

Perth and Kinross Council
Development Management Committee – 27 March 2013
Report of Handling by Development Quality Manager

Windfarm extension comprising two additional turbines and ancillary works (Burnfoot Hill) south of the Upper and Lower Glendevon Reservoirs, Glendevon

Ref No: 11/01930/FLL

Ward No: 7 – Strathallan

Summary

This report recommends approval for the erection of 2 wind turbines and ancillary works and structures, as an extension to the existing operational wind farm at Burnfoot Hill. The development would have acceptable impacts on landscape quality, visual amenity and other receptors and as a consequence would accord the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application proposes the erection of two additional turbines to the existing array of 13 turbines which makes up the operational Burnfoot Hill Wind Farm. Although the existing wind farm is located in Clackmannanshire the extension would be sited within Perth & Kinross. Each new turbine would have a hub height of approximately 102m to blade tip (60m to hub), a rotor blade radius of 42m, and a generating capacity of 2MW. The size and turbine type would be consistent with those others in the existing wind farm.
- 2 Access to the site during construction and operation would be gained from the unclassified road leading from the A823 (Glendevon Road). Approximately 900m of new access track would be required to serve the development which would link with the private road which presently serves the operational Burnfoot Hill Wind Farm. Crane hardstands would be constructed to the base of each turbine (50m x 25m). A temporary construction compound is proposed on one of the turbine hardstands within the existing wind farm.
- 3 The new turbines would connect directly to the existing Burnfoot Hill Wind Farm electronic control building and utilise the available capacity within the existing export cabling that runs between the wind farm and the offsite switchgear building at Alva.
- 4 The application site is located on the upper slopes of the Ochil Hills to the north of Burnfoot Hill approximately 6.5km north of Tillicoultry and approximately 4.5Km south of Blackford.
- 5 Members will note another proposal on this agenda from the same applicant for a seven turbine proposal (Frandy Hill Wind Farm - Ref 11/01952/FLL). That application is the subject of an appeal for non-determination and the recommendation is that the Council oppose that proposal at appeal for landscape and visual impact reasons.

HIERARCHY OF APPLICATIONS

- 6 Due to the limited electricity generating capacity of this 2 turbine proposal (4mw in total) this application is a local application as defined by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. Notwithstanding this, the applicants did undertake a pre-application public consultation exercise and a report reviewing that process has been incorporated as part of a submitted Environmental Statement (ES).

ENVIRONMENTAL IMPACT ASSESSMENT

- 7 EEC Directive (No 2003/35/EC) requires an authority giving a planning consent for particular large scale projects (the 'competent authority', and in this case Perth and Kinross Council) to make its decision in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before they can be given 'development consent'. This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects in a given location, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 The proposal constitutes a Schedule 2 development, (3(i) installation for the harnessing of wind power for energy production) under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. The thresholds in that Schedule are exceeded by this proposal. Accordingly the application is supported by an Environmental Statement (ES) which is a key part of the submission. The key environmental concerns of significance set out in the submitted ES are:
- Traffic
 - Land Use
 - Recreation
 - Landscape and Visual impacts
 - Ornithology
 - Non-Avian Ecology
 - Water and soils
 - Cultural Heritage
 - Noise
 - Aviation
 - Shadow Flicker

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

9 This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are:

- Paragraphs 3: Purpose of Planning
- Paragraph 25: Determining planning applications
- Paragraphs 33 - 44: Sustainable economic growth and Climate change:
- Paragraph 45: Economic Development;
- Paragraphs 77 – 78: Location and design of new development
- Paragraphs 110 – 124: Historic Environment
- Paragraphs 125 -148: Landscape and Natural Heritage
- Paragraphs 142 – 145: Protected Species
- Paragraphs 165 -176: Transport
- Paragraphs 183 – 191: Renewable Energy & Wind Farms
- Paragraphs 257: Outcomes

PAN 51 Planning, Environmental Protection and Regulation 2006

10 The purpose of the PAN is to support the existing policy on the role of the planning system in relation to the environmental protection regimes.

Of relevance to this application are:

- Paragraph 26 : The Habitats Regulations
- Paragraphs 37 - 44 : Development Management
- Paragraphs 49 -52: Material Considerations
- Paragraphs 59-60: Environmental Impact Assessment
- Paragraphs 64-65: Noise and Noise nuisance

PAN 1 / 2011 Planning and Noise

11 The purpose of the PAN and its accompanying Technical Advice Note is to provide guidance on how noise should be considered in the development

management process to prevent and limit the adverse effects of noise without prejudicing sustainable economic growth.

Of relevance to this application are:

- Paragraphs 2 - 6: general principles
- Paragraphs 14 -18: Considering noise in development management
- Paragraph 19 - 21: Noise impact assessment and mitigation
- Paragraphs 33 - 34: Noise from potentially noisy developments
- Technical Advice Note : Chapter 4 : Mitigation
- Technical Advice Note: Factors to consider in assessing noise impacts

2020 Route map for Renewable Energy in Scotland - 2011

12 Sets out Scottish Government's ambitions for renewable energy and highlights a strategy for the delivery of a target to meet an equivalent of 100% demand for electricity from renewable energy by 2020. As well as providing broad support for renewable energy development the strategy is underpinned by the principle of demand reduction.

13 S3.2 sets out key actions in respect of Onshore Wind development. In relation to the role of planning it is advised that:

The planning system must continue to balance environmental sensitivities with the need to make progress on renewable targets, and support Planning Authorities in maximising opportunities. Planning Authorities should also be encouraged to complete the spatial frameworks required by Scottish Planning Policy, deliver development plans which clearly set out the spatial and policy context for renewables and implement development management procedures that allow for appropriately designed and sited onshore wind proposals to emerge.

Onshore wind turbines – 2012

14 Provides specific topic guidance to Planning Authorities from Scottish Government.

The topic guidance includes encouragement to planning authorities to:

- develop spatial strategies for wind farms;
- ensure that Development Plan Policy provide clear guidance for design, location, impacts on scale and character of landscape; and the assessment of cumulative effects;
- the involvement of key consultees including SNH in the application determination process;
- direct the decision maker to publish best practice guidance from SNH in relation to visual assessment, siting and design and cumulative impacts.

- 15 In relation to any assessment of cumulative impacts it is advised that:

In areas approaching their carrying capacity the assessment of cumulative effects is likely to become more pertinent in considering new wind turbines, either as stand alone groups or extensions to existing wind farms. In other cases, where proposals are being considered in more remote places, the threshold of cumulative impacts is likely to be lower, although there may be other planning considerations.

In assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant considerations. It will also be necessary to consider the significance of the landscape and the views, proximity and inter-visibility and the sensitivity of visual receptors.

Circular 4:2009 Development Management Procedures

- 16 Advises that Planning Authorities are best placed to balance the range of policies and proposals and decide whether a development does or does not accord with the Development Plan, and are obliged to do so as part of their assessment of planning applications.
- 17 A Pre-Determination Hearing would be necessary for any proposal which is a *significant* departure to the Development Plan and would entail consideration of the application by Full Council. In assessing whether a departure is '*significant*' it is advised that this judgement will lie with the Planning Authority, Scottish Ministers' general expectation is that this applies where approval would be contrary to the vision or wider spatial strategy of the Plan.
- 18 Officers are satisfied that the proposal would not constitute a *significant* departure to the Development Plan.

DEVELOPMENT PLAN

- 19 The Development Plan for the area comprises the Approved TAYplan Strategic Development Plan 2012 and the Adopted Strathearn Area Local Plan 2001.

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012

- 20 The principal relevant policies are in summary:
- 21 **Policy 2 Shaping better quality places** – accords emphasis to the delivery of quality development and places which incorporate sustainable elements in relation to design and which respect local context. The Policy makes clear that quality of place is central to the vision and objectives of the Plan.
- 22 **Policy 3 Managing TAYplan Assets** – seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

- 23 **Policy 6 Energy and Waste/Resource Management Infrastructure** – provides broad support to renewable energy development where locational considerations and impacts can be satisfactorily addressed. Sensitivity of landscape and the cumulative effects of development are included as key considerations which will be used to influence locational policies in new Local Development Plans.

STRATHEARN AREA LOCAL PLAN 2001

- 24 The Plan identifies the protection and enhancement of the environment as a key Council Strategic Policy.

- 25 The principal relevant policies are in summary: -

Policy 1:Sustainable Development

- 26 Identifies that the Council will seek to ensure that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. The following principles will be key guidelines in assessing whether projects pursue a commitment to sustainable development:

- The quality of the natural environment should be maintained or improved;
- Where there is great complexity or there are unclear effects of development on the environment, the precautionary principle should be applied;
- Biodiversity is conserved;

Policy 2:Development Criteria

- 27 Identifies criteria against which all developments will be assessed. These include:

- An acceptable landscape framework;
- Satisfactory scale, form, colour, and density of existing development within the locality;
- Compatibility with surroundings in land use terms and no significant loss of amenity to the local community;
- A road network capable of absorbing the additional traffic generated by the development and the provision of a satisfactory access onto that network;
- A site large enough to accommodate development satisfactorily in site planning terms;

Policy 3: Landscape

- 28 Identifies new development should conserve landscape features and sense of local identity, and strengthen and enhance landscape character and confirms that the Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

Policy 5: Design

- 29 Identifies that the Council will require high standards of design for development in the Plan area and particular encouragement will be given to:
- Ensuring that the proportions of any building are in keeping with its surroundings; and
 - that development fits its location.

Policy 11: Renewable Energy

- 30 Identifies that broad support will be given to the renewable energy projects in appropriate locations. In assessing proposals consideration will be given to criteria which seek to ensure that:
- development will not have a significant detrimental effect on sites recognised by designation at a national, regional or local level, of nature conservation interest or sites of archaeological interest;
 - development will not result in an unacceptable intrusion into the landscape character of the area;
 - development will not result in an unacceptable loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.
- 31 Developers will be required to enter into an agreement for the removal of the development and the restoration of the site following the completion of the development's useful life.

Policies 13: Nature Conservation

- 32 Identifies that development will only be permitted on a site designated or proposed under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or a Ramsar Site where the appropriate assessment indicates that the following criteria can be met:-
- The development will not adversely affect the integrity of the site.
 - There are no alternative solutions.
 - There are imperative reasons of over-riding public interest.

Policy 17: Locally Important Habitats:

- 33 Identifies that the Council will seek to protect and enhance habitats of local importance to nature conservation, including grasslands, wetlands and peat-lands, habitats that support rare or endangered species.

Policy 19: Historic Gardens & Designed Landscapes:

- 34 Identifies that protection will be afforded to Historic Gardens and Designed Landscapes in the consideration of new development proposals.

Policies 23 & 24: Archaeology

- 35 Identifies that Scheduled Ancient Monuments will be protected from potential adverse development. Protection will also be afforded to unscheduled sites of archaeological significance and their settings and there will be a strong presumption in favour of preservation in situ.

Policy 35: Public Access & Informal Recreation

- 36 Identifies that the Council will seek to improve and extend public access to the countryside.

37 Policy 46: Diversification:

Identifies that support will be given to proposals for farm diversification where a proposal would not adversely affect the amenity of the countryside and the proposal would not conflict with other Development Plan policies.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN JANUARY 2012

- 38 The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The Council's Development Plan Scheme sets out a timescale and stages leading to adoption. Members will be aware that on 30 January 2012 the Proposed Plan was published and has now undergone an initial process of public consultation. The Proposed LDP may yet be modified and will be subject to further consultation and examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.
- 39 **PM1A Placemaking** – Requires all new development to contribute positively to the quality of the built and natural environment. Design and landscaping will be key requirements of any new development proposal.
- 40 **PM1B Placemaking** – Identifies placemaking design criteria which should be satisfied by all new development.
- 41 **HE1A Scheduled Monuments** - Identifies a presumption against development which would have an adverse effect on the integrity of a Scheduled Ancient Monument and its setting.
- 42 **HE1B Non-Designated Archaeology**– Identifies that the Council will seek to protect areas or sites of known archaeological interest and their settings.
- 43 **HE4 Gardens and Designed Landscapes** – The Council will seek to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes.

- 44 **NE1A International Nature Conservation Sites** – Identifies that development which could have a significant effect on a SAC will only be permitted where appropriate assessment is undertaken.
- 45 **NE1B National Designations** – Development which would affect a Site of Special Scientific Interest will only be permitted where the Council as Planning Authority is satisfied that the proposed development would not affect the integrity of the area or the qualities for which it has been designated; or any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
- 46 **NE1D European Protected Species**–Identifies that planning permission will not be granted where development would be likely to adversely affect a European Protected species.
- 47 **NE3 Biodiversity** – Identifies that the Council will seek to protect and enhance all wildlife and wildlife habitats. Development may be required to demonstrate that all adverse effects on species and habitats have been avoided where possible.
- 48 **ER1A Renewable and Low Carbon Energy Generation** - Provides broad support to new commercial renewable energy developments where a range of detailed criteria including biodiversity, cultural heritage, landscape character, cumulative effects and residential amenity are fully satisfied.
- 49 **ER1B Extension of existing facilities** – Indicates that proposals for extensions of existing wind farm facilities will be required to meet the criteria set out in Policy ER1A.
- 50 **ER6 Managing future landscape change to conserve and enhance the diversity and quality of the area’s landscape** – requires new development proposals to be compatible with the distinctive characteristics and features of the Perth and Kinross Landscape. New development proposals will be required to conserve and enhance the landscape qualities of Perth and Kinross. Identifies that the Tayside Landscape Character Assessment will be used for assessing development proposals along with other material considerations.
- 51 **EP3C Surface Water Drainage** - Identifies all new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.
- 52 **EP8 Noise Pollution** - Identifies a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing noise sensitive uses. Identifies that conditions will be used to limit noise for developments where design and siting alone would deliver insufficient mitigation.
- 53 The proposed extension at Burnfoot Hill raises particular issues in relation to ER1A & ERIB: Renewable and Low Carbon Energy Generation. Members

OTHER POLICIES

54 None.

OTHER PLANNING GUIDANCE

Landscape Study – Windfarm Development in the Ochil Hills and Southern Highland Perthshire – 2004

55 This study was undertaken for the Council, Clackmannanshire Council and SNH by David Tyldesley & Associates, to assess the capacity of the study areas to accommodate wind farm developments, to safeguard more sensitive areas and to assist the appraisal of any detailed proposals. The study pre-dates the existence of the existing operational wind farms in the Ochil Hills. Although some of the recommendations have been overtaken by specific events (particularly in relation to the Ochil Hills where suitability for only a single commercial scaled wind farm was advised), the document is a useful reference when appraising proposals within identified sub-areas of the Ochil Hills.

The application site lies within the sub-area 0.6 (western peaks); an area of high visual sensitivity and considered to have low potential for the siting of new commercial scaled wind energy development.

Perth & Kinross Wind Energy Policy & Guidelines (WEPG) 2005

56 This supplementary planning guidance was the subject of a public consultation exercise ahead of approval by Perth and Kinross Council on 18th May 2005. Consequently, it is considered that it is a material consideration to the current proposal.

57 The application site is not within a defined '*broad area of search*' for wind farms but lies within an area identified in that document as '*strategically sensitive*'. Within such areas there is a presumption against wind energy developments unless it has been demonstrated that they utilise turbines of a size and a scale appropriate to their location; are in locations which have a slight or no significant impact on settlements, landscape character, visual amenity, or habitats; will not have unacceptable cumulative impacts and would be consistent with the Council's detailed policy guidelines.

58 In those guidelines it is advised that prominent ridges, hills or skyline locations should be avoided and the views from major tourist routes should be considered with care, particularly in relation to an assessment of landscape impacts and cumulative effects.

59 The SPG has not been approved by Scottish Ministers. The document post-dates the Development Plan for the area and goes further through the

identification of a 'broad area of search'. Accordingly, whilst the document will have value to both developers and the Council in its consideration of proposals for wind energy developments, it is the case that its weighting in the determination of this application can only be limited.

Tayside Landscape Character Assessment (TLCA)

- 60 The Tayside Landscape Character Assessment (TLCA) is published by Scottish Natural Heritage. The TAYplan identifies a key policy objective (Policy 3) will be an understanding of and respect for the regional distinctiveness and scenic value of the TAYplan area. The Strathearn Plan and the WEP Guidelines make clear that the TLCA will be a 'material consideration' when considering any wind energy development proposal in the Plan area. The TLCA suggests that the overall aim of any management strategy should reflect the sensitivities of the landscape and to protect it from inappropriate development.

The Economic Impacts of Wind Farms on Scottish Tourism (2007)

- 61 Glasgow Caledonian University was commissioned in June 2007 to assess whether Government priorities for wind farms in Scotland are likely to have an economic impact – either positive or negative – on Scottish tourism. The objectives of the study were to:
- Discuss the experiences of other countries with similar characteristics.
 - Quantify the size of any local or national impacts in terms of jobs and income.
 - Inform tourism, renewables and planning policy.
- 62 The overall conclusion of this research is that the Scottish Government should be able to meet commitments to generate at least 50 per cent of Scotland's electricity from renewable sources by 2020 with minimal impact on the tourism industry's ambition to grow revenues by over £2 billion in real terms in the 10 years to 2015.
- 63 Four parts of Scotland were chosen as case-study areas and the local effects were also found to be small compared to the growth in tourism revenues required to meet the Government's target. The largest local effect was estimated for 'Stirling, Perth & Kinross', where the forecasted impact on tourism would mean that Gross Value Added in these two economies would be £6.3 million lower in 2015 than it would have been in the absence of any wind farms (at 2007 prices). The majority of this activity is expected to be displaced to other areas of Scotland, and the local effect on tourism should be considered alongside other local impacts of the developments – such as any jobs created in the wind power industry itself. This is equivalent to saying that tourism revenues will support between 30 and 339 jobs fewer in these economies in 2015 than they would have in the absence of all the wind farms required to meet the current renewables obligation. Part of this adjustment will already have taken place.

- 64 The research concluded that the evidence is overwhelming that wind farms reduce the value of the scenery (although not as significantly as pylons). The evidence from the Internet Survey suggests that a few very large farms concentrated in an area might have less impact on the Tourist Industry than a large number of small farms scattered throughout Scotland. However the evidence, not only in this research but also in research by Moran commissioned by the Scottish Government, is that landscape has a measurable value that is reduced by the introduction of a wind farm.
- 65 Based on survey responses and research findings, the research in this report suggests that from a tourism perspective:
- Having a number of wind farms in sight at any point in time is undesirable from the point of view of the tourism industry.
 - The loss of value when moving from medium to large developments is not as great as the initial loss. It is the basic intrusion into the landscape that generates the loss.
- 66 These suggest that to minimise negative tourist impact, very large single developments are preferable to a number of smaller developments, particularly when they occur in the same general area.

SITE HISTORY

- 67 09/00394/FLM Upgrade of existing private roads, formation of two water crossings and formation of a road and two construction compounds – Approved.
- 68 09/01980/FLL Erection of a bridge crossing over Broich Burn to facilitate access to the Burnfoot Hill Wind Farm – Approved.
- 69 11/00007/PAN Erection of a maximum of 22 wind turbines, 9 within Perth and Kinross (with up to 13 in Clackmannanshire) and ancillary elements, including internal tracks, borrow pits, masts, compounds etc.
- 70 11/01183/FLL Erection of wind monitoring mast – Approved.

CONSULTATIONS

- 71 **Scottish Government** - Under the Environmental Impact Assessment (Scotland) Regulations 2011 Scottish Government is a statutory consultee to any submitted EIA. The comments detailed below are presented only in relation to the Environmental Statement (ES) and are not consultation responses on the appropriateness or otherwise of the submitted development proposal:
- **Historic Scotland** – Content to agree with conclusions of ES in that there will be no significant adverse effects on historic environment features within the statutory remit of HS.

- **Transport Scotland** – Confirm that proposal not likely to have significant impacts on operation of trunk road network.
 - **Environmental Quality Division** - No comments to offer in relation to air quality and noise.
- 72 **Scottish Water** – No objections. Confirm that there are no public sewers in the vicinity and that capacity exists to serve the development at Glendevon Water Treatment Works.
- 73 **SEPA** – No objection provided that conditions included on any planning permission to deliver an Environmental Management Plan prior to commencement of site works and the submission and agreement of Peat Management Plan.
- 74 **SNH** – Proposed extension would fit well in landscape terms with existing, operational Burnfoot Hill Wind Farm.
- 75 **Ministry of Defence** – No objections. Request aviation lighting fitted to any approved turbines.
- 76 **Civil Aviation Authority** – No adverse comments.
- 77 **RSPB** – No objections.
- 78 **British Geological Society** – No objections. Ground water monitoring comments.
- 79 **Clackmannanshire Council** – No objections.
- 80 **Perth & Kinross Heritage Trust** – No objections. No archaeological conditions required.
- 81 **PKC**
- **Environmental Health** – No objection but conditions recommended in respect of turbine noise.
 - **Biodiversity** – No objections. Content with assessment of biodiversity interests and prescribed mitigation measures.
 - **Community Greenspace** –
 1. Access Officer: No objection. Welcome delivery of mitigation measures to public route infrastructure set out in ES.
 2. Landscape Officer: No Objection:

82 Community Councils

1. **Auchterarder Community Council** – No comments.
2. **Muckhart Community Council** – advise a cumulative assessment of likely visual impacts is undertaken; adverse effects on Gleneagles Hotel and grounds.
3. **Dollar Community Council** – Visual and cumulative impact concerns; detriment to recreational walking experience; adverse effects on local economy.
4. **Braco and Greenloaning Community Council** - Visual and cumulative impact concerns; adverse effects on Gleneagles Hotel and grounds.

REPRESENTATIONS

83 The application has attracted a number of representations both for and against the proposals.

84 **Support:** 25 letters of support have been received raising the following issues:

- any localised visual detriment outweighed by wider environmental benefit;
- proposal accords with Government Policy on renewables;
- significant contribution to Co2 reduction targets and Government Renewable Energy targets;
- contribute to reduction in fossil fuel uses and dependence;
- integral part of local and national renewable energy strategy;

85 **Objection:** 23* letters of objection have been received raising the following issues:

- Inadequate surface water Contrary to Development Plan
- Contrary to TLCA guidance;
- 3 proposals should be treated as a single wind farm proposal;
- Adverse landscape impacts;
- Adverse cumulative effects;
- Adverse effect on bird life;
- Inefficient and unreliable technology;
- Detrimental effect on Gleneagles Hotel and resort;
- Detriment to tourism economy;
- Adverse effect on designed landscape and setting of Listed Building;
- Adverse effect on recreational enjoyment of Ochils;
- Inadequate environmental statement (cumulative assessment & montages);
- Detriment to peat habitat;
- Noise;
- Drainage arrangements;
- Moratorium on further wind farm development in Ochil hills.

A single late letter of objection has been received and includes the following new issues.

- Inadequate assessment of environmental effects of transport movements associated with construction;
- Application should be subject to a Committee Site Inspection;
- No detail of mains grid connection.

These issues of concern are addressed in the planning appraisal section of this report.

*includes letter of objection from Cllr M Barnacle.

ADDITIONAL STATEMENTS RECEIVED

86	Environment Statement	Submitted
	Screening Opinion	None
	Environmental Impact Assessment	Required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Ecological appraisal of site

APPRAISAL OF CURRENT APPLICATION

Content and Adequacy of the EIA

- 87 The purpose of the EIA process is to examine likely significant environmental effects arising from a proposed development having regard to a projects nature, size or location. Through the EIA process a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and can be made acceptable.
- 88 Part II Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information which is required to be included in any EIA. The content of the submitted ES is considered to meet the requirements of those regulations.
- 89 In appraising this planning proposal I have taken into account the information contained in the ES and the comments received from consultation bodies about environmental issues. Particular consideration has been given to the mitigation measures which are proposed through the ES and which have been designed to limit the negative environmental effects of development.

Development Plan Policy

- 90 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. The Development Plans that are applicable to this area are the approved TAYplan 2012 and the adopted Strathearn Area Local Plan 2001.
- 91 The Development Plan provides support in principle to new renewable energy proposals, provided that specific planning issues are satisfied the detailed requirements of relevant planning policy are met.
- 92 In this instance those specific planning issues would include the appropriateness of the design, siting and an assessment of cumulative effects together with consideration of detailed issues which include noise, biodiversity and effects on heritage assets. Those issues will be examined followed by an appraisal of other planning issues.
- 93 The determining issue in this case is whether any of those planning and other material considerations would, in this location, outweigh the broad support offered to renewable energy developments through the Development Plan. The most relevant policies of the Development Plan are Policy 6 of the TAYplan and Policy 11 of the Strathearn Area Local Plan.

Alternatives

- 94 Consideration of alternatives (including alternative sites) is widely regarded as good practice, and results in a more robust application for planning permission. PAN Guidance identifies that ideally EIA should start at the stage of site and process selection so that the environmental merits of practicable alternatives can be properly considered.
- 95 As a proposal for an extension to an existing operational wind farm it can be regarded as reasonable that a wide search of alternative sites would not be undertaken in this instance.
- 96 The ES identifies detailed design and search criteria which have influenced the choice of site, technology and layout for the extension. These include wind resource, topography, peat depth, hydrology, proximity of noise sensitive receptors and landscape impact. Importantly in relation to this last issue the ES highlights the desire to avoid impacts on the southern scarp of the Ochil Hills range and the ability of the location to accommodate turbines of a specific height without sky lining.

Landscape Impact

Context

- 97 The application site lies on the northern edge of the Ochil Hills range, an extensive area of upland bordering the southern edge of Strathearn and

Strathallan and the northern limits of the Kinross Basin. The hills rise up to 600m, are relatively narrow in width and present steep scarp slopes to the low land areas bordering. Upland areas are typically grazed or forested and the hills are visible over a considerable distance.

- 98 The Tayside Landscape Character Assessment (TLCA) 1999 identifies the site as part of the “Igneous Hills Landscape Character Type” and although not a statutorily protected landscape in terms of national, regional or local designation, the TLCA highlights the distinctive appearance and character of the hills.
- 99 The TLCA identifies that the elevation of the hills, their proximity to centres of population, and proximity to grid infrastructure are factors which are likely to result in pressure for wind turbines. Whilst acknowledging this potential the TLCA identifies that landscape sensitivity together with the capacity of the landscape to effectively absorb such developments will have to be carefully considered in every case.
- 100 The TLCA provides the following guidelines in relation to the accommodation of tall structures within the hills:
- where possible encourage tall structures to achieve ‘backclothing’ so that skyline features are minimised;
 - development should be steered away from exposed and steep ridgelines and summits and locations where their visual influence would extend to both the north and south of the hill range;
 - potential areas of shallow bowls and valleys away from ridges should be considered;
 - development should be steered to those areas already affected by masts, roads or forestry.
- 101 The Igneous Hills Landscape Character Type presently accommodates 3 operational wind farms, namely Burnfoot Hill; Green Knowes Wind Farm (6.7km east of the proposed site) and Lochelbank (23km east of Burnfoot Hill). All have been approved since the production of the TLCA.
- 102 The proposals for a two turbine extension to Burnfoot Hill wind park are presented to planning at the same time as an application at Frandy Hill (PKC application ref. no. 11/01952/FLL) and an application to Clackmannanshire Council for a new Wind Park at Rhodders (CC application Ref No. 11/00299/FLL).
- 103 In reviewing the landscape impacts of the proposals for Burnfoot Hill, PKC Officers and SNH have had regard to the individual effects of the two turbines in this part of the Ochils together with likely cumulative effects arising from of each of those other proposals.

Landscape and Visual Impact Assessment (LVIA)

- 104 The ES includes an LVIA which concludes that the landscape impacts of the development would be a localised *negligible* effect on the host Landscape Character type (ie. within the site itself and immediate surrounding area).
- 105 The ES reviews other landscape character types within the vicinity of the application site (Ochil Hills Area of Great Landscape Value – AGLV; Ochil Hills LCA; Lowland River Valleys and Lowland Valley Fringes).
- 106 The ES puts forward viewpoints within the area from which an assessment of the proposal on those landscape character types is made. A ‘Zone of Theoretical Visibility’ (LZT) is identified for hub (60m) and blade tip heights (102m) and extends to 35km. Within 10km the ZTV and viewpoint analysis focuses on the effects on settlements, the public realm, transport routes and local landscape designations whilst the impacts on National Landscape designations are appraised across the 10km – 35km range.
- 107 The ES employs methodology to assess the significance of impacts on landscape character, designated landscapes and Historic Gardens and Designed Landscapes within the LZT. Construction and operational effects are appraised.
- 108 The ES concludes that:
- when considering issues of landscape quality, value and capacity, the site is considered to be of medium to low landscape sensitivity;
 - the proposal would predominantly be viewed as a continuation of the existing Burnfoot Hill array, rather than a completely separate wind energy development.
 - Although visible from the Ochil Hills Area of Great Landscape Value (AGLV) which is within 50m of the application site, the proposals would be predominantly assimilated with the existing Burnfoot Hill Wind Farm and accordingly would not represent an overly prominent new feature.
- 109 In relation to cumulative effects the ES reviews likely impacts with (i) existing and consented schemes, and (ii) in relation to existing, consented and proposed schemes. The ES concludes:
- The addition of the two turbines alongside existing and consented schemes (in particular Burnfoot Hill, Green Knowes and Lochelbank Wind Farms) would lead to a *medium* cumulative effect whereby wind farm developments would be a key characteristic of the landscape but not of sufficient dominance to be a defining characteristic of the area.
 - The additional cumulative effect of the proposed Burnfoot Hill wind farm extension would be *negligible*

Appraisal

110 The Council's Landscape Architect has acknowledged that a number of viewpoint photographs lack clarity and sharpness and are poorly sited. Photography for Vpts 3 and 5 is particularly poor. In views from Strathearn, Green Knowes wind farm is clearly visible on the southern skyline but this is not reflected in the photography. Notwithstanding these deficiencies the Landscape Architect has managed to appraise the proposal, review the ES findings and undertake field assessment.

111 He makes a number of comments and concerns in relation to the proposals and the Landscape review included as part of the ES. The following findings should be noted:

Layout The two proposed turbines sit well within the existing Burnfoot Hill wind farm composition. However, careful micro siting is required to eliminate 'visual oddities' such as where a turbine is seen 'out on a limb' or seen to overlap with another turbine. This occurs in views from Vpts 2, 3, 4, 7, 8 and 12. It would be suitable to focus on the composition of the layout for close range views such as Vpts 2, 3 and 4.

Landscape Character The proposed extension should have a low level of impact on landscape character throughout the study area. Although a higher level of impact would occur in close proximity of the site, the scale of the proposed development is contained by the existing wind farm and therefore potential additional impacts are minimal.

LVIA Methodology The ES uses the matrix format based on those described in 'Guideline 1 – Landscape Impact' and 'Guideline 2 – Visual Impact' of the PKC Wind Energy SPG document. However, this does not conform to established practice or guidance and has largely been superseded by the best practice guidance that has since been developed by SNH. For example, the PKC SPG replaces the effect which would normally be described as 'Moderate' with 'Slight' thus playing down the landscape/visual effect. Furthermore, the matrix used in the methodology (EIA Table 6A.3 (Appendix 6) does not take into consideration the wider range of levels of effects e.g. Major/Moderate, Moderate/Minor etc and therefore some effects may be misrepresented as a result.

112 The Landscape Architect acknowledges that the EIA methodology employed is an attempt to find a compromise between GLVIA/SNH guidelines and the published but now dated PKC Wind Farm SPG, however he concludes that the overall effect has been to downplay the findings of significance of landscape and visual effects.

113 The Landscape Architect includes the following matrix as a comparison of the 2 methodologies:

Table 3

Vpt.	ES Matrix			Example Matrix		
	Receptor Sensitivity	Magnitude of Change	Effect	Receptor Sensitivity	Magnitude of Change	Effect
1	High	Medium	Moderate	High	Moderate	Major/Moderate
2	High	Low	Slight	High	Slight	Moderate
3	High	Low	Slight	High	Slight	Moderate
4	High	Low	Slight	High	Slight	Moderate
5	Medium	Negligible	Negligible	High/ Medium	Negligible	Moderate/Minor Minor
6	High	Negligible	Slight	High/ Medium	Negligible	Moderate/Minor Minor
7	High	Negligible	Slight	High/ Medium	Negligible	Moderate/Minor Minor
8	High	Negligible	Slight	High	Negligible	Moderate/Minor
9	Medium	Negligible	Negligible	High /Medium	Negligible	Moderate/Minor Minor
11	High	Negligible	Slight	High /Medium	Negligible	Moderate/Minor Minor
12	High	Negligible	Slight	High	Negligible	Moderate/Minor

114 The Landscape Architect has reviewed the Landscape Character assessment and finds material differences in the conclusion of effects in relation viewpoints within 1km of the site. He advises that the sensitivity and magnitude of change for Vpts 5 and 9 should be increased to represent the nearby residents at Beannie and Dunduff for Vpt 5 and Upper and Wester Cairnie at Vpt 9 however it is important to note that he concludes that this is unlikely to give rise to a significant effect at these locations.

Zone of Theoretical Visibility (ZTV)

In relation to the visual assessment undertaken the Landscape Architect concludes that:

- the ZTV demonstrates the theoretical visibility for the two turbines is largely contained within the existing visibility for the existing Burnfoot Hill wind farm. This is confirmed by the wirelines and photomontages where the two proposed turbines are mainly seen to merge with the existing wind farm.
- the oblique view angle and presence of existing wind farm the level of visual effect at the nearest residential property (Backhills Farm) would be *Slight* (Moderate – Moderate/Minor).
- whilst the ES identifies that wirelines representing views from Glen Eagles demonstrate that a single turbine blade from T24 would be visible in

context with a number of visible blade tips from the existing Burnfoot Hill wind farm it may be possible to eliminate the view of T24 with detailed micro siting of the turbine.

- The level of visual effect on Auchterarder and Glen Eagles would not be significant.
- The proposed wind farm extension at Burnfoot Hill would have a very limited effect on the Landscape designations and recreational destinations within PKC.
- As a landscape mitigation measure proposed 5m wide access tracks should be reduced in width post construction to a maximum of 3m in order to more closely reflect the proportions of typical upland vehicle tracks.

Cumulative Assessment

The Landscape Architect raises concerns with the EIA methodology for assessing the cumulative landscape/visual effect of wind farms. He identifies that this has led to some confusion when the cumulative *significance* is described. As a consequence he has undertaken his own assessment of the cumulative effects applying SNH best practice guidance. He concludes that:

- significant cumulative effects on landscape character attributed to Burnfoot Hill Wind Farm extension is likely to occur within the Igneous Hills LCT in close vicinity of the proposed site (within 1km), however the majority of this LCT is unlikely to be significantly effected.
- the proposed development will have no significant levels of cumulative effects on the Landscape designations within PKC.
- the proposed extension would be visible in conjunction with the existing Burnfoot Hill wind farm from Gleneagles, however given the limited visibility of to the proposed development the EIA assesses that the cumulative effect arising from the proposed extension would be negligible.

- 115 SNH has confirmed that it shares the concerns of the Council's Landscape Architect about the manner of assessment.
- 116 SNH advise that any further wind farm development in this part of the Ochil Hills should be both sited and perceived as part of the existing Burnfoot Hill array. It should have the same landscape context and not detract from that existing, compact and simple layout.
- 117 In relation to the submitted proposals SNH identify that although improvements could be made to the location of one of the turbines it considers that the proposed Burnfoot Hill extension fits reasonably well with the existing Burnfoot Hill Wind Farm.

118 The applicant did respond to the comments relating to the methodology employed for the visual assessment and presented additional wirelines to respond to some of the deficiencies raised by the Council's Landscape Architect in relation to views from Auchterader and settlements further west. This information has been considered by Officers and SNH and has not changed the conclusions set out above.

Noise

119 The ES examines the direct impacts of the proposal on noise sensitive properties in the locality. The study area for the appraisal of noise was extended to a point 4km from the application site. This was to enable the consideration of *cumulative* noise effects which might result from the proximity of the application sites to existing operational wind farms at Burnfoot Hill and Greenknowes.

120 The assessment incorporates the use of ETSU-R-97 - *The assessment for the rating of noise from wind farms*. That guidance does highlight that, in an area of existing operational wind farms, it would be unreasonable to local residents to use as a background baseline the noise arising from existing turbine operations. Accordingly the applicants have returned to the levels prescribed by condition on the planning approvals for those operational wind farms (a range between 45db daytime and 35db night time) and used the ISO 9613-2 noise propagation model to predict operational turbine and cumulative noise levels.

121 The assessment concludes that although a modest increase in background noise levels at the noise sensitive properties would occur as a consequence of the new proposal, those exceedances would not breach the limits set by the current planning approvals.

122 The Council's external Noise Consultant (Dick Bowdler Acoustic Consultant) has reviewed the submitted detail. He concludes that:

- The summary of turbine noise predictions presented through the ES may be regarded as a realistic estimate of noise levels;
- With the exception of Backhills Farm, all properties experience existing wind farm noise levels less than 30dBA at wind speeds of 8m/s and over.
- Cumulative tonal noise levels would be less than 35dba at all wind speeds and therefore would comply with ETSU-R-07;
- Whilst Backhills farm presently experiences a higher noise level (40.9 dba). This property has a financial involvement with the current proposal and this would justify the application of a 5 dba tolerance. This would mean that the 45dba limit would be unlikely to be exceeded at this property.

123 The Environmental Health Manager is content with the assessment and findings of the Noise Consultant. In the event of this application being approved, conditions are recommended to limit noise and to require the submission of operational noise data in the event of complaint.

- 124 The area around the application site is popular with walkers and is in close proximity to a Core Path. The ES does not assess the likely effects on recreational users of the area. The Noise Consultant indicates that the tranquillity of the area is already compromised by the existing operational wind farm and the addition of two additional turbines would not materially increase noise to this part of the Ochils.
- 125 This part of the Ochil hills is a location where large scale operational wind turbines are now an integral part of any recreational visitor experience. This is not a remote part of the Ochil hills and any turbine noise from the proposals would not be a new noise to the area. In these circumstances I am not satisfied that any new turbine noise or cumulative increase in noise arising from the proposals in this location would be such as to diminish the enjoyment of transient recreational users to an extent which would justify planning refusal.

Natural Heritage interests

Habitat:

- 126 The ES examines, in relation to the construction and operational phases of the proposals, the direct impacts of development on ecological interests within the application site together with wider impacts on habitats and species beyond. Desk and field studies were undertaken to identify baseline conditions and the main ecological receptors and liaison with national and local interest groups was undertaken.
- 127 The application site holds no statutory designations with the closest statutory sites within a 5km radius 3km comprising Dollar Glenn SSSI and Bog Wood and Meadow SSSI. Having regard to the qualifying features of those ecological assets and the distance from the site, the ES concludes that the wind turbine proposals would not materially or adversely affect those interests.

Flora:

- 128 4 x habitat types were recorded within the application site. No nationally important floral species were noted on the site but the following locally notable species were recorded: Bog asphodel; Cross-leaved heath; Deer grass; Hare's tail bog cotton & purple moor grass. All of the plant communities within the application site were noted to have been subject to degradation from a combination of grazing and erosion.
- 129 Habitat loss and damage would arise as a consequence of the proposed works and would be unavoidable. The ES identifies the areas of disturbance (access tracks, crane pads and turbine footings) and calculates this to be a small proportion of the site as a whole. The magnitude of impacts for the blanket bog was predicted to be *moderate* whilst for remaining habitat types it is recorded as *low*.

- 130 Concerns are raised through representation about the impacts of the development on peat based habitat.
- 131 To mitigate the effects of any loss the ES identifies the following measures:
- All construction works would be required to accord with an Environmental Management Plan;
 - An Ecological Clerk of Works would be employed for the duration of the build project;
 - Further incidental loss would be minimised by limiting the footprint of excavations and material storage to the areas of tracks and crane pads detailed;
 - A Habitat Management Plan would be produced in order to improve the remaining areas of bog habitat within the wider site. Such a plan would also include restoration works.
- 132 These measures could be delivered by condition on any planning approval.
- 133 SNH does not raise objection to the proposals in relation to any effects on habitat.
- 134 The Council's Biodiversity Officer is content with the appraisal of habitat, habitat loss and disturbance within the application site and the proposed means of mitigation as set out in the ES.

Fauna:

- 135 The ES records a lack of field signs of any protected species of wildlife, within and around the site and highlights land cover together with the absence of watercourses as conditions which are likely to render the site unsuitable as a habitat for noteworthy species.
- 136 The ES records the following site conditions and conclusions:
- Forestry plantation to the north of the site is immature dominated by non-native species and as a consequence unsuited to badger habitation;
 - No suitable watercourses exist within the application site or within a 100m buffer which would support an otter population. No field signs of otter were apparent;
 - Drainage channels within the site sub-optimal for foraging, commuting or sheltering water voles;
 - The immature woodland plantations bordering the site do not offer suitable foraging, commuting or roosting opportunities for bats;
 - The absence of protected areas for hibernation within the grassland and bog areas of the site mean that reptile species are unlikely to be present within the site. No field signs of reptiles were evident.
 - The upper reaches of the drainage channels within the site do not offer suitable spawning or nursery habitat for fish.

- 137 The ES concludes that due to the unsuitability of the site and its immediate environs for notable fauna, together with the absence of field signs, they are not consider further in the assessment.
- 138 The Council's Biodiversity Officer is content with the appraisal of habitat and fauna as set out in the ES.
Ornithology
- 139 The ES has appraised the application site through desk top and field surveys (both winter and summer) to determine the likely effects of the development on ornithological interests. Baseline conditions have been established incorporating a buffer of 500m around the site, the significance of effects predicted and mitigation measures identified. The following may be noted:

Implications of the Birds Directive (Council Directive 79/409/EEC:
- 140 The habitat of the application site supports a number of birds which are listed in Annex 1 of the Birds Directive (Council Directive 79/409/EEC) including short eared owl, and black grouse. The proximity of the site to the South Tayside Goose Roosts SPA (7km north –west of site) has dictated the need for winter goose monitoring. Overflying pink –footed geese were observed to the north-east of the application site. This species is a qualifying feature of the SPA.
- 141 Breeding bird surveys have been undertaken, their conservation status identified and the results included as part of the ES. Assessment has been undertaken in relation to the construction, operational and de-commissioning stages of the proposal. The ES concludes that the low use of the study area and the lack of any evidence of breeding activity indicates the low importance of the application site as a breeding habitat.
- 142 Indirect effects of disturbance form construction activities, collision and flight line variation is acknowledged through the ES but deemed to have a *negligible* magnitude of change due to the small land area covered by the proposal. Collision risk was assessed utilising SNH standard modelling. *Negligible to low* magnitude of risk is recorded.
- 143 SNH highlight the close proximity of the site to the Firth of Forth SPA and Ramsar site (9.4km to south) and the South Tayside Goose Roost SPA and Ramsar site (6km to north west) where qualifying features of both include internationally important wintering populations of pink-footed and greylag geese). The South Tayside Goose Roost is a composite Ramsar/SPA which comprises seven lochs, a number of smaller waterbodies / watercourses and wetland habitats including three sites of Special Scientific Interest (SSSI): Carsebreck and Rhynd Lochs; Drummond Lochs; and Dupplin Lakes.
- 144 Possible effects of the development on the SPA's are considered through the A wintering bird survey was undertaken. The ES concludes that overall there was no evidence that the wind farm site was particularly important for any wintering bird populations. No parts of the application site held any notable

concentrations of birds and no important wintering bird habitats occurred within it. Any direct loss of habitat is recorded as *low/negligible*.

- 145 The small numbers of pink-footed geese observed overflying the survey area were limited in number and occasion and observed well outside any potential collision risk zone. The lack of any flight activity through this zone and the negligible likelihood of disturbance to feeding or roosting areas are such that the ES concludes that there would not be any likely significant effects to the SPA's which would require formal assessment under the Habitats Regulations.
- 146 SNH concur with this assessment and identify that the proposal, either singly or in combination with other proposals, are not likely to have a significant effect on the South Tayside Goose Roost or the Firth of Forth SPA and Ramsar site.
- 147 Although the ES asserts that no significant effects to ornithological interests are likely mitigation measures at construction phase are proposed and these include:
- An Ecological Clerk of Works would be employed for the duration of the build project;
 - Prior to commencement of construction works the areas will be re-checked for any changes to base line environmental conditions;
 - Vehicular access would be limited to designated routes to minimise the dispersal of activity throughout the site;
 - Further surveys for Schedule 1 species would be undertaken immediately prior to commencement of site works if construction works are proposed for the bird breeding season (March – August). Should any be found disturbing activities would be suspended;
 - Removal of any sheep carrion from the site would be undertaken to minimise the attraction of raptors to the site thereby minimising collision risk;
 - A Habitat Management Plan would be produced prior to commencement to for the agreement of PKC, SNH and RSPB. Such a plan would include measures for moorland management; management of the woodland edge and predator controls.

These measures could be delivered by condition on any planning approval.

- 148 The Council's Biodiversity Officer is satisfied that the proposals would not adversely affect the distribution, population or habitat of these important birds. A condition could be included on any planning consent to ensure ground works and vegetation clearance takes place between September and March only, outwith the nesting period for ground nesting birds.

Water Resources

- 149 Construction of the wind farm would involve activities that have the potential to affect the geology, hydrogeology and surface water hydrology at both

construction and de-commissioning phases. The ES examines the direct impacts of development on these issues.

- 150 The ES examines private water supplies and licensed abstractions within and adjacent to the site; land drainage and both surface and ground water flow. The proximity of the site to the Upper Glen Devon Reservoir and potential effects from construction works is appraised, particularly in relation to surface water run-off from the site, sedimentation, and contamination.
- 151 Proposed mitigation measures include the use of a Pollution Prevention Plan; sediment control systems and SUDS, and the minimum siting of turbines from any watercourse; suds drainage; waste management plan and buffer to watercourses. With the proposed mitigation measures in place the ES asserts that the proposed development would not have a significant impact on the water environment.
- 152 SEPA recognise that the application site is within an area of water sensitivity (Drinking Water Protected Area; Groundwater Protected Area and River Water Protected Area) but do not raise objection to the proposals provided that conditions are included as part of any planning approval to deliver a full site specific Environmental Management Plan (EMP) to control construction, decommissioning and restoration works. The EMP should incorporate detailed pollution prevention and mitigation measures.

Peat Slide

- 153 A consequence of turbine development in areas of peat cover can be *peat slide*. This can occur where a portion of peat mass becomes detached and flows downhill rafted on slurry of semi-liquid peat. Disturbance of the peat layer through compaction (track construction, material stockpiling, construction of crane pad's etc.), or excavation (turbine base construction; drainage channels, cable routing etc), can damage the integrity of the peat bog through drying out of any exposed peat layers causing shrinkage, cracking, and soil erosion together with a change to the underlying hydrology. Contributory factors to any 'failure' will be slope, rainfall and aspect.
- 154 The ES acknowledges the presence of peat on this upland site and the potential for disturbance as a consequence of any development works. The ES acknowledges that the risks of slide will be higher in areas of deeper peat and /or steeper slopes. It identifies that construction activity which loads the peat will elevate the baseline risk of slide occurring. Peat failures can have a significant effect on river water quality.
- 155 The ES includes a section on the de-stabilisation of peat. The preliminary risk assessment (prior to mitigation measures) indicates that the degree of risk of peat slide would be *significant* to *substantial* at one location within the site. However, no deep peat was encountered at the site (maximum depth 1.1m) and it was concluded that any effects on peat stability would most likely be of a localised nature. Potential impacts on the water environment prior to mitigation were deemed to be of *medium* magnitude.

- 156 In mitigation the ES identifies that during construction phase site infrastructure would be micro-sited in consultation with a geotechnical engineer in order to avoid areas of deep peat. Specific mitigation measures listed include: siting works 50m from watercourses; the maintenance of existing drainage patterns; concentrated waterflow on peat slopes to be avoided; storage of materials in areas with a peat depth greater than 0.5m to be avoided; track construction to incorporate cross-drains where necessary to avoid a barrier to flow; permeable material to be incorporated in track construction where gradients exceed 1 in 50 to avoid tracks acting as a conduit for groundwater flow. An EMP including surface water and peat management, pollution prevention measures and construction method statement would be in place during construction.
- 157 SNH do not raise objection in relation to peat and habitats but raise concerns that the risk of peat slide is not fully assessed due to the exclusion from the submission of details of the proposed borrow pit. The applicants indicate that the borrow pit would be the subject of a further planning application.
- 158 SEPA do not raise objection to the proposals provided that conditions are included as part of any planning approval to deliver a Peat Management Plan which would detail the quantities of surplus peat generated by the proposal and how this would be stored, re-used or disposed.

Transport

- 159 The principal environmental effects arise from the construction and de-commissioning phases of the proposed development.
- 160 The ES identifies that a preferred route for exceptional load delivery would be by way of the A9 Trunk Road (Loaninghead Junction) through Gleneagles via the A823 and then onto the private road to Glendevon Reservoirs. This is the route which was used during the construction phase of Burnfoot Hill Wind Farm adjacent to the application site.
- 161 A 3 month build out period and decommissioning process is envisaged. Three types of traffic during the construction phase are indicated through the ES: exceptional heavy/large loads; conventional HGV movements; and Light Goods vehicles. It is predicted that 15 abnormal loads would deliver tower sections, turbine blades and turbine components.
- 162 No specific route upgrades are envisaged. The ES identifies that traffic management would be required during the construction phase and the following routing and control measures are detailed to provide mitigation of potential adverse effects. A Traffic Management Plan (TMP) would be prepared detailing:
- construction traffic routing to and from site; provision of road warning signs; abnormal loads subject to movement orders and escorted onto the site; temporary lighting; road condition monitoring and provision of wheel wash facilities and dust suppression techniques.

- 163 The provision of a TMP could be secured by way of condition on any planning approval.
- 164 The Council's Transportation Planner raises no objection to the proposals.
- 165 Transport Scotland concludes that minimal increases in traffic on the trunk road would result but overall the proposal would not be likely to have a significant impact on the operation of the Trunk Road network.

Historic environment

- 166 The ES examines through desk based assessment and field walkover, the direct and indirect impacts of the proposals on historic interests within the application site and more wider area.
- 167 No sites of cultural heritage interest have been identified within site of the proposed wind farm extension.
- 168 A summary assessment of the predicted indirect effects from the development on cultural heritage sites and features within 10km of the development has been incorporated as part of the ES. Those sites include scheduled ancient monuments; garden & designed landscapes and listed buildings. Account has also been taken through cumulative appraisal of the turbine proposals at Frandy and Rhodders.
- 169 Assessment of the magnitude of effects on each of those heritage assets has been undertaken taking account of the distance from the site; the number of blade tips visible; and the baseline setting of each site. Significance of predicted impacts is predicted as *negligible* for each.
- 170 Historic Scotland confirm that it is broadly content with the conclusions drawn in the ES regarding the impact of the development on scheduled monuments, Category A listed buildings and gardens and designed landscapes included in the Inventory.
- 171 The baseline condition of the site in respect of known archaeological features was established through site walkover and desk based assessment. Features of interest are limited as a consequence of the historic use of this area of upland for grazing. On the basis of the available evidence the ES asserts that the potential for the discovery of undetected, buried remains of medieval or earlier archaeological features is *low*.
- 172 PKHT are content with the appraisal and confirm that there is a low probability of archaeological sites surviving within application site.

Environmental and Socio-economic benefits

- 173 The ES examines the environmental benefits that the development is projected to deliver over its operational lifetime.

- 174 Environmental benefits identified include:
- Contribution towards Scottish Governments renewable targets and objective of establishing Scotland as a leading location for the development of renewable energy technology and an energy exporter;
 - Contribution to the reduction of atmospheric pollution through the displacement of generation elsewhere through fossil fuels;
 - Reduction in demand for 'brown energy'; and
 - Reduction in levels of atmospheric emissions of up to 5897 tonnes of CO2 per annum.
- 175 Whilst the socio-economic benefits of the proposal have not been quantified through the submission, a development project even of this limited scale could represent an economic opportunity to the local and regional economy. It offers the potential for business opportunities to contractors through construction, delivery and maintenance, together with indirect expenditure through local shops, services etc for the duration of the construction period.
- 176 Securing such benefits can be recognised as consistent with key Government and Development Plan objectives for the Scottish economy.
- 177 I consider that in this instance the proposal would realise a balance between the delivery of green energy and the protection local environmental quality.

OTHER MATERIALS CONSIDERATIONS

Recreational access and Core Path routes

- 178 The ES Identifies that the proposals would not physically affect any existing footpath route although the turbines would be visible from many walking routes. A short length of new track would be required to service the two turbines. The Council's Access Officer has identified that there are no major footpath issues raised by the proposal as the access road built to service Burnfoot Hill Wind Farm is to be re-used.
- 179 Representations indicate that the proposals, cumulatively, would have an adverse impact on the recreational walking experience in this part of the Ochils. Whilst this is acknowledged I would point out that these impacts must be seen in the context of an already modified landscape of forestry, reservoirs, pylons and turbines. I find that the addition of two additional turbines in this location would not adversely affect that recreational experience to any material extent.
- 180 The ES proposes as mitigation, improvement measures to the surface of Right of way TP193 which runs by the site and is part of the signed route which gives footpath access over the Ochil Hills. Mitigation would be by way of surface improvements and reinstatement of a pedestrian bridge along this route. The Access Officer acknowledges that such works would be welcomed improvements. These works would enhance facilities for walkers in the general area of the proposed development site and facilitate improved access onto the Ochil Hills. Such improvements could be delivered by way of approval on any planning permission.

Shadow Flicker

- 181 The rotating blades of a wind turbine can create a flickering shadow effect caused when rotating wind turbine blades periodically cast a shadow over neighbouring properties as they turn. Whilst this effect will be limited to certain lighting conditions and times of the day, to any residential property within the shadow zone this can be a potential detriment to amenity for occupiers.
- 182 An assessment of shadow flicker is included within the ES. The assessment identifies that there is potential for shadow flicker at 1 property to the south-east of the proposed turbine No 24 (Backhills Farm) – that property being within 10 rotor diameters. The assessment has been undertaken using recognised industry modelling and concludes that potential operational impacts of *moderate* significance may occur at this property.
- 183 Planning conditions are now commonly used to impose a requirement for shadow flicker mitigation. Such a condition would require an applicant to submit for agreement by the Council, a protocol for the assessment of any complaints of shadow flicker, including any remedial measures. The ES identifies that, in this case, such mitigation might be the automatic shutdown of turbines T25 and T26 at Frandy Hill and T24 at Burnfoot Hill during the periods when shadow flicker arises, or the introduction of screening measures at the affected property.
- 184 With such mitigation delivered by a planning condition forming part of any planning approval, the ES asserts that any residual effects are likely to be of *negligible* significance.
- 185 A single property only would be subject to shadow flicker. Having regard to the likely limited duration of this effect occurring and the potential for mitigation through planning condition I am satisfied that any potential detriment to occupiers of Backhills Farm would not be overriding in this instance.

Telecommunication and aviation

- 186 The principle safeguarding concern of the MOD in relation to wind farm developments is the potential of the turbines to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar. In this case MOD confirms it has no objection to the proposals but would require that a condition be included on any planning permission to secure the installation of appropriate lighting to each turbine.

Decommission and reinstatement

- 187 At the end of the wind farm's operational life (anticipated 25 years), the process of decommission and site reinstatement will commence which will primarily include the removal of the 2 turbines, cutting back turbine bases to 1m in depth and the covering up of the remaining foundation with soil. It is anticipated that this would take approximately 3 months. Turbine components

and materials would be removed from the site. Such improvements could be delivered by way of planning condition on any approval to ensure that this process is carried out in an acceptable manner.

Wind Farm Moratorium

- 188 Through representation it has been requested that the Council impose a moratorium on further wind farm developments in the Ochil Hills pending the adoption of the proposed Local Development Plan; the publication of new spatial guidance by the Council on landscape capacity and wind farm location; and the completion of new supplementary guidance on landscape protection.
- 189 Members should note that in response to similar moratorium requests from other planning authorities across Scotland, Scottish Government Minister Derek Mackay (Minister for Local Government & Planning) has discounted the suggestion of a moratorium whilst focussing on other strategies to assist LPA's in responding to the significant burden experienced as a consequence of increasing numbers of planning applications, EIA Scoping, screening and other enquiries for wind farm developments:

I have made clear that I do not think a moratorium on wind turbine applications is appropriate but would cause undue delay and uncertainty for everyone involved in applications. But I do recognise that some Planning Authorities are currently facing particularly high numbers of applications. This funding will help them deal with this.

– announcement September 2012 in relation to launch of new funding initiative to assist Local Authorities in dealing with increased burden of wind turbine planning applications.

Mains grid connection

- 190 The ES identifies that electrical infrastructure would comprises small transformers located within or immediately adjacent to each turbine. Cabling alongside the access track would feed the generated power to the existing Burnfoot Hill Wind Farm control building and utilise the available capacity within the existing export cabling that runs off-site to the switchgear building at Alva.

Inefficient and unreliable technology

- 191 A number of representations express concern at the support given through planning policy and Government Planning Guidance to the use of wind technology contending that it offers broad support to an inefficient technology which relies on the extensive use of natural resources through the production and construction process and relies on extensive public subsidy whilst delivering minimal climate change benefits.
- 192 Whilst these concerns are noted it must be acknowledged that Planning Policy does provide support for appropriately sited and designed wind farm development. In those locations where landscape and visual concerns are raised it will be appropriate for any decision maker to have regard to the

amount of energy contribution to be delivered by a proposal and the extent to which that will contribute to Scottish Government commitment to generating an equivalent of 100% of electricity demand from renewable sources by 2020, along with at least 11% renewable heat. This material planning consideration can be weighed in the balance with all other material planning issues.

193 In this case I am satisfied that the balance lies in favour of approval as any adverse change to landscape would be limited.

LEGAL AGREEMENT

194 None required.

DIRECTION BY SCOTTISH MINISTERS

195 Under the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008, Regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

196 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. It is clear that the primary intention of both the Development Plan and national policies is to direct wind farm developments to sites where they will not have a significant adverse impact on landscape character or the visual amenity of an area.

197 The advice of SNH in relation to the provision of further wind energy proposals in this part of the Ochil Hills is that new developments should be sited such that they read visually as a physical extension to existing arrays rather than a new stand alone physical feature in the landscape.

198 For the reasons set out in this report it is considered that this proposal for a two turbine extension would not raise any significant landscape harm and would read visually as an integral extension to Burnfoot Hill Wind Farm.

RECOMMENDATION

A Approve subject to the following conditions:

1. Wind turbine operation is limited to a period of twenty-five years from the Commissioning of the Development. Decommissioning shall be completed no later than whichever is the earlier of the following:
 - (i) two years from the end of the twenty-five year period mentioned in this condition; or
 - (ii) two years from the date on which the Development ceases to supply electricity on a commercial basis to the National Grid.

2. No part of the development hereby authorised shall be commenced until a restoration and aftercare scheme for the site has been submitted by the developer and approved by the Council as Planning Authority. The restoration and aftercare scheme shall set out the principles but not necessarily the details of the means of reinstating the site following the removal of components of the development as specified in the conditions of this permission relating to decommissioning. If restoration does not commence within 10 years of the agreement of this restoration strategy then the Council may request the preparation of a revised restoration strategy for approval by the Council prior to restoration commencing. Two years before the site is due to be restored, the full details of the restoration and aftercare scheme, which shall accord with the broad principles earlier approved, unless otherwise agreed, shall be submitted for the final approval of the Council in consultation with such other parties as the Council deems appropriate. Thereafter the site shall be restored in accordance with the approved restoration and aftercare scheme. Within one month of completion of the Decommissioning and Restoration Scheme the Council as Planning Authority shall be notified in writing that decommissioning and restoration are complete.
3. At least one month prior to the commencement of site works the following shall be submitted to the Planning Authority:
 - (i) details of an index-linked bond or other financial instrument which will ensure that funds sufficient to meet the cost of implementing the Decommissioning and Restoration Scheme that is to be approved in terms of condition 2 are available to the Developer or the Planning Authority at all times prior to completion of Decommissioning and site restoration; and
 - (ii) confirmation by an independent Chartered Surveyor (whose appointment for this task has been approved by the Planning Authority) that the amount of the bond or financial instrument is sufficient to meet the cost of all Decommissioning and site restoration.

There shall be no Commencement of the Development before such time as the Council as Planning Authority has approved the bond arrangements and documentary evidence has been submitted to the Planning Authority to show that the approved bond or financial instrument is in place.
4. The approved bond or financial instrument shall be maintained throughout the duration of this permission. At five-yearly intervals from the Commencement of the Development an independent review of the approved bond or financial instrument shall be carried out and submitted to the Planning Authority. The Planning Authority may direct that the approved bond or financial instrument be amended if this is necessary to ensure that funds remain sufficient for Decommissioning and site restoration.
5. The turbines hereby approved shall be erected in the positions indicated in Figure 2.2 – Site Layout Volume 3 of the Environmental Statement, save for the ability to vary the indicated position of any turbine by up to 25 m. Variation of greater than 25m in the position of any turbines shall only be permitted with the prior written approval of the Council as Planning Authority.

6. At least two months before the commencement of any site works, a site specific Environmental Management Plan (EMP) (including habitat management plan), must be submitted for the written approval of the Council as Planning Authority, in consultation with SEPA and SNH), incorporating those environmental mitigation commitments set out in the Environmental Statement (s 7.6, 8.7 and 10.4.). All site works shall be carried out in accordance with the approved EMP.
7. No development shall commence until full details of the location, extent, depth, means of working, means of draining and method and timing of restoration of any borrow pit to be used has been submitted to and approved in writing by the Planning Authority.
8. The blades of the new turbines shall rotate in the same direction when generating electricity and the turbines shall be of the same type and colour finish as those within the existing operational Burnfoot Hill Wind Farm array. The use of logos on turbine blades, towers or nacelles is prohibited unless such sign is required for health and safety or operational reasons.
9. Turbines shall be fitted with 25 candella omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point, unless otherwise agreed in writing by the Council as Planning Authority, in consultation with Defence Infrastructure Organisation.
10. Prior to the Commencement of the Development the Developer shall notify the Ministry of Defence, with a copy provided to the Council as Planning Authority, of the following:
 - (i) the date of the Commencement of the Development and the date by which the Developer expects all the turbines to have been erected;
 - (ii) the latitude and longitude of each turbine; and
 - (iii) the maximum height of construction equipment.
11. Noise arising from this development shall not exceed an $L_{A90, 10 \text{ min}}$ of 45 dB at Backhills Farm and 35dB at all other noise sensitive properties in the vicinity at wind speeds not exceeding 10m/s, and measured at a height of 10m above ground at the wind turbine site, all to the satisfaction of the Council as Planning Authority. In the event that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise levels.
12. On a formal written request by the Council as Planning Authority, appropriate measurements and assessment of the noise arising from the wind turbines (carried out in accordance with ETSU report for the DTI - The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) shall be submitted for the approval in writing by the Council as Planning Authority.
13. Prior to the Commencement of the Development a Traffic Management Plan (TMP) shall be submitted and approved in writing by the Council as Planning Authority. The TMP shall detail construction traffic routing to and from site;

provision of road warning signs; abnormal loads subject to movement orders and escorted onto the site; temporary lighting; road condition monitoring and provision of wheel wash facilities and dust suppression techniques. The approved measures shall be adhered to throughout the construction and decommissioning phases unless otherwise agreed in writing by the Council as Planning Authority.

14. The footpath mitigation measures (RoW TP193 and the reinstatement of bridge at Carsebreck) proposed at sections 5.14 -6.7 of the submitted Environmental Statement, shall be completed within two years of the commissioning of the turbines, unless an appropriate alternative is agreed in writing by the Council as Planning Authority.
15. No development shall take place until a scheme detailing the protocol for the assessment of any complaints of shadow flicker resulting from the development, including remedial measures, has been submitted to and approved in writing by the Council as Planning Authority. Operation of the turbines shall take place in accordance with the approved protocol.
16. At least two months prior to the commencement of any works, a site specific Peat Management Plan which includes details of the quantities of surplus peat which will be generated by the proposal and how this will be stored, re-used or disposed, should be submitted for the written approval of the Council as Planning Authority (in consultation with SEPA) and all work shall be carried out in accordance with the approved plan.

Reasons:

1. To clarify the extent of the permission for the avoidance of doubt and to ensure the satisfactory restoration of the site in the interests of amenity.
2. To ensure that an agreed restoration strategy is in place in the interests of visual amenity.
3. To ensure that at all times there are sufficient funds available to ensure Decommissioning and site restoration in the interests of amenity.
4. To ensure that at all times there are sufficient funds available to ensure decommissioning and site restoration.
5. To allow limited flexibility in siting turbines and to safeguard areas of ecological interest.
6. To ensure the provision of effective environmental protection in the interests of amenity.
7. To ensure that the impact of the borrow pits on the surrounding area is kept to a minimum and to ensure satisfactory restoration.
8. In the interests of visual amenity.

9. In the interests of flight safety.
10. In the interests of flight safety to avoid danger to military aircrew.
11. To clarify the extent of the permission for the avoidance of doubt and to ensure effective protection of residential amenity.
12. To clarify the extent of the permission for the avoidance of doubt and to ensure effective protection of residential amenity.
13. In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
14. To safeguard local amenity.
15. To safeguard residential amenity.
16. To ensure adequate protection to the Peat habitat in the interest of amenity.

B Justification:

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C Procedural Notes

In accordance with Part 7(26) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, the Council's decision on this EIA application is required to be notified to:

- Scottish Ministers;
- All consultees; and
- The public through newspaper announcement.

D Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
 4. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

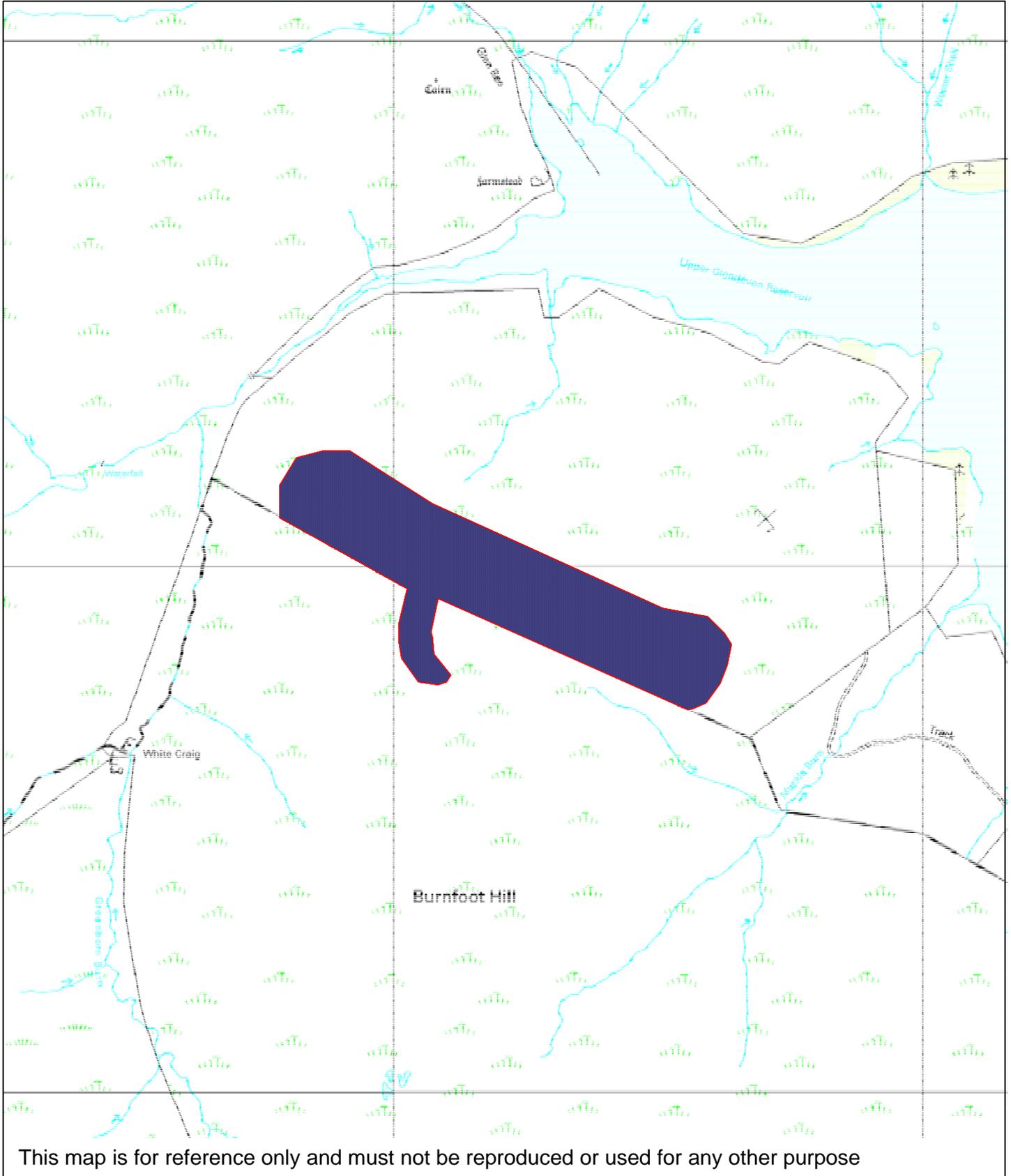
Background Papers: 48 letters of representation
Planning Officer: Garry Dimeck – ext 75300
Date: 12 March 2013

Nick Brian
Development Quality Manager

If you or someone you know would like a copy of this document in another language or format, (On occasion only, a summary of the document will be provided in translation), this can be arranged by contacting the Directorate Support Team on 01738 476408



Council Text Phone Number 01738 442573



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