Heritage

- 8.44 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.
- 8.45 In terms of scheduled monuments the Turin Hill Fort is located approximately 2km to the south-west of the proposed turbine and the Aberlemno cross slab and symbol stones are located approximately 1.75km to the north-west of the site. Melgund Castle, a Category A listed building, is located approximately 2km to the north east of the turbine site.
- 8.46 Historic Scotland has considered the proposal and has offered no objections in respect of impacts on interests within its remit. The agent provided further information in relation to impacts on the Aberlemno stones and Historic Scotland concluded that whilst the turbine will be visible in some views towards the stones from the north-west, the turbine will not disrupt the key relationship between the stones themselves and the route along which they lie. Historic Scotland has indicated that the proposed turbine would impact on the setting of this monument but does not consider that this impact would raise issues of national significance. Impacts on the hillfort has been discussed above and it is again not considered that the impact on the setting of this monument would be significant. A prehistoric burial cairn lies approximately 330m to the north-east of the proposed turbine. Aberdeenshire Council's Archaeological Service has indicated that a watching brief condition be attached to any planning permission in relation to that feature.
- 8.47 There are other listed buildings and archaeological interests within the area surrounding the application site but the impact of the proposal on those buildings/sites and their setting is not considered unacceptable. 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

- 8.48 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.
- 8.49 The supporting statement indicates that constraints to this development in relation to grid connection are considered unlikely. Specific details have not been submitted but a condition is proposed to be attached requiring specific details of the transmission route and cables be submitted for approval of the planning authority.
- 8.50 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 and this matter can be addressed by planning condition.

- 8.51 In terms of access and road safety the applicant proposes create an access track along from the public road and the Roads Service has considered the application and has no objections subject to conditions being attached. Specific details of the access track have not been submitted but this can be addressed by a planning condition. The supporting document does indicate the track can be grassed over post construction at the request of the local authority.
- 8.52 In relation to impacts on aircraft activity the MOD, 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.
- 8.53 The applicant has indicated that the turbine would be located on site for a period of between 20-25 years. A planning condition could be used to secure removal of the apparatus and restoration of the site.
- 8.54 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

- 8.55 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.
- 8.56 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.

Conclusion

- 8.57 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.
- 8.58 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.
- 8.59 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.
- 8.60 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 reasons and subject to the following conditions.

Reasons 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 it is erected unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the date of erection of the turbine 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 turbine and to allow for restoration of the site.

2. 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.

3. 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 4(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.

4. 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) The precise details of the access track, timescales for the track being in place and measures for its restoration. Thereafter the access track shall be provided only in accordance with the approved details and shall be restored in accordance with the terms of this condition.

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 ensure the details of the temporary access track are acceptable; and in order to mitigate any impacts on television reception.

5. That unless otherwise 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.

6. The turbine shall be an ACSA A27, 500kW with a hub height of 32.2 metres and a maximum height to blade-tip of 45.9 metres unless otherwise approved 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.

7. The rating level of noise emissions from the combined effects of the wind turbines (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

(a) LA90 35dB (A) 10min at wind speeds up to 10 m/s at 10m height at any location.

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

8. 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 shall cease until otherwise approved in writing by the planning authority.

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

9. The wind farm 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 farm 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 adjacent property.

10. Prior to the commencement of development a list of proposed independent consultants who may undertake noise compliance measurements in accordance with this permission shall be submitted to and approved in writing by the Planning Authority. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

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

11. 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 turbine 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.

12. 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.

13. 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.

14. Where a further assessment of the rating level of noise emissions from the wind turbine is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to condition 13 above unless the time limit has been extended in writing by the Planning Authority.

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

15. Prior to the commencement of development a shadow flicker assessment shall be submitted for the written approval of the Planning Authority. The aforementioned assessment shall consider any sensitive receptors a minimum of 1km from the proposed turbine. Where under worst case conditions any property is predicted to be affected by shadow flicker for more than 30 minutes per day or more than 30 hours per year then a scheme of mitigation shall be submitted to and approved in writing by the Planning Authority. Once approved the operation of the wind turbine shall take place in accordance with the said scheme unless the Planning Authority gives written consent to any variation. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.

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

16. 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 farm 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 safeguard the residential amenity of adjacent property.

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

Table C: Construction Noise limits

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

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

18. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the planning authority, during any groundbreaking and development work. The retained archaeological organisation shall be afforded access at

all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

Reason: To record items of archaeological interest.

19. That, prior to the commencement of development, a Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved plan. The Traffic Management Plan shall 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 to the site of construction materials [and turbine components] associated with the construction [and erection of the wind turbines];
 - (iii) a route condition survey of the U457/U457(2) Craiksfold Road between the site access and the C44 Central Road which shall include an 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) any proposed accommodation works / mitigating measures affecting the public roads in order to allow for delivery loads, 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) arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and
 - (xvi) procedures for dealing with non-compliance with the approved plan.

Reason: In the interests of road safety and to ensure the free flow of traffic for the convenience of road users and to ensure that any works required to the local road network to facilitate the development are undertaken in a timely manner.

20. That, prior to the commencement of works on site, visibility splays shall be provided at the junction of the proposed access with the U457(2) Craiksfold Road, giving a minimum sight distance of 90 metres in each direction at a point 2.4 metres from the adjacent channel line of the U457(2) Craiksfold 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. Thereafter, the visibility sightlines shall be maintained as such until the turbine is decommissioned or the access to the public road is stopped-up, whichever is the latter.

Reason: In the interests of road safety.

21. That, prior to the commencement of use of the site access, the verge crossing at its junction with the public road shall be formed and constructed, in accordance with the standards of Angus Council (Type C) and shall be designed so as to prevent the discharge of surface water onto the public road.

Reason: To provide a safe and satisfactory access in a timely manner and in the interests of road safety.

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.

REPORT AUTHOR: VIVIEN SMITH HEAD OF PLANNING AND PLACE

E-mail: PLANNING@angus.gov.uk

Date: 9 February 2015

APPENDIX 1 : DEVELOPMENT PLAN POLICIES AGAINST WHICH THE PROPOSAL HAS BEEN ASSESSED

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DEVELOPMENT PLAN POLICIES AGAINST WHICH THE PROPOSAL HAS BEEN ASSESSED

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

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.

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.

Guidance Notes for Noise Conditions:

These notes are to be read with and form part of the noise condition. They further explain the conditions 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 immissions. 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 immission 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:
 - (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.