

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

**Erection of a Wind Farm and associated works (Frandy Hill) south of the Upper and Lower Glendevon Reservoirs, Glendevon**

Ref No: 11/01952/FLL  
 Ward No: 7 – Strathallan

**Summary**

This report has been prepared following receipt of an appeal for non-determination and would form the basis of the Council's response to DPEA.

The report recommends that members defend the appeal based on the reasons set out in the report, for the erection of 7 wind turbines and ancillary works and structures as the development is considered contrary to the Development Plan due to an unacceptable impact on landscape quality and visual amenity.

**BACKGROUND AND DESCRIPTION**

- 1 The Frandy Hill Wind Farm would comprise 7no 3 bladed turbines together with associated infrastructure (tracks, equipment cabins, anemometer mast). Each turbine would have hub height of approximately 102M to blade tip (60m to hub), a rotor blade radius of 42m, and a generating capacity of 2MW.
- 2 The wind farm would have a cumulative installed generating capacity of up to 14MW. A permanent wind monitoring mast (maximum height 60m) is also proposed. Approximately 3km 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. A temporary construction compound is proposed on the site of the original compound for the now operational Burnfoot Hill Wind Farm.
- 3 The land lies approximately 1.5km to the east of the operational Burnfoot Hill wind farm, in the Ochil Hills and close to the administrative boundary with Clackmannanshire.
- 4 The application site is located on the upper slopes of the Ochil Hills approximately 5.5km north of Tillicoultry and approximately 5Km south of Blackford.
- 5 Members will note another proposal on this agenda from the same applicant for a two turbine extension to Burnfoot Hill Wind Farm (ref 11/01930/FLL).

**HIERARCHY OF APPLICATIONS**

- 6 Due to the limited electricity generating capacity of the 7 turbine proposal (14mw) this application is a Local application as defined by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

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 the submitted 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
  - Shadow Flicker
  - Electromagnetic interference
  - Aviation

## **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.

11 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**

12 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.

13 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 Routemap for Renewable Energy in Scotland - 2011**

- 14 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.
- 15 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**

- 16 Provides specific topic guidance to Planning Authorities from Scottish Government.
- 17 The topic guidance includes encouragement to planning authorities to:
- development 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 published best practice guidance from SNH in relation to visual assessment, siting and design and cumulative impacts.

- 18 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

- 19 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.
- 20 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.
- 21 Officers are satisfied that the proposal would not constitute a *significant* departure to the Development Plan.

#### **DEVELOPMENT PLAN**

- 22 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**

- 23 The principal relevant policies are in summary:
- 24 **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.
- 25 **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.
- 26 **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**

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

28 The principal relevant policies are in summary:

**Policy 1 :Sustainable Development**

29 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**

30 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**

31 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**

32 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**

- 33 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.
- 34 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**

- 35 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 overriding public interest.

### **Policy 17: Locally Important Habitats:**

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

### **Policy 19: Historic Gardens & Designed Landscapes:**

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

### **Policies 23 & 24: Archaeology**

- 38 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:**

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

**Policy 46: Diversification:**

- 40 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**

- 41 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. Before the Local Development Plan can be adopted by the Council the unresolved issues raised during the Proposed Plan period of representations will be subject to Examination. The Examination will be completed by an independent Reporter from the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA). Those unresolved issues have now been forwarded to DPEA.
- 42 Upon completion of the Examination the Reporter will prepare a report indicating the findings and outcome of the examination. That report will be available for the public to view. Examination reports are largely binding on planning authorities, and at that stage the Council would amend the LDP in line with the Reporter's recommendations unless there are reasonable and justifiable grounds for not accepting some of the recommendations given. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014.
- 43 The proposed LDP may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council. The following relevant plan policies may be noted.
- 44 **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.
- 45 **PM1B Placemaking** – Identifies placemaking design criteria which should be satisfied by all new development.
- 46 **TA1B Transportation Standards**
- 47 **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.



- 48 **HE1B Non-Designated Archaeology** – Identifies that the Council will seek to protect areas or sites of known archaeological interest and their settings.
- 49 **HE2 Listed Buildings** – The appropriateness of layout design, scale and siting of any development which affects a listed building or its setting will be carefully considered by the Council.
- 50 **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
- 51 **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;
- 52 **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.
- 53 **NE1D European Protected Species**–Identifies that planning permission will not be granted where development would be likely to adversely affect a European Protected species.
- 54 **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.
- 55 **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.
- 56 **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 & 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.
- 57 **EP3C Surface Water Drainage:** - Identifies all new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.
- 58 **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.

- 59 The proposal at Frandy raises particular issues in relation to ER1A: Renewable and Low Carbon Energy Generation. Members should be aware that representations both supporting and challenging this Policy have been received through the LDP consultation process.

## **OTHER POLICIES**

- 60 None.

## **OTHER PLANNING GUIDANCE**

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

- 61 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.
- 62 The application site at Frandy Hill 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 commercial scaled wind energy development.

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

- 63 This supplementary planning guidance was the subject of a public consultation exercise ahead of approval by Perth & Kinross Council in 18<sup>th</sup> May 2005. Consequently, it is considered that it is a material consideration to the current proposal.
- 64 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.
65. 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.

- 66 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)

- 67 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)

- 68 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.
- 69 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.
- 70 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.

- 71 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.
- 72 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.
- 73 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

- 74 None.

## CONSULTATIONS

- 75 **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
- 76 **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.

- 77 **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
- 78 **SNH** – Identify serious adverse landscape and visual impacts and serious concerns in relation to risk of peat slides.
- 79 **Ministry of Defence** – No objections. Request aviation lighting fitted to any approved turbines.
- 80 **Civil Aviation Authority** – No comments
- 81 **RSPB** – No objections
- 82 **British Geological Society** – No objections. Ground water monitoring comments.
- 83 **Clackmannanshire Council** – considers the proposal to be unacceptable:-
- Unacceptable cumulative visual and landscape impacts with existing windfarms
  - Would be viewed as separate wind farm to Burnfoot Hill and have significant adverse impact on sensitive viewpoints
  - Significantly diminish the existing landscape character of this part of the Ochil Hills where windfarms would become the dominant characteristic
  - If approved would set an undesirable precedent for further wind energy development in this part of the Ochil Hills
- 84 **PKHT** – No objections. No archaeological conditions required.
- 85 **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: Objection: siting and design, visual impact, landscape impacts, cumulative effects.
- 86 **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

- 87 The application has attracted a number of representations both for and against the proposals.
- 88 **Support:** 39 letters of support have been received raising the following issues:
- Economic benefits to locality;
  - 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;
  - no detriment to tourism or enjoyment of area.
- 89 **Objection:** 32\* letters of objection have been received raising the following issues:
- 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;
  - Inadequate surface water drainage arrangements;
  - Moratorium on further wind farm development in Ochil hills.

90 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.

91 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**

92	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**

93 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.

94 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.

95 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. However, as will be noted, the concerns in relation to landscape and visual impacts are considered to be overriding and not capable of effective mitigation through design.

## **Development Plan Policy**

- 96 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.
- 97 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.
- 98 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.
- 99 The determining issue in this case is whether the 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**

- 100 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.
- 101 The submitted ES records that a Strategic Site Selection was undertaken at a broad scale in order to identify, through the analysis of a wide range of technical and environmental criteria, a study area within which proposals for a site could be developed. However, no other sites are listed as having been examined in the site selection and this section of the ES focuses on the ability of the Frandy site to respond to key search criteria (no impact on southern scarp of Ochil hill range and ability of location to accommodate turbines of a specific height without *sky lining*) is highlighted.
- 102 In this instance consideration of alternatives has been limited to matters of design and layout. The ES identifies that physical constraints within the area of the application site have influenced the finalised submission and these are identified. They include wind resource, topography; peat depth, hydrology, proximity of noise sensitive receptors and landscape impact.
- 103 Whilst this report will conclude that the proposed development is inappropriately sited for landscape and cumulative visual impact reasons, an assessment of alternative sites is not a mandatory requirement of the EIA



Regulations where a submitted ES does already include an examination of 'alternatives'.

## **Landscape Impacts**

### Context

- 104 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.
- 105 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.
- 106 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.
- 107 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.
- 108 The *Igneous Hills* landscape character type presently accommodates 3 operational wind farms, namely Burnfoot Hill (1.4km from the proposed site); Green Knowes wind farm (6.6km east of the proposed site) and Lochelbank (21km east of the proposed Frandy site). All have been approved since the production of the TLCA.
- 109 The proposals at Frandy Hill are presented to planning at the same time as an application for a two turbine extension to Burnfoot Hill wind park (PKC application ref. no. 11/01930/FLL) and an application to Clackmannanshire

Council for a new Wind Park at Rhodders (CC application Ref No. 11/00299/FLL).

- 110 In reviewing the landscape impacts of the proposals for Frandy Hill, PKC Officers and SNH have had regard to the individual effects of a new wind farm 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)

- 111 The ES includes an LVIA which concludes that the landscape impacts of the development would be a localised *significant* effect on the host Landscape Character type (ie. within the site itself and immediate surrounding area).
- 112 The ES reviews other landscape character types within the vicinity of the application site (Ochils Hills Area of Great Landscape Value – AGLV; Ochil Hills LCA; Lowland River Valleys and Lowland valley Fringes).
- 113 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’ (ZTV) 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.
- 114 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. The assessment acknowledges that the proposed development would introduce a new feature to the wider landscape although would be viewed simultaneously with Burnfoot Hill Wind Farm.
- 115 The ES concludes that:
- when considering issues of landscape quality, value and capacity, the Frandy Hill Wind Farm site is considered to be of *medium* landscape sensitivity;
  - the Frandy Hill wind farm would predominantly be viewed as spatially distinct from the Burnfoot Hill array.
  - it would appear as a ‘satellite cluster’ which would tend to coalesce to form ‘one’ wind farm in views from the east and west.
- 116 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:

- (i) The addition of Frandy Hill Wind Farm alongside existing and consented schemes (in particular Burnfoot Hill and Green Knowes Wind Farm) would lead to a *medium* cumulative effect whereby the new wind farm would be a key characteristic of the landscape but not of sufficient dominance to be a defining characteristic of the area.
- (ii) The Rhodders proposal would read visually as an extension to the Burnfoot wind Farm. Frandy Hill Wind Farm would represent a spatially separate cluster to the east of this development. As a consequence any cumulative change would be *slight* and not significant.

### Appraisal

117 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.

118 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 composition is generally coherent in the landscape; however it appears fragmented or cluttered from viewpoints 4, 5, 6 and 7 when seen in isolation or in conjunction with the existing Burnfoot Hill wind farm.

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.

119 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.

120 The Landscape Architect includes the following matrix to illustrate this point:

Table 3

Vpt.	ES Matrix			Example Matrix		
	Receptor Sensitivity	Magnitude of Change	Effect	Receptor Sensitivity	Magnitude of Change	Effect
1	High	High	<b>Substantial</b>	High	Substantial	<b>Major</b>
2	High	High	<b>Substantial</b>	High	Substantial	<b>Major</b>
3	High	High	<b>Substantial</b>	High	Substantial	<b>Major</b>
4	Medium	High	<b>Moderate</b>	High /Medium	Substantial	<b>Major - Major/Moderate</b>
5	High	Medium	<b>Moderate</b>	High	Moderate	<b>Major/moderate/</b>
6	Medium	Low	Negligible	High/ Medium	Moderate/ slight	<b>Major /Moderate to Moderate</b>
7	High	Negligible	Slight	High	Moderate/ Slight	<b>Moderate</b>
8	High	Negligible	Slight	High	Slight	Moderate
9	High	Low	Slight	High	Slight	Moderate
10	High	Negligible	Slight	High	Negligible	Moderate/Minor

121 The Landscape Architect has reviewed the Landscape Character assessment and finds material differences in the conclusion of effects in relation to viewpoints 1 – 10. These viewpoints cover the areas between Crieff / St Davids/ Gask and Methven (Lowland Hills Landscape Character Type). The following Key findings may be noted.

#### Zone of Theoretical Visibility (ZTV)

The ZTV demonstrates the theoretical visibility of the proposed wind farm at blade tip over the surrounding landscape. It generally shows the visibility being limited to the north of the site in the wider study area at distances between 10-35km. Whilst, close range views from the surrounding hilltops would be obtainable up to distances of distances of 3-4km of the site with more extensive views from hill tops possible at ranges of up to 18km to the east of the site. This pattern of visibility is due to the siting of the proposed wind farm within the Ochill Hills where the landform curtails views from the south and east, northern slopes of the Ochills and immediate valley floor.

The ZVT and Viewpoint analysis shows that the most significant effects would occur within 3-4km of the site where the local topography generally contains the close range views. Views are most likely to occur for residents at a small number of individual properties, road users on the A823 and walkers on core paths and hill summits within the Ochills. The LVIA states that significant visual effects would occur at Frandy Fisheries (Vpt 1), Glen Bee (Vpt 2), Ben Cleugh (Vpt 3), A823 Glen Devon (Vpt 4) and Innerdownie Hill (Vpt 5).

At distances of 3 - 8km the ZVT shows limited visibility occurring on hill summits to the east of the proposed site. However at distances between 9km and 35km a more scattered pattern of visibility would occur to the north, spreading from Braco in the north west and extending over the central and northern portion of Strathearn and Strathallan. There is no visibility shown across a narrow band between Auchterarder and Gilmerton. At this range,

views are likely to occur around the periphery of Crieff, The Knock of Crieff, A85, and vicinity of Braco, Kinkell Bridge, Bankfoot and the south facing slopes of the Highland Boundary Fault. The LVIA states that visual effects in this zone are unlikely to be significant as shown for viewpoints at B827, Gask Ridge, Crieff, Knock of Crieff and Methven.

The LVIA states that visual impacts in Strathearn and Strathallan are unlikely to be significant and are categorised to be of Slight to Negligible. However, the methodology used in the LVIA is based on the guidance given in SPG Guideline 2, which through experience has proven to misrepresent the level of visual effects. Through site visits, analysis of viewpoint data and using Table 18 from SNH's '*Visual Assessment of Windfarms: Best Practice (2002)*' it is believed that the proposed wind farm would form a *conspicuous* element in the landscape at a range up to 13km even though views are intermittent and partially screened by intervening vegetation and topography.

### Residential

The LVIA states that the most significant visual effects arising from the proposed development are likely to occur up to a distance of 3 - 4km from the site. However, the residential study only takes into account 3 properties up to 2.02km from the nearest turbines and excludes properties between 2.02 and 4km from the site. Illustrations showing the visibility from properties at Fish farm Cottage, Glenhead Cottage, Glen Head Farm, Kaimknowe Farm and Hunthall demonstrate that views from 2 – 4km would be possible from these properties. Combined with visual analysis from Vpt 4 it is assessed that all these properties along with 2 properties at Lower Cleugh would obtain *significant* levels of visual effect arising from the proposed wind farm.

It should also be noted that the 2.02km originates from SPG Guideline 2 where it states that '*a commercial or community wind farm, cluster or turbine is unlikely to be acceptable within 20 times the height to blade tip of: houses and settlements, locally prominent landforms...*' etc.

The visual effects on the settlements of St Davids, Methven and Crieff are demonstrated by Vpts 7, 8 and 10. ES analysis shows that non-significant levels of effect would occur at these locations but, from our analysis there could be the potential for a *significant* visual effect occurring at St Davids.

### Cumulative

The ES methodology for assessing the cumulative landscape/visual effect of wind farms leads to confusion when the cumulative significance is described. For example in Vpt1 where Burnfoot Hill extension is viewed in conjunction with the existing Burnfoot Hill the significance given relates to the cumulative magnitude of change attributed to the existing wind farm. The ES fails to identify the magnitude of change attributed to the proposed extension. SNH Guidance on *Cumulative effect of Windfarms* state in Appendix 5 that '*The proposed wind farm should form the focus of the study. The CLVIA should describe, visually represent and assess the ways in which the proposal would have additional impacts when considered together with other existing, consented or proposed wind farms.*'

The proposed Frandy Hill wind farm would be seen in conjunction with the Existing Burnfoot Hill and Green Knowes wind farms which lie to the west and east of the proposed site. Further, cumulative views are likely with Braes of Doune and Lochelbank in more distant views. Other existing and more distant wind farms may be intermittently visible in the wider landscape.

It is considered likely that Frandy Hill would be visible in conjunction with proposed wind farms at Burnfoot Hill Extension and Rhodders, both located in close vicinity with the existing Burnfoot Hill.

- 122 Analysis undertaken by the Landscape Architect demonstrates, contrary to the findings set out in the ES, that there may be potential significant cumulative effects attributed to the proposed wind farm at Frandy Hill for local residents at viewpoints 6 and 7 (St. Davids and Gask Ridge) at a distance of up to 16.7km. These are in addition to the significant effects identified in the ES which are found at Vpts 1 – 5.
- 123 The Landscape Officers concerns have been relayed back to the applicant. No additional Landscape and Visual Assessment information has been forwarded.
- 124 Both the Council and SNH have encouraged the incorporation of a cumulative landscape assessment which takes account of the various permutations which could come about through a consenting of some, all, or part of the 3 schemes in and around the Burnfoot Hill array which are currently all current planning applications. Such an appraisal would present a more ‘fine-tuned’ approach to assessment than that incorporated within the submitted ES. Such an assessment has not been submitted.
- 125 SNH has confirmed that it shares the concerns of the Council’s Landscape Architect about the manner of assessment.
- 126 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.
- 127 SNH identify that the clear separation between Burnfoot Hill, Green Knowes and Lochelbank windfarms has helped to minimise landscape and visual impacts of these large scale developments. It identifies that each of these wind farms is individually well-located in its own place in the landscape and the intervening space between them is such that those who travel through the landscape, and those who look at the landscape from distance, do not perceive overlap between or merging together of these developments. They advise that these characteristics should be respected and utilised as principles to guide any further development proposals which come forward.
- 128 SNH conclude that the proposals for Frandy Hill would not secure these objectives but would instead be viewed as a separate windfarm rather than as an extension to the existing Burnfoot Hill array. As a consequence the

proposals would result in significant adverse landscape and visual impacts upon the well-spaced pattern of windfarm development in the Ochils; the landscape character of the western Ochils; the views and visual amenity of walkers in the western Ochils and views and visual amenity of residents, visitors and users of the road network in Strathearn. 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

- 129 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.
- 130 The assessment incorporates the use of ETSU-R-97 *The assessment for the rating of noise from windfarms*. 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.
- 131 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.
- 132 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.

- A change in background noise levels at Frandy Farm and Frandy Cottages is likely to be marked with the potential for up to a +6dba change which would represent a moderate loss of amenity. However resultant levels would be within ETSU limits.
- 133 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.
- 134 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 some assessment of likely impacts on recreational users in the area should be included, ideally with an estimate of the numbers of people who could be affected.
- 135 Whilst this criticism of the ES is acknowledged, 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:

- 136 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.
- 137 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:

- 138 6 x habitat types were recorded within the application site. Only two of the habitats were assessed to be of more than local conservation value (rain fed blanket mire & blanket bog). All of the plant communities within the application site were noted to have been subject to degradation from a combination of



grazing and erosion. The ES records that as a direct consequence the plant communities present contain a limited range of species and no nationally notable floral species were encountered during survey. A limited area of the blanket bog was noted to have been fenced to prevent livestock encroachment and this area displayed more vibrant and varied plant cover.

- 139 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 two valued habitats was predicted to be *moderate* whilst for remaining habitat types it is recorded as *low*. The potential impacts on the integrity and conservation status of these plant communities is assessed as *significant* to a feature of local biodiversity value (County Level and Local level).
- 140 Concerns are raised through representation about the impacts of the development on peat and bog land and in particular the absence of contingencies in the event of peat landslide at construction stage. Peat slide is covered by a separate section of this report.
- 141 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.
- 142 These measures could be delivered by condition on any planning approval.
- 143 SNH does not raise objection to the proposals in relation to any effects on habitat.
- 144 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:

- 145 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.

- 146 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.
- 147 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.
- 148 The Council's Biodiversity Officer is content with the appraisal of habitat and fauna as set out in the ES.

#### Ornithology

- 149 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:

- 150 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, red kite, white tailed eagle, hen harriers, merlin, and peregrine. 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.
- 151 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.
- 152 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*.

- 153 Indirect effects of disturbance from 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.
- 154 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.
- 155 Possible effects of the development on the SPA's are considered through the ES. 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.
- 156 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.
- 157 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.

- 158 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.

### **Peat Slide**

- 159 A consequence of siting windfarm developments on many upland slopes is the hazard of peat slide. This may occur when a portion of the peat mass becomes detached from underlying rock and flows downhill rafting upon a sub-base of a slurry or semi-liquid peat.
- 160 Once disturbed or damaged, peat bogs can become intrinsically unstable and large-scale ground movement can be triggered. Disturbance of the peat layer through works of ground clearance, 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.
- 161 The application site includes areas of peat. The ES includes an appraisal of the risks of peat destabilisation through the inclusion of a Peat Landslide Risk Assessment. That preliminary assessment concludes that (prior to mitigation measures) the risk, when regard is had to depth of peat cover, slope and effect of any failure event, is *significant to substantial* at 7 turbine locations and most access tracks.
- 162 The ES sets out a range of mitigation measures to respond to this issue which include: avoiding areas of deep peat where possible; micro-siting of turbines to minimise peat landslide risk; maintenance of existing drainage patterns; provision of under track drainage; *permeable material to be incorporated in track construction where gradients exceed 1 in 50 to avoid tracks acting as a conduit for groundwater flow and to enable permeability and cross-drainage*; avoidance of material storage in areas with a peat depth exceeding 0.5m; avoiding concentrated water flow on to peat slopes; incorporating a peat management element within an environmental management plan (EMP) and establishing an inspection regime of peat in areas of higher landslide risk.
- 163 SNH has made specific comment on this issue through its consultation response. Initial recommendations were that action beyond the prescribed mitigation works would be necessary to reduce the risk of peat slide to

acceptable levels. In addition they advised that further ground investigation be undertaken in the areas proposed to accommodate turbines 27 and 29 and tracks, or these elements should be removed from the proposals.

#### Supplementary assessment

- 164 In response to the concerns in relation to this issue the applicant has submitted supplementary information in relation to the Peat slide assessment. Additional digital terrain modelling was undertaken to more accurately establish slope angle together with peat probing and mapping at 53 locations throughout the site. Laboratory assessment of peat samples to determine bulk density, moisture and organic content was completed. Information was used to model slope assessment, shear strength and bulk density and used to determine hazard risk.
- 165 The findings of the further site investigations indicate that the entirety of the construction area is located in an area of *low* peat slide hazard.
- 166 SNH have welcomed the supplementary assessment and is satisfied that the information demonstrates that the background peat slide risk across the site is *low*. SNH recommend that in order to ensure that the proposed development does not increase that risk, the prescribed mitigation measures set out in the ES should be delivered in the event of any grant of planning permission.
- 167 SEPA identify in its consultation response that in areas of deep peat cover construction impacts should be avoided. As a consequence it encourages micro-siting in relation to turbine 27 and tracks 'T' & 'V'.
- 168 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.

#### **Water Resources**

- 169 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.
- 170 The ES examines private water supplies and licensed abstractions within and adjacent to the site; land drainage and both surface and ground water flow.
- 171 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 check dams to reduce flow velocity in drainage channels and incorporation of buffers to watercourses.

- 172 With the proposed mitigation measures in place the ES asserts that the residual impacts on the water environment arising from construction and decommissioning works (access tracks, site compounds, cable routing, material stockpiling excavations, oil/fuel storage, concrete pouring etc) would be *low to negligible*.
- 173 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 would be expected to incorporate full design details of the pollution prevention and mitigation measures set out in the ES.

### **Transport**

- 174 The principal environmental effects arise from the construction and de-commission phases of the proposed development.
- 175 The ES identifies that a preferred route for exceptional load delivery would be by way of the A9 Trunk Road (Loaninghead junction) through Glen Eagles 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 windfarm adjacent to the application site.
- 176 A 9 month build out period is envisaged and a 3 month decommissioning process. 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 55 abnormal loads would deliver tower sections, turbine blades and turbine components.
- 177 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.
- 178 The provision of a TMP could be secured by way of condition on any planning approval.
- 179 The Councils Transportation Planner raises no objection to the proposals.

- 180 Transport Scotland conclude 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**

- 181 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.
- 182 No sites of cultural heritage interest have been identified within the proposed site.
- 183 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 Burnfoot Hill and Rhodders.
- 184 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.
- 185 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.
- 186 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*.
- 187 Perth & Kinross Heritage Trust are content with the appraisal and confirm that there is a low probability of archaeological sites surviving within application site.

## **OTHER MATERIALS CONSIDERATIONS**

### **Environmental and other benefits**

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

189 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 20,000 tonnes of CO2 per annum.

### **Economic Benefits**

190 Whilst the socio-economic benefits of the proposal have not been quantified through the submission, a development project of this scale could represent an economic opportunity to the local and regional economy of some substance. 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.

191 Those benefits are acknowledged. Securing such benefits can be recognised as consistent with key Government and Development Plan objectives for the Scottish economy. However, those same objectives indicate that achieving *sustainable economic growth* in Scotland requires a planning system that can deliver growth enhancing activities in a manner which protects and enhances the quality of the natural and built environment as an asset for that growth. Environmental protection can therefore be seen as a key measure of *sustainable economic growth*.

192 In the balance, it is not considered that in this instance the green energy contribution, pollution reductions and economic benefits of development would outweigh the significant adverse effects on local environmental quality which would arise from this development proposal.

### **Recreational access and Core Path routes**

193 The ES Identifies that the proposals would not physically affect any existing footpath route although the turbines would be visible from many walking routes. New track would be required to service the development site and the Council's Access Officer has identified that this could have benefit to walkers in the area as a 'short cut' to existing defined public routes. The ES does acknowledge that the cumulative impacts of the development on the recreational walking experience in this part of the Ochils would be adverse. As a consequence measures are put forward through the ES to provide an element of mitigation through the upgrade of the surface of Right of way TP193 (some way to the north of the application site but part of the signed route which gives footpath access to the Ochil hills) and through reinforcement of bridge supporting footpath route at Blackford). Those 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 condition on any planning permission.

### **Shadow Flicker**

- 194 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.
- 195 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 west of the proposed turbines (Backhills Farm) – that property being within 10 rotor diameters of the proposed Frandy Hill turbines. In addition the potential shadow flicker from the Burnfoot Hill extension was assessed. The assessment has been undertaken using recognised industry modelling and concludes that potential operational impacts of *moderate* significance may occur at this property.
- 196 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 T 24 at Burnfoot Hill during the periods when shadow flicker arises, or the introduction of screening measures at the affected property.
- 197 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.
- 198 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 I am satisfied that any potential detriment to occupiers of Backhills Farm would not be overriding in this instance.

### **Telecommunication & aviation**

- 199 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**

- 200 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 7 turbines and ancillary structures, cutting back turbines bases to 1m in depth and the covering up of the remaining foundation with soil. It is anticipated that this would take approximately 3months. 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**

- 201 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.
- 202 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.

- 203 For the reasons set out in this Committee report Members will note that robust and defensible reasons for resisting this proposals on planning policy and landscape grounds do exist and would form a strong case for the Council at Planning Appeal.

## **Mains grid connection**

- 204 The ES identifies that the power export line will run from the new switchgear building on site to the existing underground export cable route used for the operational Burnfoot Hill wind farm. New ducting would be laid alongside that existing cable route for approximately 75% of its length, by way of an existing farm track. The short stretch of new route would run to the north and west of Ben Buck. The new trench, running parallel to existing Burnfoot Hill run would typically be 0.5m in width and between 0.7m and 1.2m in depth. The ES indicates that these works would be likely to take two months for

excavation/completion and would be subject of a detailed constructor's method statement prior to the commencement of site works.

- 205 Off-site export would be to the Devonside Sub Station, Fishcross on the southern side of the Ochills and would be subject to a detailed proposal to Scottish Power.

### **Inefficient and unreliable technology**

- 206 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.
- 207 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.
- 208 In this case it is concluded that the balance lies in favour of Refusal of the wind turbine proposals for Frandy Hill for landscape and visual impact reasons.

### **LEGAL AGREEMENT**

- 209 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 210 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**

- 211 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. For the reasons set

out in this report it is considered that there would be significant landscape harm arising from the siting of this proposal.

- 212 Whilst current Government Guidance (SPP) incorporates a broad commitment to increase the amount of electricity generated from renewable sources as a vital part of the response to climate change, in this instance it is considered that the energy contribution of the 7 turbines would not outweigh significant adverse effects on local environmental quality. Accordingly the proposal would not accord with the Development Plan; the council's SPG on Wind Farms or National Guidance and it is recommended that members agree to support the view that the appeal against no-determination be the application is defended on the following grounds:-

## **RECOMMENDATION**

### **A The application is considered to be unacceptable for the following reasons:**

1. Through the siting, size of turbines and prominence, the proposals would have a major adverse impact on existing landscape character and the visual amenity of the existing area. The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to National Scottish Planning Policy Guidance (SPP); Policies 2, 3 & 6 of the approved TAYplan 2012; and Policies 1, 2, 3, 5 & 11 of the adopted Strathearn Local Plan; and Policies PM1A; ER1A & ER6 of the proposed Local Development Plan.
2. Through the siting, size of turbines, prominence and visual association with existing and approved windfarms within the locality the proposals would have a major adverse cumulative impact on existing landscape character and visual amenity including impacting adversely on serial views from important transport routes through the area. The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to National Scottish Planning Policy Guidance (SPP), Policies 2, 3 & 6 of the approved TAYplan 2012; and Policies 1, 2, 3, 5 & 11 of the adopted Strathearn Local Plan; and Policies PM1A; ER1A & ER6 of the proposed Local Development Plan.

### **B JUSTIFICATION:**

The submitted proposal does not accord with the Development Plan and there are no material considerations to justify a departure therefrom.

### **C PROCEDURAL NOTES**

None.

## D INFORMATIVES

None

Background Papers: 71 letters of representation  
Planning Officer: Garry Dimeck – ext 75300  
Date: 12 March 2013

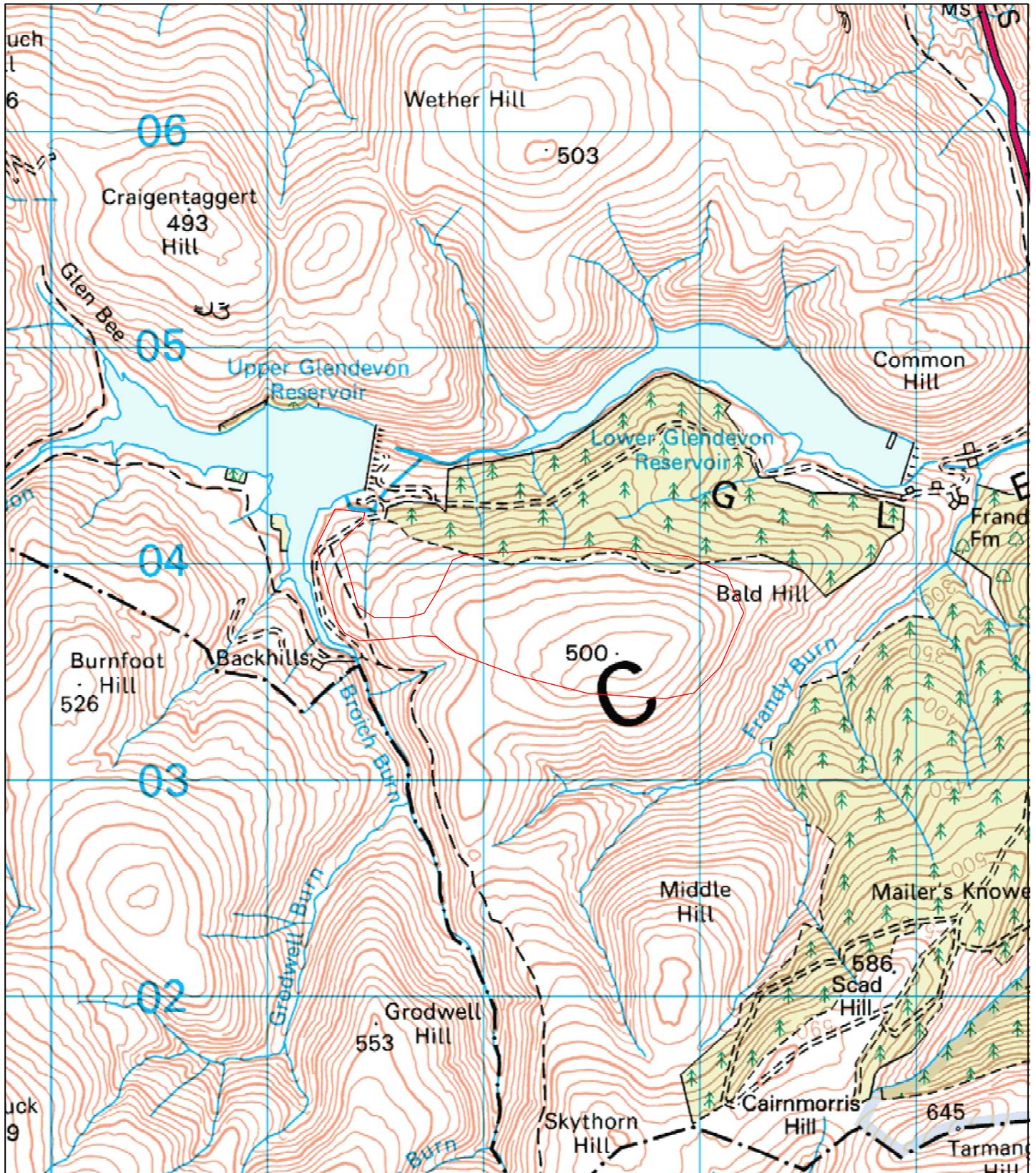
**Nick Brian**  
**Development Quality Manager**

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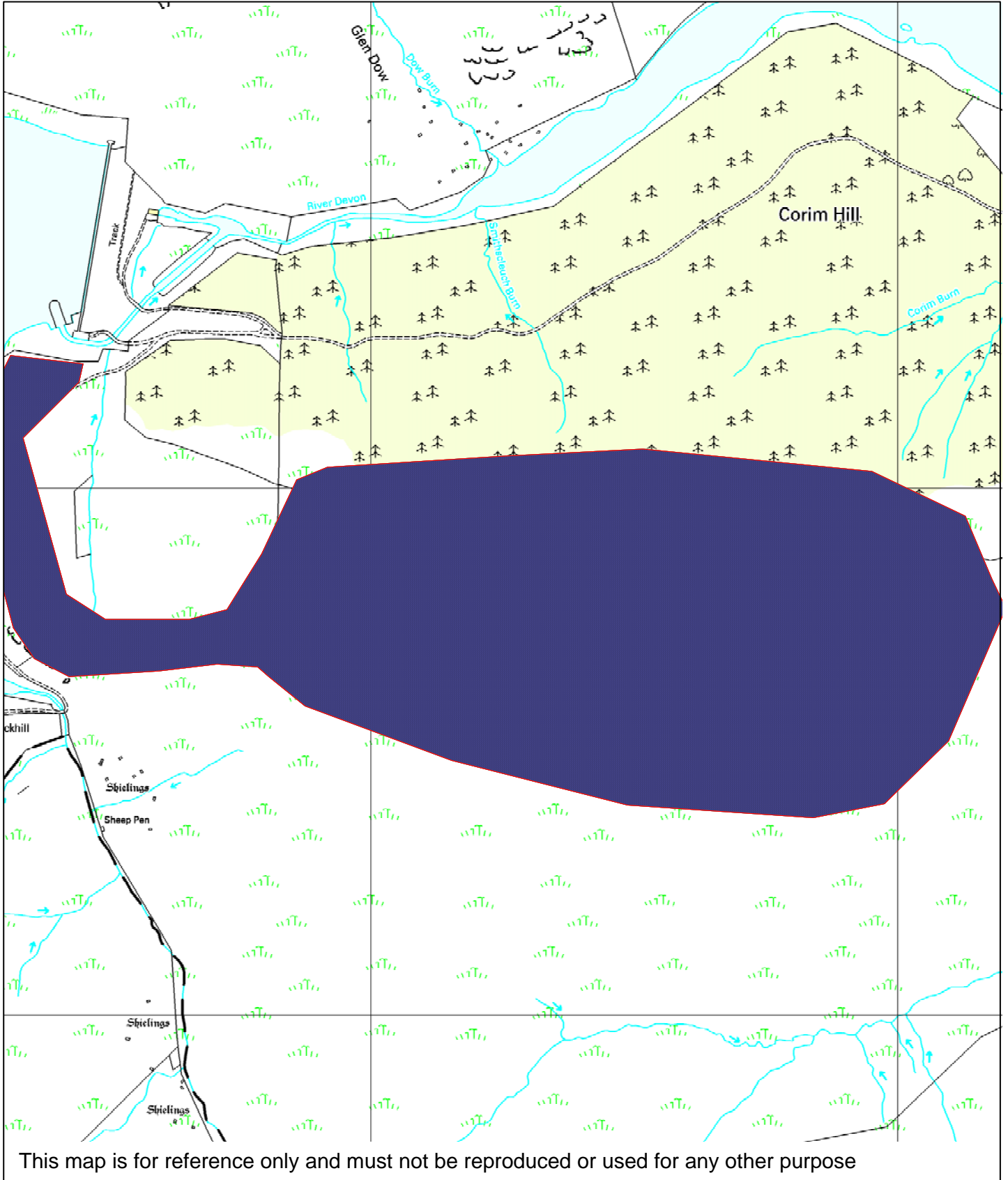
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