

## Appeal Decision Notice

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Decision by Scott M Ferrie, a Reporter appointed by the Scottish Ministers

- Planning Appeal reference: P/PPA/120/215
- Site Address: Dusty Drum / Goats Farm, Carmyllie, Arbroath DD11 2QS
- Appeal by A7 Energy Ltd against the failure of Angus Council to determine application for planning permission 07/00495/FUL, dated 19 March 2007
- The development proposed: erection of three wind turbines and ancillary works
- Date of site visit by Reporter: 25 October 2007

Date of appeal decision: 27 November 2007

### Decision

I dismiss the appeal and refuse planning permission.

### Reasoning

1. The determining issues in this appeal are (a) whether the proposed development complies with the policies of the approved Dundee and Angus Structure Plan and the adopted Angus Local Plan; and (b) whether there are any other material considerations that lead me to determine the appeal not in accordance with those policies.
2. Environmental Resources Policy 10 of the approved Dundee and Angus Structure Plan states that renewable energy development proposals will be favourably considered provided that any significant adverse impacts can be satisfactorily addressed. The policy requires that detailed criteria based policies be established by local plans. In this respect policies ENV8, INF12 and INF13 of the adopted Angus Local Plan are relevant to determination of this appeal.
3. Policy ENV8 of the local plan requires that development proposals should follow guidance provided by the Tayside Landscape Character Assessment (TLCA) in terms of landscape fit. All proposals require to be assessed against six criteria contained in the policy aimed at ensuring the compatibility of the proposed development with the surrounding landscape. The council considers that the appellant has failed to demonstrate that the site selected is capable of absorbing the proposed development in terms of landscape fit, as required by criterion (a) of the policy.
4. The appeal site is located within an area of dipslope farmland as defined in the TLCA. This landscape character type is described as being relatively free of tall structures, with the exception of electricity transmission pylons, and is identified as being of low



sensitivity to wind farm developments. Scottish Natural Heritage (SNH) advises however, that the TLCA was based on turbines of a maximum height to hub of 30 - 35 metres with a similar blade diameter, resulting in a maximum height to blade tip of 52.5 metres. The turbines subject of this appeal would have a height to blade tip of 110 metres. In this respect SNH considers that all statements in the TLCA referring to sensitivity to wind farm development require to be reconsidered in the light of current turbine dimensions. I consider that the general support of the TLCA for wind farm development in the dipslope farmland landscape character type should be afforded limited weight given the dimensions of the turbines subject of this appeal.

5. A formal Environmental Statement was not required in respect of the appeal proposal. The appellant has however, provided an Environmental Report. This is accompanied by a Landscape and Visual Impact Addendum, produced to address the concerns of the council and SNH in relation to the adequacy of the assessment of the proposal in terms of landscape and visual impacts. The Environmental Report, as originally submitted, includes maps demonstrating 15km zones of visual influence relating to the nacelles and blade tips of the turbines. Seven viewpoints were identified from these, with visualisations being produced for viewpoints 2, 5, 6 and 7. The council and SNH comment that the viewpoints were not selected in agreement with them and that they are not representative of a range of visual receptors, orientation and distance.

6. The four viewpoints in relation to which visualisations have been prepared are located to the north and west of the appeal site. I noted from the ZVIs, and confirmed during my site inspection, that the proposed turbines would also be visible from areas generally to the south of the site, particularly in views from the A92 road. The Landscape and Visual Impact Addendum seeks to assess the impact of the proposed development from additional viewpoints identified by SNH, including from the A92 to the south. The appellant states that the preparation of visualisations in relation to these viewpoints would result in expense out of proportion to the scale of the proposed development. In place of visualisations, an alternative method of analysis has been provided. This utilises terrain data to predict the percentage of the proposed turbines which would be visible from each of the additional viewpoints. I consider this additional information to be useful to a limited extent, but cannot place significant reliance on it as it fails to give any indication of the scale of the proposed turbines in the landscape as viewed from each of the viewpoints.

7. Although I consider that the landscape impacts of the proposed development, viewed from the four viewpoints illustrated by visualisations, are likely to be acceptable, I have not been provided with sufficient information, in the form of wireframe diagrams or visualisations, to enable me to draw firm conclusions regarding the other viewpoints. I must conclude therefore, that the appellant has failed to demonstrate that the site selected is capable of absorbing the proposed development in terms of landscape fit, as required by policy ENV8.

8. Policy INF12 of the adopted local plan requires the council to give positive consideration to renewable energy proposals subject to criteria relating to (a) the impact of the proposal on the natural and built environment, including residential amenity; (b) the impact of the proposal on the landscape and visual qualities of the area; (c) the quality of the resource and its contribution to the national requirement for renewable energy; and, (d) access, maintenance and operational impacts. No issues have been raised by the council, consultees or third parties in relation to criteria (a), (c) and (d). As I have found above that

the landscape and visual impacts of the proposal have not been adequately assessed, I must conclude that the proposal fails criterion (b) of policy INF12.

9. Policy INF13 of the local plan requires wind farm proposals to meet detailed criteria relating to a range of issues including noise, shadow flicker, road safety, interference with aircraft or migrating birds, landscape character, nature conservation and cumulative impacts. One neighbouring resident has referred to concerns in relation to noise impacts. The council has raised no issues in this regard. I am satisfied that adequate assessment has been carried out in this respect and that the likely noise impacts of the proposed development are well within accepted standards. No issues have been raised in relation to any of the other detailed issues referred to in the criteria, other than landscape and cumulative impacts. I have already found that the landscape impacts of the proposal have not been adequately assessed and must conclude that the proposal is not consistent with criterion (c) of policy INF13 in this respect.

10. In relation to cumulative impacts, there are currently three other live planning applications for wind farm developments within 20km of the appeal site. I note the appellant's use of terrain data to assess the cumulative impacts of the appeal proposal with the other proposed developments in the Landscape and Visual Impact Addendum. I agree with the council and SNH that the methodology adopted in the addendum is unsatisfactory and I cannot place any reliance on its assessment of cumulative impacts. I consider therefore, that criterion (e) of policy INF13 is also failed.

11. I conclude that the proposed development does not comply with the policies of the approved Dundee and Angus Structure Plan and the adopted Angus Local Plan. I must now consider whether there are any other material considerations that lead me to determine the appeal not in accordance with those policies. The Angus Local Plan Review is at finalised stage and requires to be afforded considerable weight in the determination of this appeal. Policies ER33 and ER34 set out detailed criteria applicable to the assessment of wind farm proposals. These policies reinforce my conclusions in relation to the inadequacy of the landscape and visual assessment of the appeal proposal submitted by the appellant.

12. SPP6 states that the level of assessment needed for renewable energy developments will be directly related to the size and scale of the proposal and its location. I do not consider this requirement to have been fulfilled by the information submitted by the appellant in terms of landscape and visual impacts. The appellant has drawn my attention to paragraph 51 of SPP6. This states that the cumulative impacts of proposals should be adequately addressed but that decisions should not be unreasonably delayed because other schemes in the area are at a less advanced stage. SPP6 requires me to take account of those projects in the vicinity which are currently the subject of valid but undetermined applications. It requires that the weight to be afforded to such applications should reflect their position in the application process. I share the council's view that, because of the inadequacy of the appellant's assessment of its landscape, visual and cumulative effects, the appeal proposal is not yet at a stage where it can be properly determined. I cannot therefore, conclude that the proposal before me is at a more advanced stage than the other three live applications. My conclusion would not therefore, represent an unreasonable delay in terms of the guidance.

13. I have considered all other matters raised, including the availability of a good wind resource and grid connection, but find none to lead me to a different conclusion.

*This is the version issued to parties 27 November 2007*

SCOTT M FERRIE  
Reporter

DPEA as issued to parties

