

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 17 FEBRUARY 2015**

**PLANNING APPEAL DECISION  
FIELD 400M NORTH WEST OF MONTQUHIR FARM, CARMYLLIE**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report presents the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the refusal of Angus Council to grant planning permission by Mrs Louise Gray for the installation of a single wind turbine (measuring up to 77 metres to blade tip) and associated substation and transformer kiosk, hard standing area and access road on land 400mm north west of Montquhir Farm, Carmyllie. The appeal was dismissed.

**1. RECOMMENDATION**

It is recommended that the Committee notes the outcome of the above appeal.

**2. INTRODUCTION**

2.1 The Development Standards Committee at the meeting on 7 October 2014 refused planning permission (application No. 14/00012/FULL) for the installation of a single wind turbine (measuring up to 77 metres to blade tip) and associated substation and transformer kiosk, hard standing area and access road on land 400mm north west of Montquhir Farm, Carmyllie.

2.2 The applicant, Mrs Louise Gray, appealed against the refusal and the Reporter's conclusions and decision are presented below.

**3. REPORTER'S DECISION**

**Reasoning**

3.1 I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Additionally the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires special regard be given to the desirability of preserving the setting of any affected listed buildings.

3.2 Having regard to the provisions of the development plan and the aforementioned Act the main issues in this appeal are: (1) whether the proposal is contrary to policies ER5 and ER34 of the Angus Local Plan Review 2009 (ALPR) with respect to the impact on the landscape; (2) whether the proposal would have an adverse impact on the setting of Carmyllie Church and the adjacent Manse, contrary to ALPR Policy ER16 and the Act noted in paragraph 1 above; and (3) whether other material considerations would justify either the grant or refusal of permission.

3.3 The appellant's claim for expenses will be dealt with by a separate decision notice.

3.4 Scottish Government policy is generally supportive of proposals for the development of sustainable on-shore energy, in acceptable locations. This approach is carried through into TAYplan where the thrust of policy is to locate wind turbines where there is no significant adverse impact on the landscape. The ALPR Policy ER5, cited in the council's first reason for refusal, requires development proposals to take account of the guidance provided by the Tayside Landscape Character Assessment (TLCA) prepared for Scottish Natural Heritage in 1999. In this context the ALPR Policy ER34 requires that proposals for renewable energy, i.e. wind turbines such as that proposed, 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. I note that Policy ER34 is not

cited in the council's reasons for refusal but I regard it as directly relevant to the landscape impact of wind energy development. A number of landscape studies over the last 15 years inform the assessment process implicit in ALPR policies ER5 and ER34.

- 3.5 The site of the proposed wind turbine lies within an area classified in the TLCA as Dipslope Farmland where wind farm development would be subject to medium constraint. Within this landscape of interrupted views and tamed naturalness the TLCA recognises that there will be considerable variation in suitability for wind energy development and asserts that such may be better located in shallow bowls on the dipslopes. The Angus Windfarms Capacity and Cumulative Impacts Study 2008 acknowledges there can be significant variations in the suitability of sites within this landscape character type. The Strategic Landscape Capacity Assessment for Windfarms in Angus 2014 (SLCA) classifies the area around the appeal site as Dipslope Farmland and Redford Farmland Landscape Character Area (Sub-area iii). This type of landscape is deemed to have the capacity for turbines up to 80 metres in height, the highest underlying capacity for wind energy in the dipslope farmland. This is qualified however with the proviso that such development would be subject to local constraints.
- 3.6 The council officer's committee report contains an analysis of the precise location of the proposed turbine and its impact with respect to these local constraints. It notes that the Dipslope Farmland LCA around Redford is the largest scale and most open landscape of its type in the area. The application site lies within a topographical dip and is located away from the escarpment which separates the lower coastal Dipslope Farmland from the higher, more inland, part of this LCA. I note that this officer's report concluded that there was capacity for medium scale wind turbine development and that in this context the landscape impact of the proposal was acceptable.
- 3.7 The local planning policy and supporting landscape analysis indicates in effect an area of search for single wind turbines of the height proposed. Each proposal must however, be assessed on its own merit. Within a landscape deemed acceptable for some wind energy development there is an assumption that such structures will be to some degree visible in the landscape both to residents and travellers passing through. Both the appellant and the council agree that the proposed turbine would be a prominent feature in the landscape. Although sited in a shallow dip the appeal site is overlooked from the north where the land rises to the site of the Carmyllie Church and the Carmyllie War Memorial. Both of these are significant local landmarks with provision made for public access to enjoy the view. From these locations the turbine would not simply be visible but would appear as a very prominent element in the landscape, significantly exceeding the height of surrounding trees and other manmade vertical structures. It would break the skyline and intrude into the view of the valley as seen from the churchyard. Notwithstanding the partial summer months screening from the churchyard afforded by the existing boundary trees this would have an unacceptably harmful impact on the view from the churchyard to the surrounding countryside.
- 3.8 The view across the open valley to the distant sea beyond as seen from the Carmyllie War Memorial would also be adversely affected. The proposed turbine would intrude into the centre of the prospect, breaking the skyline and introducing an incongruous structure. There is no tree screening around the monument to break or hide the prospect of the turbine. Similarly it would be a prominent feature when viewed from the south and south west on the approach along the B961 and from parts of the B9127 and B9128, though these latter two would to my mind not result in significant harm to the landscape. This does not however outweigh the harm arising from the incongruous visual intrusion into the locally valued views from the church and war memorial. This harm would be contrary to local plan policies ER5 and ER34.
- 3.9 Turning to the cumulative impact on the landscape I note that there are a number of other nearby turbine proposals which have been approved. The SLCA notes that with respect to the prevailing landscape type (the Dipslope Farmland, Redford Farmland Subarea iii) groupings of turbines should remain relatively small and well separated to avoid overwhelming the underlying character. Specifically a maximum number of turbines in a group should be 5 with a separation distance between medium turbines of 3-6km and between medium to large turbines of 5-10km. In addition to the four existing turbines there are an additional four approved turbines all within 3-6km of the appeal site. The landscape impact of these eight existing and approved turbines vary and they are not all in view from any one viewpoint.
- 3.10 The council officer's committee report notes that intervening vegetation and topography rendered views to these existing and approved turbines as often sequential rather than

cumulative. Against that background there have clearly been approvals for a significant number of turbines beyond the envisaged capacity of the landscape to absorb them. The cumulative impact of adding to the number of turbines, which already exceed the SCLA guideline of a maximum of 5 turbines, whether viewed from a single location or seen whilst moving through the area would in my view exceed the SCLA recommended interpretation of 'a landscape with occasional windfarms'. In such an open and exposed location this would harm to the quality of that landscape contrary to policies ER5 and ER34 of the local plan.

- 3.11 Turning to the effect on the setting of the listed buildings, although there are four nearby, the council only cite the Carmyllie Church and Manse, category 'B' and 'C' listed respectively. I note the existence of other nearby category 'C' listed buildings but I have no evidence to conclude that they may be adversely affected by the appeal proposal.
- 3.12 The Carmyllie Parish Kirk, including the graveyard and boundary walls is a 'category B' listed building. The original building is thought to date from around 1513 and to have been an ecclesiastical establishment linked to the Abbey at Arbroath. It has been much altered throughout the years with major alterations in the post reformation period to create a Presbyterian Kirk. There are many local historical connections between the Kirk and notable former residents of the area some of whose remains are interred in the adjacent graveyard. The Kirk sits on the side of the valley in an elevated position looking south to the ridge beyond. It sits alone on the side of the hill, apart from its adjacent Manse building. The openness and isolation of the church and its graveyard and the uninterrupted view across the valley to the south adds to the historical significance of the building. It is a key part of its setting and consequently an important feature of the architectural and historic interest of the building. The proposed turbine would be a prominent and intrusive feature in the outlook from the churchyard and would in consequence harm that aspect of the architectural and historic interest of the building.
- 3.13 I note that Historic Scotland chose not to object to this aspect of the proposal. Whilst their view as the government agency charged with looking after the historic environment is a material consideration, the duty to preserve the setting and features of historic or architectural interest of listed buildings under the act of parliament noted in paragraph 1 above extends to both the local authority and myself. I concur with the council that the proposal would be harmful in this respect and therefore contrary to policy ER16 of the local plan and the Planning (Conservation Areas and Listed Buildings)(Scotland) Act 1997.
- 3.14 The manse is a category 'C' listed building, now used as a private residence. Whilst the proposed turbine would intrude into the views from the private garden of the house I do not consider the preservation of the view from a private garden to be of such significance as to constitute harm to the setting of that building. This does not however outweigh the harm which I have already identified.
- 3.15 Turning to other matters raised, I find no convincing evidence that the proposal would result in damage to wildlife or damage to human health from noise, vibrations or shadow flicker. I note that the council's environmental health service has not objected. The proposed turbine would be sufficiently distant from nearby dwellings not to be overbearing and there is no entitlement in planning policy for the preservation of private views. Neither is the possible effect on property value a material planning consideration. Similarly there is no evidence of any adverse effect on road safety arising from construction or servicing and problems cited by MOD with respect to radar interference could be resolved by appropriate technical means implemented by a planning condition. The proposal would provide a modest contribution towards meeting government targets for renewable energy. My conclusion on these matters does not however outweigh the harm which I have identified.
- 3.16 I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and the Planning (Conservation Areas and Listed Buildings)(Scotland) Act 1997. The appeal is in consequence dismissed.

#### **4. FINANCIAL IMPLICATIONS**

There are no financial implications.

## **5. OTHER IMPLICATIONS**

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

**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 a material extent in preparing the above report.

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**Date: 4 February 2015**