

Perth and Kinross Council  
Development Management Committee – 24 April 2013  
Report of Handling by Development Quality Manager

**Erection of seven wind turbines and associated infrastructure on land at Bamff  
by Alyth**

Ref. No: 12/00963/FLL

Ward No: 3 Blairgowrie and the Glens

**Summary**

This report recommends refusal of the application for the erection of seven turbines and associated infrastructure. The development is considered to be contrary to the Development Plan as it would result in an unacceptable adverse landscape impact on the landscape character as well as the wider landscape setting. This landscape impact is further exacerbated due to the cumulative landscape impact associated with operational and consented windfarms.

Notwithstanding the above there is a lack of information in the Landscape and Visual Impact Assessment which diminishes the credibility of the assessment which warrants refusal of the application. This includes the potential visual impact on residential properties which are in close proximity to the development as well as requested viewpoints and sequential views.

**BACKGROUND AND PROPOSAL**

- 1 This application is for the development of seven wind turbines that that would have a hub height of 71metres, a rotor diameter of 80 metres resulting in an overall tip height of 111metres. The maximum combined output of the turbines would be 14 megawatts (MW).
- 2 The Bamff Application site is approximately 5 kilometres to the north-west of Alyth and 8 kilometres to the north-east of Blairgowrie. The western boundary abuts the public road C446 which runs between the A93 and Alyth where access to the development will be formed at a contour height of 250 metres above ordnance datum (AOD). The development area includes Hilton Hill which is located centrally in the site at 357 metres AOD and Balduff Hill which is to the north east of the site at a height of 425 metres AOD. The bases of turbines 7 and 4 would be located at approximately 350 metres AOD, turbine bases 5, 3 and 2 at approximately 340 AOD with bases 1and 6 sited at approximately 320 AOD.
- 3 Infrastructure to enable the construction, operation and decommissioning of the site will be required. This includes onsite access tracks, crane hard standings, up to four borrow pits to win material, a meteorological mast for the duration of the windfarm, onsite underground cables, a control building, a substation, site signage and a temporary construction compound and laydown area.

- 4 Should consent be granted the applicant expects the development to be operational for a total of 25 years. Construction and decommissioning would require 12 months each side of the operational period.
- 5 Members should be aware that a separate report of handling for Tullymurdoch windfarm is being presented at this committee meeting which is located to the North West of the Bamff site. The cumulative effects between these two proposed windfarm developments have been considered in the appraisal section of this report.

## **HIERARCHY OF APPLICATIONS**

- 6 This application is a local application as defined by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. Due to the limited electricity generating capacity of the 7 turbine proposal. This means there is no statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.

### **Environmental Impact Assessment (EIA)**

- 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 Environmental Statement supports the planning application and is a key part of the submission. The key environmental concerns identified through the Council's Scoping Opinion issued by the Council on the 21 March 2011 were:
  - Site selection process
  - Existing environmental conditions of the site and surroundings
  - Transport and access appraisal
  - Human Health (including noise and vibration)
  - Landscape & visual impacts (including cumulative impacts with other wind farms and large single turbines)
  - Ecology / Ornithology / biodiversity appraisal
  - Geology, Hydrology, Hydrogeology impacts
  - Social and economic effects
  - Impact on existing cultural heritage
  - Impact on carbon balance and peat management
  - Impact on existing peatlands

## **NATIONAL POLICY and GUIDANCE**

- 9 The Scottish Government expresses its planning policies through the National Planning Framework 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

### **National Planning Framework**

- 10 The second National Planning Framework for Scotland (NPF) was published in June 2009, setting out a strategy for Scotland's spatial development for the period up until 2030. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **The Scottish Planning Policy 2010**

- 11 The 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.
- 12 The following sections of the SPP are of particular importance in the assessment of this application:-
- Paragraph 25: Determining planning applications
  - Paragraph 33: Sustainable Economic Growth
  - Paragraphs 34 – 44: Sustainable Development and Climate Change
  - Paragraphs 110 – 124: Historic Environment
  - Paragraphs 125 – 148: Landscape and Natural Heritage
  - Paragraphs 165 – 176: Transport
  - Paragraphs 196 – 211: Flooding and Drainage
  - Paragraphs 183 – 191: Renewable Energy & Wind Farms and sets out National planning policy.
  - Paragraph 255: Outcomes
- 13 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology

- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 45 Renewable Energy
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

### **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:
- 16 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**

- 17 Provides specific topic guidance to Planning Authorities from Scottish Government.
- 18 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.

- 19 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.*

## **DEVELOPMENT PLAN**

- 20 The Development Plan for the area consists of the Tayplan Strategic Development Plan 2012 – 2032 Approved June 2012 and the Adopted Eastern Area Local Plan 1998.

### **Tayplan Strategic Development Plan 2012**

- 21 The vision set out in the TAYplan states that:

*“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

### **Policy 2: Shaping Better Quality Places**

- 22 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

### **Policy 3: Managing TAYplan’s Assets**

- 23 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

### **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 24 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.

### **Eastern Area Local Plan 1998**

- 25 The Plan identifies the protection and enhancement of the environment as a key Council Strategic Policy.
- 26 The principal relevant policies are in summary:

#### **Policy 01: Sustainable Development**

- 27 The Council will seek to ensure, where possible, that development within the Plan area is carried out in a sustainable manner. Where development is considered to be unsustainable but has other benefits to the area which outweigh the sustainability issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. The following principles will be used as guidelines in assessing the sustainability of projects:-
  - a) Non-renewable resources should be used wisely and sparingly, at a rate which does not restrict the options of future generations.
  - b) Renewable resources should be used within the limits of their capacity for regeneration.
  - c) The quality of the environment as a whole should be maintained and improved.
  - d) In situations of great complexity or uncertainty the precautionary principle should apply.
  - e) There should be an equitable distribution of the costs and benefits (material and non-material) of any development.

#### **Policy 02: General Development Policy**

- 28 All developments within the Plan area not identified as a specific policy, proposal or opportunity will also be judged against a series of criteria, including, a landscape framework, the scale, form, colour and density, of existing developments within the locality, compatible with its surroundings in land use terms and they should not result in significant environmental damage or loss to the amenity or character of the area, the road network should be capable of coping with traffic generated by the development and satisfactory access on to that network provided, sufficient spare capacity in drainage and water services to cater for new development, the site should be large enough to accommodate the development satisfactorily in site planning terms and buildings and layouts for new development should be designed so as to be energy efficient.

### **Policy 03: Flood Risk**

- 29 Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted.
- 30 For the purposes of this policy flood risk sites will be those which are judged to lie within:
- (1) Areas which flooded in January 1993.
  - (2) Sites which lie within a flood plain.
  - (3) Low lying sites adjacent to rivers, or to watercourses which lead to categories 1 and 2.

### **Policy 09: Renewable Energy**

- 31 The Council will encourage, in appropriate locations, developments which contribute towards the Scottish Renewables Obligation. In the absence of a detailed Council wide policy on renewable energy production, developments will be assessed against the following criteria:
1. That provision can be made for construction traffic, without danger to road traffic safety or the environment.
  2. That the development will not have a significant detrimental effect on sites of nature conservation interest or sites of archaeological interest.
  3. That the development will not result in an unacceptable intrusion on the intrinsic landscape quality of the area.
  4. That the development will not result in a loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.
  5. The cumulative impact of having two or more windfarms in the same area will be considered.
- 32 The proposed transmission lines between development and the National Grid will be considered an integral part of the development and their impact will also be assessed in relation to the above criteria. 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.

### **Policy 12: Environment and Conservation**

- 33 In the absence of imperative reasons of overriding public interest, the Council will not grant consent for, or support, development which would damage the integrity of Sites of Special Scientific Interest, National Nature Reserves, Special Protection Areas, Ramsar Sites and Special Areas of Conservation.

#### **Policy 14: Environment and Conservation**

- 34 The Council will not normally grant consent for any development which would have an adverse effect on:- sites supporting species mentioned in Schedules 1, 5 and 8 of the Wildlife and Countryside Act, 1981 as amended; Annex II or IV of the European Community Habitat and Species Directive; Articles 1.4 and 1.2 of the European Community Wild Birds Directive.

#### **Policy 15: Environment and Conservation**

- 35 The Council will not normally grant consent for any development which would have an adverse effect upon those habitats and species listed in Annex I and II of the EC Habitats and Species Directive.

#### **Policy 17: Environment and Conservation**

- 36 The Council recognises the community and educational benefits associated with nature conservation and will therefore seek to realise opportunities for habitat creation, retention and sympathetic management in:
1. land reclamation and environmental improvement schemes.
  2. public open spaces.
  3. other land held by this Authority.

#### **Policy 20: Archaeology**

- 37 The Council will safeguard the settings and archaeological landscapes associated with Scheduled Ancient Monuments (protected under the Ancient Monuments and Archaeological Areas Act 1979), unless there are exceptional circumstances.

#### **Policy 21: Archaeology**

- 38 The Council will seek to protect unscheduled sites of archaeological significance. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ and where in exceptional circumstances preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to planning consents, will be required to make provision for the excavation and recording of threatened features prior to development commencing.

#### **Policy 22: Archaeology**

- 39 Where it is likely that archaeological remains may exist, the prospective developer will be required to arrange for an archaeological evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist before the planning application is determined.

### **Policy 23: Listed Buildings**

- 40 There will be a presumption against the demolition of Listed Buildings and a presumption in favour of consent for development involving the sympathetic restoration of a Listed Building, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

### **Policy 33: Eastern parking standards and public transport**

- 41 Adequate provision for parking, public transport and servicing must be made in all new developments in conformity with Roads Authority standards and to the satisfaction of the Planning Authority.

### **Policy 38: Landward general policies**

- 42 Developments in the landward area, as shown on Proposals Map A, on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators, for which a countryside location is essential. Developments will also be judged against a series of criteria, including, a good landscape framework capable of absorbing, and if necessary, screening the development, the scale, form, colour, density and design of development should accord with the existing pattern of building, compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community, the local road network should be capable of absorbing the development and a satisfactory access onto that network provided, sufficient spare capacity in local services to cater for the new development and the site should be large enough to accommodate the development satisfactorily in site planning terms.

### **Policy 47: Historic gardens and design landscapes**

- 43 The Council will protect and seek to enhance the Historic Gardens and Designed Landscapes identified on Proposals Map A and any others which may be identified by Historic Scotland and Scottish Natural Heritage during the Plan period.

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

- 44 Members will be aware that on 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to 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.

The principal relevant policies are in summary:-

**PM1A Placemaking**

- 45 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

**PM1B Placemaking**

- 46 Identifies placemaking design criteria which should be satisfied by all new development.

**Policy ED3: Rural Business and Diversification**

- 47 The Council will generally give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas..

**Policy TA1: Transport Standards and Accessibility Requirements**

**Policy CF2: Public Access**

- 48 Development proposals that would have an adverse impact upon any (proposed) core path, asserted right of way or other well used route, or that would otherwise unreasonably affect public access rights will be refused, unless those impacts are adequately addressed in the plans and suitable alternative provision is made.

**Policy HE1A Scheduled Monuments**

- 49 Identifies a presumption against development which would have an adverse effect on the integrity of a Scheduled Ancient Monument and its setting.

**Policy HE1B Non-Designated Archaeology**

- 50 Identifies that the Council will seek to protect areas or sites of known archaeological interest and their settings.

**Policy HE2 Listed Buildings**

- 51 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.

**Policy HE4 Gardens and Designed Landscapes**

- 52 The Council will seek to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes.

### **Policy NE1A International Nature Conservation Sites**

- 53 Identifies that development which could have a significant effect on a SAC will only be permitted where appropriate assessment is undertaken;

### **Policy NE1C: Local Designations**

- 54 Confirms that development which would affect an area designated as being of local nature conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that the objectives of designation and the overall integrity of the designated area would not be compromised and/or any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

### **Policy NE1D European Protected Species**

- 55 Identifies that planning permission will not be granted where development would be likely to adversely affect a European Protected species.

### **Policy NE2: Forestry, Woodland and Trees**

- 56 The Council will support proposals which that deliver forests and woodlands that meet local priorities as well as protect existing woodland.

### **Policy NE3 Biodiversity**

- 57 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.

### **Policy NE4: Green Infrastructure**

- 58 Provides support for the development that will contribute to the creation, protection, enhancement and management of green infrastructure.

### **Policy ER1A Renewable and Low Carbon Energy Generation**

- 59 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.

### **Policy ER6 Managing future Landscape change to conserve and enhance the diversity and quality of the area's landscape**

- 60 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.

### **Policy EP2: New Development and Flooding**

- 61 There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

### **Policy EP3C: Surface Water Drainage**

- 62 Identifies all new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **Policy EP3D: Reinstatement of Natural Watercourses**

- 63 The Council will not support development over an existing culvert or the culverting of watercourses as part of a new development unless there is no practical alternative. Existing culverts should be opened and redundant water engineering structures removed whenever possible to benefit wildlife and improve amenity.

### **Policy EP8: Noise Pollution**

- 64 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.

## **OTHER POLICIES**

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

- 65 This supplementary planning guidance was the subject of a public consultation exercise ahead of approval by Perth and Kinross Council on 18 May 2005. Consequently, it is considered that it may be regarded as a material consideration to the current proposal.
- 66 The application site is located within an area identified in that document as '*Broad Area of Search*'. The guidance document confirms there "*will be supported where they would be consistent with the Council's detailed Policy Guidelines and it has been demonstrated that they utilise turbines of a size and a scale appropriate to their location, are in locations least damaging to settlements, landscape character, visual amenity, habitats, and will not have unacceptable cumulative impacts.*"
- 67 The SPG has not been approved by Scottish Ministers. 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 should only be limited.

## **Tayside Landscape Character Assessment (TLCA)**

- 68 The Tayside Landscape Character Assessment (TLCA) is published by Scottish Natural Heritage. The TLCA is a 'material consideration' when considering any development proposal in Perth and Kinross. 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)**

- 69 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.
- 70 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.
- 71 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 and 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.
- 72 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.

73 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.

74 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.

### **Planning Site History**

75 11/00145/PREAPP – Scoping Opinion.

## **CONSULTATIONS**

### **Scottish Government**

76 Under the Environmental Impact Assessment (Scotland) Regulations 2011 the Scottish Government are 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:

- **Transport Scotland:** No objection. Overall there will be a minimal increase in traffic on the trunk road.
- **Historic Scotland:** No objection, but they consider that further work could be undertaken to reduce the predicted significant adverse impact on the setting of Parkneuk Scheduled Ancient Monument (two stone circles index No.1505).
- **Environmental Quality Directorate:** No objection.

### **Scottish Environment Protection Agency**

77 Advise that planning conditions should be attached to any consent. However, if the requested conditions are not applied then they object.

### **Scottish Natural Heritage**

78 Raise concern that there is likely to be significant detrimental cumulative landscape and visual impacts associated with Bamff in addition to Drumbderg (operational) and Welton of Creuchies (consented). They advise that the additional two schemes (Tullymurdoch and Bamff) if approved would likely result in four clearly separate and different developments within a relatively small area of 3.5km. This would result in visual confusion and a poor image of

windfarm development changing the landscape character of the hills between Strathardle and Glen Isla with turbines becoming a dominant characteristic.

- 79 They advise there is unlikely to be any adverse impacts on the River Tay SAC if appropriate construction methods and mitigation method are deployed and recommend this is controlled by condition.
- 80 With regards to Special Protection Areas (SPA) and their ornithological interests SNH advise that there is unlikely to be any significant effect on qualifying interests of the SPA sites either directly or indirectly or in combination.
- 81 In terms of protected species and habitats SNH agree with the findings presented in the Environmental Statement provided that the proposed mitigation measures are implemented.

### **Forestry Commission**

- 82 No objection subject to conditions. The Environmental Statement includes a detailed assessment of the woodland located within the development area and reference is made to The Scottish Government's Policy on the Control of Woodland Removal. The identification and assessment of the alternative restock site for compensatory planting should be controlled by planning condition.

### **Ministry of Defence**

- 83 Object. The turbines will be 14.2km from, in line of sight to, and will cause unacceptable interference to the ATC radar at Leuchars.

### **Scottish Water**

- 84 No objection.

### **RSPB Scotland**

- 85 No comments to make.

### **Environmental Health**

- 86 Due to the proximity of the two schemes Environmental Health were requested to review the work undertaken on the Bamff and Tullymurdoch assessments to ensure a consistent approach on both schemes. In this regard they confirm that the Bamff proposal on its own (i.e. without Tullymurdoch Windfarm) is just acceptable in noise terms. Their full response is included as an annex to this report.

### **Environmental Health (Water Team)**

- 87 No objection subject to conditional control which require a Private Water Action Plan which would detail all water monitoring and reporting, pollution incident

reporting and mitigation measures to address any temporary or permanent material change in either the quality or quantity of an existing private water supply.

**Biodiversity Officer**

- 88 No objection, satisfied with the approach and the results of the habitat, bird and protected species surveys.

**Flood Officer**

- 89 No objection.

**Access Officer**

- 90 Established paths and tracks used for public access must be respected within the development. Any temporary closure which may become necessary for health & safety reasons must be approved in advance by Perth & Kinross Council.

**Perth & Kinross Heritage Trust (Archaeology)**

- 91 No objection subject to an archaeological condition being applied to the consent.

**Alyth Community Council**

- 92 No objection. Confirm they wish to see conditions applied to the consent to control traffic routes and timings which would take account of any cumulative traffic impact associated with other developments. They also seek conditional control over noise and a Community Benefit Scheme.

**Angus Council**

- 93 Advise that they are concerned with the level of wind development close to the western boundary of its administrative area in landscape and visual terms. They refer to their document 'implementation guide for renewable energy' which defines what Angus Council consider to be acceptable levels of 'future windfarm character' for Landscape Character Types (LCT). They advise that the acceptable level of change for this LCT would be a landscape with occasional windfarms. They suggest that the Bamff development in addition to the consented Welton of Creuchies windfarm would change the windfarm character beyond this level and beyond a level that the landscape can accommodate.
- 94 Further details of wind developments are provided to assist the cumulative assessment and reference is made to the number of residential properties that are located within 2km that require to be taken into account in the proposals assessment.

- 95 In terms of archaeology they advise that there are no archaeological mitigation requirements.

#### **Cairngorms National Park Authority**

- 96 No objection. The development would be visible from some points in the Park but the impacts are not considered to be of an extent that would warrant objection.

#### **Dundee City Council**

- 97 No comments to make on the application.

### **REPRESENTATIONS**

- 98 The application has attracted thirty four representations against the proposals within the statutory timescales including one petition with 98 signatures. The issues raised by objectors are summarised as follows:

- Impact on certain transport routes (B591,B594)
- Landscape impact (Turbines and access track)
- Cumulative impact with other windfarm development
- Impact on CATERAN Trail
- Impact on residential properties
- Noise
- Television Interference
- Shadow Flicker
- Private water supplies (residential and agricultural)
- Light pollution
- Concerns with extent of ornithological survey
- Impact on ecology (wildlife, protected species and designated sites)
- Traffic implications
- Concerns with decommissioning
- Concern with community engagement and publication of the proposal
- Community benefit overstated
- Loss of property value
- Whether turbines will be appropriately insured

### **RESPONSE TO ISSUES**

- 99 These issues are addressed in the Appraisal section of this report apart from the element which relates to Pre-application Consultation and community engagement which has been addressed at the start of this report under Hierarchy of Development heading. Additionally it should be noted that the loss in property value and insurance of turbines falls outwith the remit of this assessment.

## ADDITIONAL STATEMENTS

100	Environment Statement	Submitted
	Screening Opinion	Undertaken
	Environmental Impact Assessment	Yes
	Appropriate Assessment	Undertaken
	Design Statement/Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Transport Assessment, Flood Risk Assessment and Drainage Strategy submitted

## APPRAISAL

### Policy Appraisal

- 101 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 Plan consists of the TAYplan 2012 and the Eastern Area Local Plan 1998. The Perth and Kinross Council Local Development Plan – Proposed Plan January 2012 is a material consideration in the determination of the application and has progressed to examination by the Scottish Ministers.
- 102 Policy 6 of the TAYplan relates to the aim of delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts. Policy 9 of the Eastern Area Local Plan 1998 (EALP) sets out the main criterion that requires to be taken into account in the assessment of renewable energy developments, Policy ER1A (a material consideration) sets out the Councils updated position which is contained within the Proposed Local Development Plan 2012 (PLDP).
- 103 Although the policy position is generally supportive of renewable energy schemes this is subject to a number of criteria being satisfied. While renewable energy schemes may meet some environmental requirements and not others an overall judgement has to be made on the weight to be given to the 'positives' and 'negatives' which will determine whether it is environmentally acceptable. Any significant adverse effects on local environmental quality must be outweighed by the proposals energy contribution.

### Environmental Impact Assessment

- 104 The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. 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 if there are associated mitigation measures which make this acceptable.

- 105 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 which have been designed to limit the negative environmental effects of development. However, as will be noted in the assessments below there are concerns that some impacts are not capable of mitigation and there is also concern that the omission of information requested at scoping hinders effective assessment.

### **Alternatives**

- 106 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.
- 107 For each of the main alternatives studied, an indication of the main reasons for the choice, that is, why the alternative was not adopted, taking account of its environmental effects and those of the submitted project; noting that the predicted environmental effects of the alternatives rejected may have been better or worse than the submitted project. Thus, the EIA process does not absolutely constrain the selection of the submitted project in preference to alternatives studied, but it is reasonable to expect that a rational explanation would be included in the Environmental Statement as to why a more, or less, environmentally harmful project was chosen for submission.
- 108 Although no other sites are identified in the Environmental Statement. The applicant's general site selection process is detailed in Chapter 3. The consideration of layout alternatives are also illustrated in Figure 3.1 and table are used to define the refinement process the proposer has gone through. In this case I am content with the approach.

### **Environmental and Economic Benefits**

- 109 The submitted Environmental Statement indicates that the proposed 14MW windfarm could generate an annual electricity output of 34,952 MW hours and result in a saving of 21,216 tonnes of CO<sub>2</sub> when compared to energy generation by conventional fossil-fuel mix in the UK. This would make a contribution to the Scottish Governments target of 100% electricity generation from renewable energy resources by 2020. It would also assist one of the aims of TAYplan Policy 6 which seeks to deliver a low/zero carbon future for the Region through a reduction in fossil fuels. The general economic benefits associated with wind farms are detailed in the applicant's submission. The overall employment opportunities both direct and indirect have been calculated as 9.9 Full Time Equivalents. This will result in economic benefits which the ES considers to be of a positive temporary effect of minor significance.

- 110 While the developer has indicated an intention to operate a community fund throughout the lifespan of the development I am not aware that an agreement has been reached with the Community through a unilateral obligation or other mechanism, therefore I attach little weight to this particular factor in the determination of the application.

### **Landscape and Visual Impact**

- 111 Policy 9 of the Eastern Area Local Plan 1998 (EALP) is one of the key development plan policies in the determination of this renewable energy application. Criterion contained within the policy seek to safeguard the intrinsic landscape quality of the area and protect loss of amenity to neighbouring properties. There is a further requirement through policy 02 and 38 of the EALP as well as policy ER6 of the PLDP to take account of the landscape.

### **Impact on Landscape**

- 112 The application site is located just to the south of the Highland Boundary Fault in an area of transition between the lowlands and the highlands. The seven turbines are located on the shoulders of Hilton Hill and Balduff Hill towards the centre of the Highland Foothills landscape character type which results in the turbines being seen in the context of wider views in Strathmore rather than the interior of the hills.
- 113 In this case the review undertaken by the Council's Landscape Architect confirms that this chapter of the Environmental Statement is consider to underestimate the landscape sensitivity of the Lowland Hills and Igneous Hills as their elevated location and extensive views outwards towards adjacent Landscape Character Types (LCTs) form key characteristic of these landscapes. The consultation response also notes that the assessment of effect on landscape character is vague and requires more clarity to address inconsistencies.
- 114 The sensitivity of a number of viewpoints are shown to be potentially undervalued The Council's Landscape Architect provides the following commentary:-

Vpt 3: Represents walkers on the Cateran Trail as well as local residents, but has been judged to be of medium sensitivity as it is thought it is a location where not many people will stop. This is a sweeping statement and has not been justified. The exclusion of views from nearby properties or the experience of the walker has not been explained.

Vpt 5: Represents road users on the A93 tourist route and nearby residents at Bridge of Cally. It should therefore be considered to be of High Sensitivity.

Vpt 6: This viewpoint is judged to be of Low sensitivity without clear justification. It represents road users and nearby residents and so could be considered to be of both High and Medium sensitivity.

- Vpt 7: Representative of road users on the A94, the settlement of Coupar Angus and nearby residents along the A94. Therefore the viewpoint should be considered to be of High and Medium sensitivity.
- Vpt 10: Represents road users, nearby residents and views from the settlement of Glamis. It should therefore be considered to be of High and Medium sensitivity.

115 The above view point assessment reflects what is considered to be an underassessment in the Environmental Statement of the visual effects of the proposed development within the study area

### **Turbine Layout**

116 The layout and design of a windfarm is of paramount importance to ensure an appropriate landscape fit. The design should compliment the local landform promote a well balanced composition from all viewpoints. In this case a review of the turbine composition based on the LVIA viewpoints identifies a number of concerns:

- Vpt 1: Composition is fragmented and unbalanced with two turbines overlapping. Careful siting of turbine 4 could remove the blade tip from view.
- Vpt 2: Significant horizontal spread in view
- Vpt 3: Composition appears cluttered with several overlapping turbines which causes visual discord.
- Vpt 4: Cluttered composition with several overlapping turbines which do not relate to the landform.
- Vpt 5: Turbine 7 appears to sit proud of the composition and has wide spacing with turbine 5.
- Vpt 6: Composition is cluttered with overlapping turbines and does not relate to landform. Turbines size appears much larger than those of Drumderg and increases perception of wind development on the skyline.
- Vpt 7: Balanced and reflects Drumderg however it is more prominent in views.
- Vpt 8: Significant overlap with Drumderg. Very cluttered composition with turbine no. 1 forming an outlier to the left of the composition
- Vpt 10: Turbines 4 and 3 overlap and slightly proud of group, otherwise balance composition.
- Vpt 12: Over lapping turbines

117 The Council's Landscape Officer's appraisal demonstrates that the design of the layout does not conform to principals set out in SNH's 'Siting and Designing of windfarms in the Landscape'. This is particularly relevant in close range views and effects on local landscape character where the proposed windfarm is most prominent.

118 Notwithstanding the above it should also be noted that there is concerns that views from the A94 south of Burrelton and Ben Varackie as requested by PKC in the Scoping response have been excluded. Ben Varackie is an important

viewpoint and has a very high visitor count and is considered as a key viewpoint in Perth and Kinross. Its absence means that effects (both visually and on landscape character) arising from the proposed site in conjunction with Drumderg, Welton of Creuchies, East Gormack, Ardlebank, Tullymurdoch, Griffin and Calliachar cannot be understood. Views of the proposed site along with Drumderg are feasible from the A94 to the south of Burrelton. Open views of Drumderg and the proposed site would be obtainable on the approach to the south of the village of Burrelton when on the A94 and this also represents a key viewpoint. The absence of these key viewpoints means full consideration of the landscape impact cannot be assessed and accordingly this also represents a reason for refusal.

### **Visual Impact**

- 119 In some locations, aspects of local visual effects may be as important as wider landscape considerations, and wind energy developments should not dominate significant surrounding features. Turbine height is important, both for the distance over which a development might be visible, and also the potential dominance of such large structures to people and buildings close to them. Dominance is not just a question of height, but also of the relative angle of elevation, this depends not only on the turbine, but also on the local topography.
- 120 PKC Supplementary Wind Planning Guidance suggests that dominance may be addressed by keeping turbines a distance of at least the equivalent of 20 height to blade tip (hbt) lengths away from buildings and other sensitive locations to protect their setting where no assessment has been made. In this case there properties are located within 2.2km where turbines would be visible as depicted by the Zone of Theoretical Visibility (ZTV). No assessment on visual impact or loss of residential amenity has been undertaken. As a consequence there is a lack of information which warrants a precautionary approach and refusal of the application.
- 121 Notwithstanding the above, the 20 hbt lengths assessment should be extended further due to the cumulative effect of wind energy developments in this locale. Thereby ensuring properties are not hemmed in and surrounded by wind turbines which could dominate and decrease the amenity enjoyed by the occupants.

### **Cumulative landscape and Visual Impact**

- 122 Cumulative landscape and visual impacts are an important consideration in the determining any future developments in this area due to the close proximity of the operational Drumderg Windfarm and the consented Welton of Creuchies Windfarm which together compromise the Wind Farm baseline for this locale.

### **Cumulative impact on local landscape character**

- 123 Approval of the Bamff proposal in addition to Drumderg and Welton of Creuchies would result in wind turbine developments becoming a key

characteristic of the local landscape that would be spread over two landscape character types (Highland Foothills as well as Highland Summits and Plateauxs). The difference in siting and design between the three schemes would result in a complex, inconsistent and visually confusing image of windfarms in this area.

- 124 The approval of this proposal as well as the approval of Tullymurdoch in addition to Drumderg and Welton of Creuchies would result in four, clearly separate developments in a radius 3.5km. Wind turbine developments would become a dominant characteristic of the landscape and be likely to define the local area between Strathardle and Glen Isla as a windfarm landscape that would result in a confusing and negative image of wind farm development.

### **Cumulative impacts on the CATERAN TRAIL**

- 125 The CATERAN TRAIL is a long-distance walking route promoted for its *breathtaking scenery* and *stunning countryside*. The Bamff turbines would be seen as a clearly separate development in addition to Drumderg which itself is intermittently visible from parts of the southern stretches of the Trail. The Drumderg and Bamff turbines would often be seen in the same view but would appear as clearly separate schemes. The Bamff turbines would be much closer to the Trail and would be more prominent in those views due to their location on the slopes of Balduff Hill.
- 126 Whilst SNH consider that the Bamff development would not have a significant effect on the CATERAN TRAIL overall, they advise that it would detract from views and visual amenity of the southern, more locally accessible stretches of the Trail. The consultation response from the Council's landscape architect criticises that there are no sequential wirelines or animation to illustrate the views of the proposed windfarm along the CATERAN TRAIL, this was requested at the Scoping stage.
- 127 If Bamff and Tullymurdoch were both consented in addition to Drumderg and Welton of Creuchies then four windfarms would be seen from the most visited, southern parts of the Trail. The views and visual amenity of the route would be significantly affected.

### **Cumulative impacts on wider views**

- 128 The paired ZTV for Bamff and Drumderg (Bamff LVIA, Figure 6.3a) shows that Bamff would be seen in addition to Drumderg in views from much of Strathmore and from the Sidlaws. In addition it will be a new windfarm seen in previously 'windfarm-free' views. The Drumderg turbines are a widely visible yet compact group which are clearly located within the highlands to the north of the transitional Highland Boundary Fault area. In wider views Bamff would be seen as a clearly separate scheme located to the south of Drumderg and north east of Welton of Creuchies. It would appear on the shoulder of the hills as a loose array broadly parallel to the upland edge within the same broad landscape character context as Welton of Creuchies but of contrasting siting and design.

- 129 SNH has noted previously the Welton of Creuchies turbines will be seen in front of Drumderg on the highland edge in views from the south. Bamff LVIA, Figure 6.36.1 shows how Bamff would be seen as a clearly separate scheme to the east of these. The turbines would be seen high on the shoulder of the hills, much more prominent in the view and taking up a greater proportion of the skyline.
- 130 Although there is no submitted ZTV to show the combined visibility of Bamff and Tullymurdoch in addition to Drumderg and Welton of Creuchies, visualisations show that the four windfarms would be seen as a complex cluster of developments located across two landscape character types. Together they would draw the eye and be the focus of wider views. They would detract from more distant views to the highland summits and dominate the transitional hills of the Highland Boundary Fault zone. There would be no apparent consistency or clear rationale in their overall siting and design and would result in a confusing and negative image of windfarm development.
- 131 Angus Council have been consulted on the application and they have highlighted concerns with the extent of wind energy developments in close proximity to their western boundary in terms of landscape and visual terms. They have referred to their published 'Implementation guide for renewable energy' and consider that Bamff in addition to the consented Welton of Creuchies scheme would go beyond a level that the landscape can accommodate.
- 132 The Cairngorms National Park Authority confirms that the proposal has been considered with respect to the statutory aims of the National Park and is not considered to conflict with these objectives. While the development would be visible from some points in the Park, the impact is not considered to warrant objection

### **Impact on Natural Heritage**

- 133 The Habitats Directive is a major contribution by the European Community to implementing the Biodiversity Convention agreed by more than 150 countries at the 1992 Rio Earth Summit. As well as establishing Natura 2000 areas, the Directive has a number of wider implications, such as those relating to European Protected Species.
- 134 The Habitats Directive sets out an obligation on Member States in relation to taking appropriate steps to avoid the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated. The Directive requires that any plan or project not directly connected with or necessary to the management of the SPA but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications in view of the site's conservation objectives.

## **River Tay Special Area of Conservation**

135 Whilst the watercourses within/adjacent to the proposed development site are not themselves designated, they are connected to the River Tay Special Area of Conservation(SAC). The qualifying interests of the Tay Special Area of Conservation are as follows:-

- Atlantic salmon
- sea lamprey
- river lamprey,
- brook lamprey,
- clear-water lochs and
- otters.

136 SNH have been consulted on the application and they advise that this proposal is likely to have a significant effect on the qualifying interests of the SAC through the potential release of sediment into the watercourses during construction and because of the inherent risk developments of this size and nature pose to the environment should no mitigation be provided.

137 In this case a commitment to mitigation and environmental management is outlined in the ES: Good Practice Measures, Construction Site Management set out at section 8.11.3. This could be secured by an appropriately worded planning condition if the application is approved which would ensure the proposal would not adversely affect the integrity of the Tay Special Area of Conservation.

## **Ornithology – Special Protection Areas (SPA)**

138 The Bamff proposal lies within the connectivity distance of three, Special Protection Areas (SPA).

- Loch of Lintrathen SPA / SSSI / Ramsar site classified for non-breeding greylag geese.
- Forest of Clunie SPA / SSSI classified for breeding hen harrier; breeding merlin; breeding osprey; and breeding short-eared owl.
- Loch of Kinnordy SPA / SSSI / Ramsar site classified for non-breeding greylag geese; and non-breeding pink-footed geese.

139 SNH have confirmed that it is unlikely that these proposals will have a significant effect on any qualifying interests of these sites either directly or indirectly, or in combination. Therefore an appropriate assessment is not required as the proposal is located out with any designated site, so there is no direct habitat loss for the qualifying interests. The proposal is located out with the disturbance distance for qualifying species, so there will be no significant disturbance/displacement of qualifying interests. Furthermore, there is a very low level of recorded flight activity over the proposed development site, as a result there will be no significant loss of foraging habitat outwith the designated sites and an extremely low predicted collision mortality.

- 140 The appraisal and conclusions reached above for the SPA are also applicable to the sites of Special Scientific Interest (SSSI) and Ramsar sites as well as lochs within connectivity distance that are notified as SSSI sites only for their non-breeding geese.

### **Protected species and habitats**

- 141 The ES appears competent in identifying and surveying for protected species likely to be present across the development site and makes reasoned mitigation proposals to reduce the risk of any damaging impacts. The mitigation proposals described in the ES, if followed, are likely to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and avoid harmful and illegal impacts on protected species and habitats.
- 142 It should also be noted that the Council's Biodiversity Officer and The Royal Society for the Protection of Birds have no objection to the findings contained within the Ecology and Ornithology Chapters of the Environmental Statement.

### **Woodland Removal**

- 143 The Environmental Statement includes a detailed assessment of woodland located within the site and the requirement for its removal. The Forestry Commission have highlighted that the proposal is required to comply with the Scottish Government's Policy on the Control of Woodland Removal. They note that the consideration given to the woodland removal and the substitute replanting is welcome however there is a requirement for this element to be secured by a negative suspensive condition.
- 144 Taking all of the above into account it is considered that the proposed development would comply with the applicable requirements within policies 12, 14 and 15 of the adopted EALP and policies NE1A, NE1C and NE1D of the PLDP if conditional control was applied.

### **Hydrology, Hydrogeology and Geology**

- 145 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.

### **Flooding**

- 146 The Council's Flood Section confirms that the Alyth Burn runs through the south west corner of the proposed development site, this is also included in the SEPA 1 in 200 year Indicative flood map and therefore it is a medium to high risk of flooding from the Alyth Burn. The current layout of the development site is located out with the functional flood plain of the Alyth Burn and as a result the Council's Flooding section offers no objection to the proposal and consequently it complies with Policy 2 of the TAYplan which seeks climate resilience to be

built into the natural and built environment along with Policy 03 of the EALP which relates to Flood Risk.

### **Pollution prevention and environmental management**

- 147 SEPA 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.

### **Re-use and disposal of excavated peat**

- 148 No significant deposits of peat have been found within the development area however the ES recognises that small localised deposits of peat may exist which could be controlled through the EMP. SEPA refer to their regulatory position on developments where peat occurs in their consultation response and advise that the application should have a condition which requires a site specific Peat Management Plan to be submitted if approved.

### **Disruption to wetlands**

- 149 Groundwater Dependent Terrestrial Ecosystems (GWDTEs), which are types of wetland, are specifically protected under the Water Framework Directive. SEPA note from the National Vegetation Classification (NVC) Survey (Figure 8.3) that an area of MG10 /U4 (*Holcus lanatus* – *Juncus effusus* rush pasture) is located in the vicinity of turbine 1, the construction compound and substation. MG10 is classed as a GWDTE and the location of the proposed infrastructure is likely to have both direct and indirect impacts on this area. SEPA recommend that impacts on this area of wetland should be avoided where possible through micro-siting of infrastructure and potential impacts mitigated through the EMP.

### **Private Water Supplies**

- 150 Consultation with Environmental Health confirms that the development is in an area known to be part of a catchment for private water supplies. The principal risk to water supplies is during the construction. While contamination of water supplies is a private legal issue, I consider it only reasonable to ensure the safeguarding of water quality and water supplies thereby ensuring the amenity of residential and commercial premises are protected. Consequently a condition could be attached to any consent if approved to secure this matter.

### **Impact on Cultural Heritage**

#### **Scheduled Ancient Monuments**

- 151 Policy 20 of the EALP and policy HE1A of the PLDP protects Scheduled Ancient monuments (SAMs) from damage to the site and integrity of the setting. The proposal would not result in damage to the site of any scheduled ancient monument however the proposal has implications for the setting of SAMs.
- Craighead, settlement and field system 900m N of (Index No. 5581)

- Parkneuk, two stone circles 550m E of (Index No. 1505)
- East Drimmie, stone circle 650m ENE of (Index No. 1537)
- Redlatches, settlement and field system 1700m S of (Index No. 4673)
- Redlatches, settlement and field system 1900m SSE of (Index No. 4640)
- Easter Cammock, settlements, field systems and cairn 650m SW of (Index No. 4586)
- Kilry, standing stone 100m NNE of Kilry School (Index No. 124)
- Barry Hill, fort (Index No. 1591)
- Glenballoch Cottage, standing stone E of (Index No. 1549)
- Craighall, stone circle NE of Sawmill of Craighall (Index No. 1525)
- Cairn Plew, cairn 1350m NW of Wester Coul (Index No. 6842)
- Middleton Muir, settlements, field systems, cairns and deer dyke (Index No. 5396)
- Cairn Motherie, cairn, Creigh Hill (Index No. 6343)

152 Historic Scotland is generally content with the findings within the ES. They consider there shall be a significant adverse impact on the setting of Parkneuk, two stone circles 550m E of (Index No. 1505) and Barry Hill, fort (Index No. 1591) and there is the potential for a significant adverse impact on the setting of Craighead, settlement and field system 900m N of (Index No. 5581).

153 Historic Scotland advise that the adverse impact on the Parkneuk stone circles could be reduced by the removal or relocation of turbine 1 (the nearest turbine) which would help reduce the impact on this asset as this turbine is 0.5 km closer than the other nearest turbines and the siting of this turbine doesn't fit well with the topography and its relationship to the stone circles. In this case the proposal would not comply with Policy 20 of the EALP and policy HE1A of the PLDP as there would be an impact on the monument the weight I attach to this is limited as Historic Scotland does not formally object.

### **Unscheduled Archaeology**

154 Archaeological sites are an important, finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when allocating sites in the development plan and when making decisions on applications. Where preservation in-situ is not possible planning authorities should, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development.

155 Perth and Kinross Area Archaeologist (PKHT) has been consulted. They confirm that the Cultural Heritage chapter of the EIA is acceptable, containing recommendations for mitigation measures for the avoidance of known archaeological sites and the reporting of any new discoveries. These mitigation measures include fencing off of vulnerable sites during construction and targeted archaeological monitoring and evaluation. It is recommended that the mitigation strategy outlined in the EIA (11.5.2 Proposed Mitigation) is refined in consultation with PKHT and outlined in a written scheme of investigation.

- 156 In line with Scottish Planning Policy (Historic Environment sections 110-124) PKHT recommended that an archaeological condition attached to permission if granted. This would ensure compliance with policy 21 of the EALP and policy HE1B of the PLDP.

### **Listed Buildings**

- 157 While the word setting is not defined in planning legislation Historic Scotland's guidance on this matter confirms that authorities are firmly encouraged not to interpret the word narrowly. It highlights at all times that the listed building should remain the focus of its setting. Attention must never be distracted by the presence of any new development whether it be within or out with the curtilage. In this rural location I consider the appropriate factors to take into account are the principal views either of or from the listed buildings.
- 158 In this case a degree of impact on the setting of Bamff House and its associated listed buildings will occur. However, due to the nature of the landscape and extent of woodland screening the visual impact upon listed buildings in the vicinity of the development will not be significant. The application therefore accords with TAYPlan Policy 3, Policy 23 of the EALP as well as policy HE2 of the PLDP.

### **Historic Gardens and Designed Landscapes**

- 159 An Inventory of Gardens and Designed Landscapes of national importance is compiled by Historic Scotland. Planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes included in the current Inventory and gardens and designed landscapes of regional and local importance. Relevant policies are included in the development plans to ensure the effect of developments on a garden or designed landscape are considered in the determination of planning applications.
- 160 The Garden and Designed Landscape (GDL) of Craighall Rattary is located 6km to the South West of the development site. The inventory confirms that the Craighall Rattary Mansion House is set right on the edge of the Ericht Gorge which forms the boundary of the designed landscape to the north, west and south. The hillside rises quite steeply up to the east of the house, sheltering the former area of formal garden and Bowling Green adjacent to and south of the house. In this case taking account of the submitted ZTV the schemes visibility would be restricted to the northern end of the GDL. I do not consider that this level of change is significant. Accordingly I am of the view that the setting of the GDL is maintained and the proposal does not contravene Policy 47 of the EALP and Policy HE4 of the PLDP.

### **Noise**

- 161 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable

locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. Sound levels in gardens and amenity areas also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents and this is an issue that has been raised in letters of representation.

- 162 The ES contains an assessment of the potential noise impact of the proposal in Chapter 10 of Volume 1 with the detailed noise assessment contained within Volume 2 Appendices. The Council's external Noise Consultant (Dick Bowdler Acoustic Consultant) reviewed the submission and provided guidance.
- 163 Following this guidance and due to the proximity of other windfarm developments the Planning Authority requested Environmental Health to review the noise information on both the Bamff and Tullymurdoch applications to ensure a consistent approach in response to noise. In this case Environmental Health concludes that the Bamff proposal on its own is just acceptable in noise terms. The Environmental Health response is included as an annex to this report.

### **Shadow Flicker**

- 164 Concerns are raised through representation that the proposal will give rise to unacceptable Shadow Flicker adversely affecting the amenity of residential occupiers.
- 165 Shadow flicker is caused by a low sun behind the rotating blades of a turbine. The shadow created by the rotating blades can cause alternating light and dark shadows to be cast on roads or nearby premises, including the windows of residences, resulting in distraction and annoyance to the residents. A shadow flicker assessment identified that only one property could potentially be affected. Based on a set of appropriate assumptions, modelling work determined that 'East Quarry Cottage' will be affected for a total of 0.5hours per year.
- 166 Overall the loss of residential amenity to this property from shadow flicker would be negligible and would not warrant refusal on this ground.

### **Light Pollution**

- 167 Minimising obtrusive light and reducing lighting energy usage are important environmental factors which are detailed in the Scottish Government's guidance note entitled Controlling Light Pollution and Reducing Lighting Energy Consumption (March 2007). While lighting may be required during construction and decommissioning I consider conditional control could minimise light pollution or light spillage.

### **Construction Traffic Events**

- 168 During construction, turbine components and material required for construction of the windfarm will be delivered to site. Some materials will be transported by

heavy goods vehicles (HGVs). Turbine components need to be transported on vehicles capable of carrying 'abnormal loads' (vehicles longer than 17m and/or wider than 4m).

- 169 The applicant confirms in the ES that the turbine components are likely to originate from the Port of Rosyth. This would result in abnormal roads travelling north along the M90 to Perth, before continuing via the A85, A94, B954, A926, B952 and C446 to the site access point. Consultation with Transport Scotland confirms there will be a minimal increase in traffic on the trunk road network and offer no objection.
- 170 All other vehicles are expected to originate from local traffic generators such as concrete plants, quarries and settlements. It is anticipated that 100% of traffic bound for the development will approach via the B952 and C446, Vehicles arriving from the west and east would be expected to use the A926 before using the B952 and C446. Vehicles arriving from the Perth are would use the abnormal load route and vehicles arriving from the Dundee area would use the B954, B952 and C446.
- 171 During construction, significant effects are predicted on the B952 and C446 roads, due to the additional traffic from all vehicles, including Heavy Goods Vehicles (HGVs). Deployment of mitigation measures contained in the ES in the form of a Traffic Management Plan, pre- and post-construction road condition surveys and the monitoring and repair of any damage attributable to the transport activities will reduce this impact. The Transportation Service of the Council has been consulted and they offer no objection subject to conditional control.

### **Electromagnetic Interference**

- 172 Television transmission for homes around the Development Area is likely to be provided by the Angus transmitter which is located approximately 21km southeast of the Development Area. The use of digital television signals reduces the likelihood of interference from wind turbines and the digital switchover for the STV North region, within which the Development Area is located, has already taken place.
- 173 An assessment of potential effects on television was undertaken by the applicant. Computer modelling identified that it is likely that only four properties may experience interference to television reception as a result of the operation of the wind turbines. If homes experience interference to television reception as a result of operation of the development the agent has advised that this could be mitigated through the installation of satellite television. This matter can be controlled by condition.

### **Aviation**

- 174 Wind turbines have been shown to have detrimental effects on the performance of MOD Air Traffic Control and Range Control radars. These effects include the desensitisation of radar in the vicinity of the turbines, and the creation of "false"

aircraft returns which air traffic controllers must treat as real. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Controllers use the radar to separate and sequence both military and civilian aircraft, and in busy uncontrolled airspace radar is the only sure way to do this safely.

- 175 The Ministry of Defence confirm that maintaining situational awareness of all aircraft movements within the airspace is crucial to achieving a safe and efficient air traffic service, and the integrity of radar data is central to this process. The creation of "false" aircraft displayed on the radar leads to increased workload for both controllers and aircrews, and may have a significant operational impact. Furthermore, real aircraft returns can be obscured by the turbine's radar returns, making the tracking of conflicting unknown aircraft (the controllers' own traffic) much more difficult.
- 176 The MOD has undertaken an assessment and confirm that the turbines will be 14.2km from, in line of sight to, and will cause unacceptable interference to the ATC radar at Leuchars. As a consequence they object to the proposal.

### **Public Access**

- 177 Outdoor Access has now been given a new context in Scotland, since the Land Reform (Scotland) Act 2003. This establishes a duty on local authorities to uphold the outdoor access rights as specified in Section 13(1) of the Act. However, this duty on local authorities does not stop them from carrying on with the authority's other functions, an example of this is when they are considering planning applications for development on land over which access rights are exercisable, they will still be able to give consent for developments. Although, where appropriate, local authorities should consider attaching a suitable planning condition to enable them to ensure reasonable continuing public access.
- 178 The proposal uses the existing right of way as the main vehicular access into the development with an intention to maintain public access during construction where possible.
- 179 Consultation with the Council's Public Access officer confirms that any temporary closure which may become necessary for health & safety reasons must be approved in advance by Perth & Kinross Council which should include details of the proposed diversion, a signage plan showing text and location of signs, and the times and dates when any temporary closure will apply. They note that following completion of the works the right of way should be reinstated.

### **Decommission and reinstatement**

- 180 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 infrastructure. This matter can be controlled by condition to ensure that this process is carried out in an acceptable manner.

## **PLANNING AUTHORITY WITH AN INTEREST IN THE LAND**

- 181 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of refusal is not a significant departure from the Development Plan, a notification to the Ministers is not required.

## **LEGAL AGREEMENTS**

- 182 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 183 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**

- 184 Section 25 of the Act requires the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The assessment above has taken account of the development plan and where necessary provided weight to material considerations. In this case I consider the proposal will not create any overriding problems in relation to the wildlife or cultural heritage interests of the area. An element of economic benefit during construction, operation and decommissioning will occur but these benefits have to be offset against the presence of the windfarm which may deter recreational or tourist visitors. The proposal would make a contribution to the provision of energy from renewable resources, with a consequential reduction in CO2 emissions. However the proposal does have an adverse landscape and visual impact on its own as well as in combination with operational and consented windfarms. Furthermore an adverse impact on aviation infrastructure occurs and there is a lack of information to ensure that there is not an adverse impact on residential amenity to properties surrounding the development.
- 185 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 the application is recommended for refusal.

## **RECOMMENDATION**

### **A Refuse the application for the following reasons**

- 1 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 impact on existing landscape character and visual amenity. 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 (SPP), Policy 6 of the approved TAYplan 2012; and Policies 2, 9, 38 of the Eastern Area Local Plan 1998 and Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
- 2 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. 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 (SPP), Policy 6 of the approved TAYplan 2012; and Policies 2, 9, 38 of the Eastern Area Local Plan 1998 and Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
- 3 The Ministry of Defence object to the development on Aviation Grounds as the proposal will cause unacceptable interference to the ATC radar at Leuchars resulting in a likely decrease in situational awareness of all aircraft movements within the airspace which is crucial to achieving a safe and efficient air traffic service.
- 4 Approval of this application would establish a precedent for developments of a similar nature to the detriment of the overall character of the area which would undermine and weaken the established Development Plans and supplementary planning guidance.
- 5 Notwithstanding reasons for refusal 1 – 4 above, there is a lack of information submitted with Chapter 6 on ‘Landscape and Visual Amenity’ and it is therefore considered that the full extent of potential impacts associated with this aspect of the proposal is not fully reported. Furthermore as there is a lack of information which relates to the potential effects on residential amenity in terms of visual impact from the scale of the turbines, a full assessment under PKC Wind Energy Policy & Guidelines 2005 Guideline 2 cannot be undertaken effectively this warrants applying a precautionary approach.

### **B JUSTIFICATION**

The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

**C PROCEDURAL NOTES**

None.

**D INFORMATIVES**

None.

Background Papers: 43 letters of representation plus a petition with 98 signatures

Contact Officer: John Russell Ext 75346

Date: 15 April 2013

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# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK12/00963/FLL & PK12/01423/FLL	Our ref	LRE/MP
Date	10 April 2013	Tel No	01738 476462

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**RE: Erection of a wind farm (7 turbines) and associated Bamff Wind Farm Alyth for Scottish Power Renewables**

**And**

**RE: Formation of wind farm (7 turbines) with associated access track and ancillary works Tullymurdoch Wind Farm Alyth for RDS Element Power Ltd.**

I refer to your email dated 7 March 2013 in connection with the review of the above have the following comments to make.

**Environmental Health** (assessment date – 10/4/2013)

### **Comments**

This Service made comments to the Tullymurdoch application with regards to noise and water in memorandum dated 30 August 2012. In respect of the Bamff application this Service made comment with regards to water memorandum dated 19 July 2012 and acoustic consultant Dick Bowdler made comment with regards to noise in report dated 31 July 2012.

The applications are within an area of Perth & Kinross Council where several wind farm applications have been submitted and within close proximity to Angus Councils western boundary. Previously approved applications; Drumderg (16 turbines), Cottertown Angus (single turbine) and Welton of Creuchies (4 turbines). Pending Decision; Bamff (7 turbines) and Tullymurdoch (7 turbine).

### **Noise**

Welton of Creuchies wind farm was not considered in cumulative terms as its located 4km from the site of the proposed wind farm; recommended distance by Dick Bowdler was within 2 km from both wind farms; however there are properties not much outside this distance not considered. The Bamff wind farm did take into account the noise impact from Welton of Creuchies. Three properties are common to both assessments; Derryhill, Cottertown and Little Bamff. The Bamff assessment included Bamff, Welton of Creuchies and Drumderg wind farms. The Tullymurdoch Scenario 2 (without the Tullymurdoch Farm) in the submitted Noise Impact Assessment (NIA). The figures obtained from both assessments should be the same, if Welton of Creuchies was negligible. However there is a disparity between the baseline noise levels by about 2dB, this is because the Tullymurdoch report does not take Welton of Creuchies noise into account. Therefore because the baseline is underestimated at these properties in the Tullymurdoch Noise Impact Assessment, it is likely the cumulative assessment will be underestimated.

The consultant for the Bamff wind farm suggests the lower fixed limit of  $L_{A90}$  of 37dB, this fits in with the model estimates as this is the lowest condition they have to meet regards cumulative noise. However based on the Institute of acoustics working group (IoA WG) consultation document this is probably the correct limit.

The noise levels predicated at noise receptor Derryhill with regards to Tullymurdoch alone was 39dB (A) and cumulatively 41dB (A) are brushed over in the report. These levels are both above the lowest condition of 37dB; therefore Condition 10 in memorandum dated 30 August 2012 of 40dB is too high and should be set at 37dB. Although the property at Derryhill is semi derelict it should still be considered a receptor and cumulatively when the wind is from the south west, it will suffer noise from both the Bamff and Tullymurdoch sites.

The Tullymurdoch assessment is not clear whether any atypical noise data was rejected, such data from rainy days or dawn chorus as is recommended by IoA WG, not removing such data can push up the baseline levels higher that they should be. This may reflect the fact that the baseline levels listed at Cottertown in the Bamff NIA are around 5dB lower than the Nether Drumhead baselines levels used in the Tullymurdoch assessment, despite the two sites being around only 1km apart.

### **Conclusion**

In light of reviewing the Bamff and Tullymurdoch assessments it is my contention that the Bamff Wind Farm on its own could be just acceptable in noise terms.

However the Tullymurdoch Wind Farm on its own is not acceptable in noise terms, even although the Tullymurdoch NIA is probably underestimating the impact .If Welton of Creuchies and the single turbine are considered, it is even more unacceptable.

The cumulative affect of both wind farms together would also not be acceptable in terms of noise, even taking account of noise from the Welton of Creuchies wind farm which has been approved by the Local Review Body

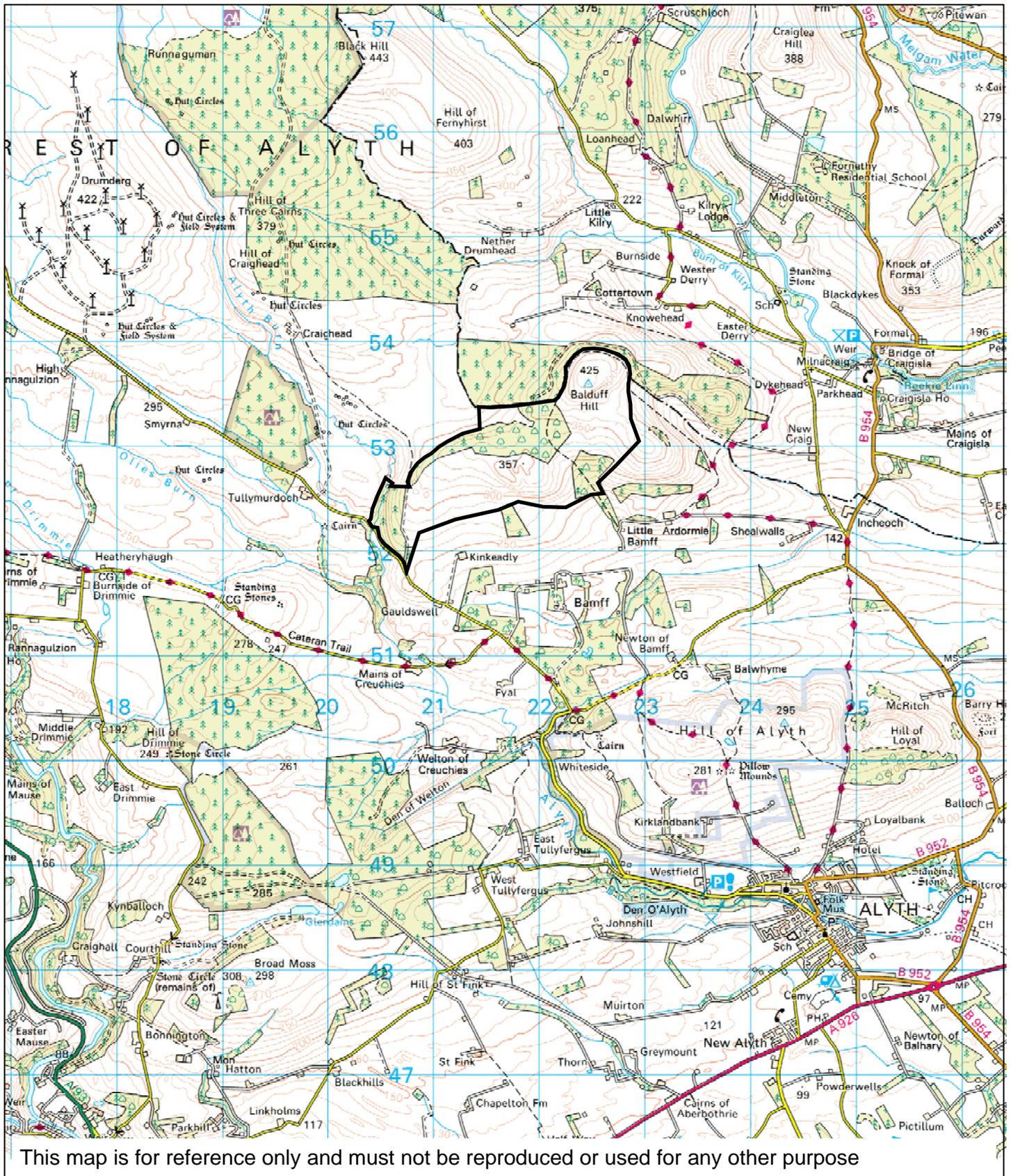


# Perth & Kinross Council

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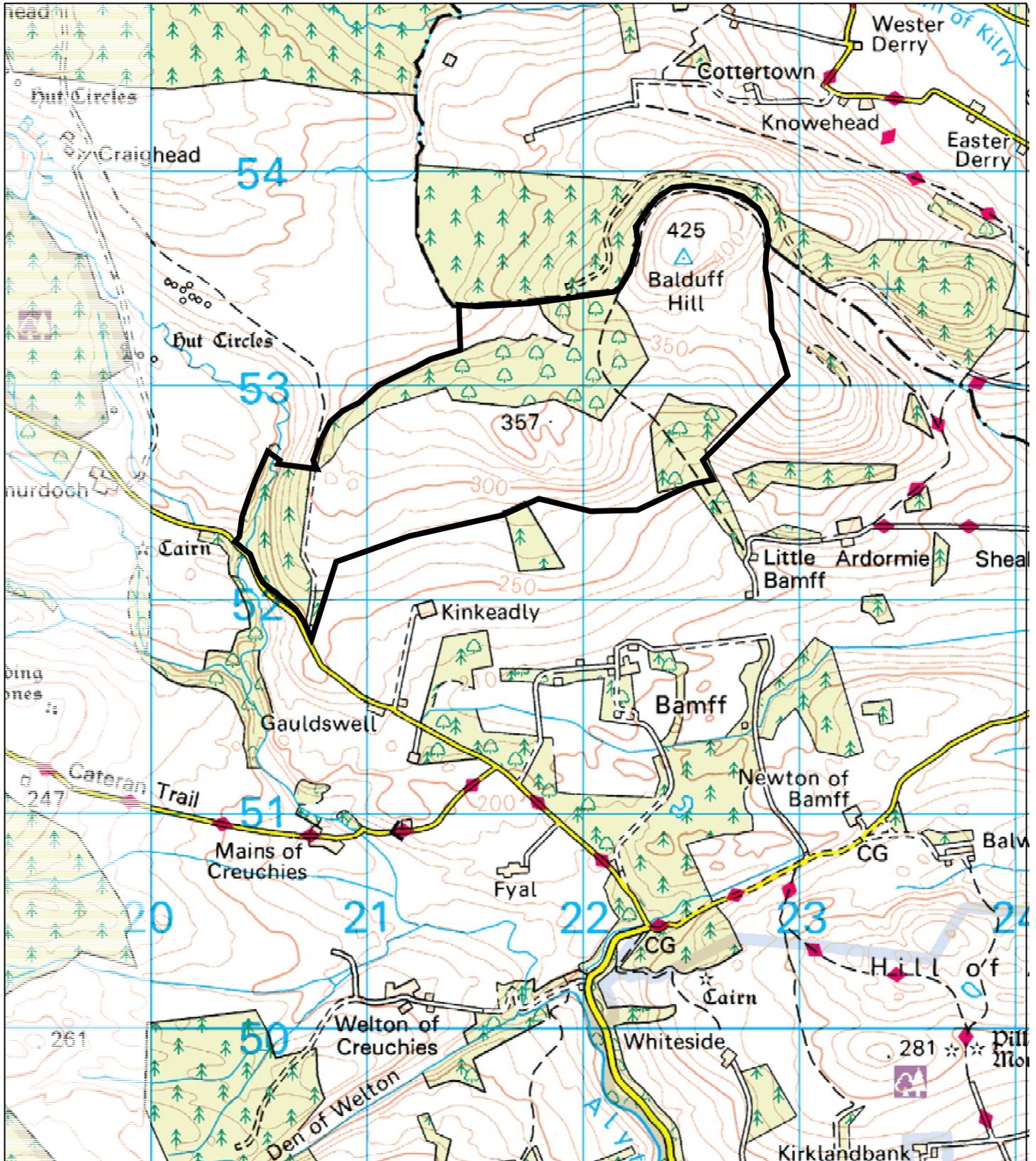
Bamff Wind Farm, Alyth

Erection of a windfarm and associated infrastructure



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↑ Scale  
1:50000



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↑ Scale  
1:25000