

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  
Tullymurdoch by Alyth**

Ref. No: 12/01423/FLL

Ward No: 3 Blairgowrie and the Glens

**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 seven turbines and associated infrastructure as the development is considered to be contrary to the Development Plans resulting in unacceptable adverse landscape impact on the landscape character as well as the wider landscape setting which is further exacerbated due to the cumulative landscape impact associated with operational and consented windfarms. Furthermore the proximity of turbines to residential properties will result in a reduction in amenity due to operational noise.

**BACKGROUND AND PROPOSAL**

- 1 The proposal is for the development of seven wind turbines that that would have a hub height of 80 metres, a rotor diameter of 80 metres resulting in an overall tip height of 120 metres. The maximum combined output of the turbines is dependant on the final turbine selection however at this particular point the applicant has confirmed that the generating capacity of each turbine would vary between 2 megawatts (MW) and 2.5 MW. This would result in an overall capacity of 14 to 17.5 MW.
- 2 The site is approximately 6 kilometres to the north-west of Alyth and 8.25 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. The development area extends to some 94.5 hectares. The site is bounded by existing forestry to the north and west. The forestry to the north is part of the Forest of Alyth, and predominantly comprises a commercial sitka plantation, with an area of maturing native species woodland. The eastern boundary of the site is defined by the Ochrie Burn which is also the boundary between Perth and Kinross Council and Angus Council.
- 3 Infrastructure to enable the construction, operation and decommissioning of the site will be required. This includes onsite access tracks, crane hard standings, borrow pit 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.

- 4 Planning permission is being sought for an operational period of 25 years. Construction and commissioning will take place over a period of approximately 10 months. At the end of the operational life of the wind farm, the wind turbines will be decommissioned and removed, and the site will be fully reinstated. The decommissioning period is anticipated to last 6 months.
- 5 Members should be aware that a separate report of handling for Bamff windfarm is being presented at this committee meeting which is located to the South East of the Tullymurdoch 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 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, 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 An Environmental Statement supports the planning application and is a key part of the applicant's submission. As a result of the Scoping exercise the following issues were requested to be incorporated within this ES:
  1. Introduction and Background
  2. Project Description
  3. EIA Regulations
  4. Policy Framework
  5. Landscape and Visual Assessment
  6. Ornithology
  7. Ecology
  8. Noise
  9. Cultural Heritage and Archaeology
  10. Hydrology, Hydrogeology and Ground Conditions
  11. Traffic, Transport and Access
  12. Landuse, Socio Economics and Recreation
  13. Miscellaneous Issues

## **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:

*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.*

## **DEVELOPMENT PLAN**

- 19 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**

- 20 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.”*

The principal relevant policies are in summary:-

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

- 21 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**

- 22 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**

- 23 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**

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

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

- 26 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**

- 27 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**

- 28 Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted.
- 29 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**

- 30 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.
- 31 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**

- 32 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**

- 33 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**

- 34 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**

- 35 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**

- 36 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**

- 37 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**

- 38 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**

- 39 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**

- 40 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**

- 41 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**

- 42 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**

- 43 Members will be aware that on the 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**

- 44 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**

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

**Policy ED3: Rural Business and Diversification**

- 46 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**

- 47 Encourages the retention and improvement of existing transport infrastructure.

**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 12/00600/SCOP EIA Scoping Opinion for site.

## **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.

### **Scottish Environment Protection Agency**

77 Initially objected to the proposal however this was laterally withdrawn and conditional control recommended.

### **Scottish Natural Heritage**

78 Raise concern that there is likely to be significant detrimental cumulative landscape and visual impacts associated with Tullymurdoch in addition to Drumderg (operational) and Welton of Creuchies (consented). They advise that the additional two schemes (Tullymurdoch and Bamff) if consented 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 methods 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.

### **Ministry of Defence**

- 82 Initially objected to the proposal however this was laterally withdrawn and conditional control recommended.

### **Scottish Water**

- 83 No objection.

### **RSPB Scotland**

- 84 Have reviewed the Environmental Statement they have no comments to make on the application.

### **Environmental Health**

- 85 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 Tullymurdoch Windfarm on its own is not acceptable in noise terms. When other consented turbines are considered it's even more unacceptable. Their full response is included as an annex to this report.

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

- 86 No objection subject to conditional control which requires 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.

### **Flood Officer**

- 87 No objection.

### **Landscape Officer**

- 88 Objection: siting and design, visual impact, landscape impacts, cumulative effects.

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

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

### **Alyth Community Council**

- 90 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**

- 91 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 and Tullymurdoch developments, 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.
- 92 The status 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.

### **Cairngorms National Park Authority**

- 93 No objection.

## **REPRESENTATIONS**

- 94 The application has attracted fourteen representations against the proposals within the statutory timescales. The issues raised by objectors are summarised as follows:
- Impact on certain transport routes
  - Landscape impact (Turbines and access track)
  - Cumulative impact with other windfarm development
  - Impact on Catechan Trail
  - Impact on residential properties
  - Noise
  - Interference with Electronic Equipment
  - Shadow Flicker
  - Traffic implications

- Concerns with decommissioning
- Contrary to Local Plan policy
- Concern with community engagement and publication of the proposal
- Loss of property value
- Contrary to Housing in the Countryside Policy.

### Response to issues

- 95 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 falls outwith the remit of this assessment and the housing in the countryside policy is not applicable to the determination of this renewable energy scheme.

### ADDITIONAL STATEMENTS

|    |  |   |
|----|--|---|
| 96 | 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

- 97 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.
- 98 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 sets out the main criterion that requires to be taken into account in the assessment of renewable energy developments under the Eastern Area Local Plan 1998 (EALP). Policy ER1A (a material consideration) sets out the Councils updated position which is contained within the Proposed Local Development Plan 2012 (PLDP).

- 99 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**

- 100 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.
- 101 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.

### **Alternatives**

- 102 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.
- 103 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.
- 104 Although no other sites are identified in the Environmental Statement. The applicant's site selection process has been detailed in Chapter 3. The consideration of layout iterations has also been discussed in this chapter and in this case I am content with the approach.

### **Environmental and Economic Benefits**

- 105 The submitted Environmental Statement indicates that the proposed 14MW to 17.5MW windfarm would be enough to provide energy for between 7,440 and

9,300 homes, equivalent to powering 37 to 47 % of the households in Perth. Taking this into account the proposed development would make a contribution to the Scottish Governments target of 100% electricity generation from renewable energy resources by 2020 as well as a reduction in fossil fuels that would assist the aim of TAYplan Policy 6 which seeks to deliver a low/zero carbon future for the Region.

- 106 The general economic benefits associated with wind farms are detailed in the applicant's submission. The agents assessment concludes that the construction of the Development will result in short term, minor positive effects through the increase in employment and business opportunities. During its operation, the proposed Development is considered to have a long term, negligible positive effect at a local and district level. This has to be balanced against potential adverse impacts on the tourist economy which is assessed separately.
- 107 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 this application.

### **Landscape Impacts**

- 108 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 seeks 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.
- 109 The proposed site straddles the Alyth Forest and Alyth Foothills sub-sections of the Highland Summits and Plateaux and Highland Foothills landscape character types as described in the SNH Tayside Landscape Character Assessment (TLCA) 1999. Although not a statutorily protected landscape in terms of national, regional or local designations it is necessary to take account of the sites relationship to the Highland Boundary Fault (HBF) which forms a dramatic interface between the highland and lowlands which is an important landscape feature.
- 110 The applicant's ES includes a Landscape and Visual Impact Assessment (LVIA) at Chapter 5. This confirms that significant effects are anticipated on parts of the *Highland Foothills* landscape character type, *Alyth Foothills* landscape unit; and *Highland Summits and Plateaux* landscape character type, *Forest of Alyth* landscape unit, in both of which the Development is located. Significant effects are also anticipated on parts of the *Mid Highland Glens* landscape character type, *Glen Isla* landscape unit.
- 111 The applicant's review of the twenty-two viewpoints identified two viewpoints where there will be significant effects: viewpoint 1, Craighead and viewpoint 5, Loanhead of Kilry, 780m and 2.5km from the Development. The applicant's

cumulative assessment of these viewpoints identified similar conclusions (significant cumulative effects at viewpoint 1 and 5).

## **Appraisal**

112 The Council's Landscape Architect has reviewed the proposed visualisations and text. He is of the opinion that a number of viewpoints have been under assessed and concerns have been raised that the visualisations do not represent a true image of the existing visibility of Drumderg. The following commentary on the visual composition of the proposed windfarm from each viewpoint within PKC is detailed below:-

Vpt 2: A93, Tullymurdoch infills the 'gap' between Drumderg and Welton of Creuchies and thus wind farm development becomes more prominent at this location and the A93.

The cumulative effect is increased with the addition of the windfarm at Bamff if approved as this would be visible on the eastern skyline from this location. As a result four individual windfarms would be visible within close proximity to one another.

Vpt 3: Hill of Ashmore. The addition of Tullymurdoch to the view increases the existing horizontal turbine array by approximately one third and the proposed site would add a new and significant windfarm development into the view. On a cumulative scale the view would become dominated by wind developments.

Vpt 4: Knockton Hill. The proposed development would add a significant wind farm feature into the view and extend development eastwards.

When combined with Bamff, the windfarm sites and composition in the view become adhoc, do not relate to one another and include overlapping turbines thereby increasing the potential cumulative effect.

Vpt 6: Catran Trail (Hill of Alyth). The Tullymurdoch composition in this view is cluttered with overlapping turbines, has poor landscape fit and detracts from the simple linear compositions of existing Drumderg and consented Welton of Creuchies.

Vpt 7: Cateran Trail (Nr Blairgowrie): Cumulatively, the proposed development infills the 'gap' between Drumderg and Welton of Creuchies and increases the prominence of wind turbines on the skyline.

The cumulative effect is made more prominent with the presence of Bamff which is seen in the background to Welton of Creuchies.

Vpt 8: Summit of Meall Odhar. Tullymurdoch is seen as a separate wind development from Drumderg. And thus extends the horizontal

alignment of wind turbines in the view. Drumderg would be clearly visible from this location and it is predicted that Tullymurdoch would also be clearly visible.

- Vpt 13: Coupar Angus. Tullymurdoch extends wind farm development eastwards along the skyline and the HBF.
- Vpt 14: Luncarty. View obscured by vegetation.
- Vpt 15: Kinnoull Hill. Drumderg is clearly visible from Kinnoull Hill (Corsie Car Park) and the photography for both LVIA and cumulative wirelines do not reflect this. Tullymurdoch would be seen as a separate wind development from Drumderg and blade movement would be evident. Tullymurdoch would be visible behind Welton of Creuchies.
- Vpt 16: Birnam Hill. Tullymurdoch is located between Drumderg and Welton of Creuchies and appears as an individual wind development.
- Vpt 17: Burnside of Drimmie. Tully Murdoch significantly extends the horizontal array of visible turbines in this view adding the surrounding effect of windfarms in the area.
- Vpt 18: South of Burrelton. The photography at this location lacks clarity as Drumderg is clearly visible from here. The addition of Tullymurdoch to the view extends wind development eastwards along the HBF
- Vpt 19: A923. Tullymurdoch in the view would be backed by landform and visually separated from Drumderg. The foreground trees would obscure views of the proposed site and re-siting of the viewpoint should be considered.
- Vpt 20: Between Murthly and Cargill. Tullymudoch visually extends the consented Welton of Creuchies windfarm northwards and narrows the gap between Welton of Creuchies and Drumderg thus making the two existing/consented wind developments appear closer together. The addition of Tullymurdoch doubles the horizontal array of Welton of Creuchies and therefore gives it more prominence in the view.

113 Overall the Council's Landscape Architect confirms that Tullymurdoch would compromise the existing composition of Drumderg, extend wind farm development along the HBF as well as the skylines and create a surrounding effect in views in close proximity of the proposed site. Although concerns were expressed about the quality of some aspects of the submission I am content that information is sufficient enough to determine the application.

114 Scottish Natural Heritage advises that there are likely to be significant detrimental cumulative landscape and visual impacts associated with the combination of both Tullymurdoch and Bamff in addition to Drumderg (existing)

and Welton of Creuchies (consented). In particular this combination would have a significant adverse impact upon views and detract from visual amenity of two southern sections of the Cateran Trail. They note that their previous advice regarding Welton of Creuchies (dated 18th Dec 2010, your ref 10/00876/FLM) outlined that there would be likely to be adverse cumulative landscape and visual impacts should that scheme be consented in addition to Drumderg. Now they consider there would be very few local areas from where turbines would not be visible especially if Bamff was also approved. This would change the landscape character of the hills between Strathardle and Glen Isla with turbines becoming a dominant characteristic.

- 115 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 Tullymurdoch in addition to the consented Welton of Creuchies scheme would go beyond the acceptable level of change for this Landscape Character Type.
- 116 The Cairngorms National Park Authority confirm that while the development would be visible from some high points in the Park, the impact is not considered to warrant objection and the proposal itself, or indeed in cumulation with others. They agree with the applicant's conclusion that the proposal will not have a significant adverse effect on the setting or character of the Park.

#### **Visual Effect on Local Residents**

- 117 The LVIA identifies 19 properties (64 assessed) where significant visual effects would arise from Tullymurdoch windfarm and 21 (64 assessed) where significant cumulative visual effects would arise from the combination of Tullymurdoch, Drumderg, Bamff and Welton of Creuchies. The properties range in distance from 776m to 3,000m from Tullymurdoch.
- 118 The residential assessment demonstrates that the further development of wind development in the vicinity of Drumderg would have a significant effect on local residents in the area. The cumulative visual effect on the local residents to the south to the south of the proposed site would experience a 'surrounding effect' created by the close proximity of Drumderg to the north and north west, views of Welton of Creuchies to the south and the proposed Tullymurdoch. This would be exacerbated further should Bamff be approved.

#### **Impact on Natural Heritage**

- 119 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.

- 120 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**

- 121 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.
- 122 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.
- 123 In this case a commitment to mitigation and environmental management is outlined in the ES: Mitigation Measures during Construction (Section 10.6) and Water Management Plan (Technical Appendix A10.2). 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)**

- 124 The Tullymurdoch 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.
- 125 The potential effects on these sites have been considered in the applicants Environmental Statement Chapter 6 & Technical Appendices A.6.1/A.6.2.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.

- 126 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**

- 127 The ES appears competent in identifying and surveying for protected species through baseline ecological surveys. For plants and habitats this included a Phase 1 habitat survey, national vegetation classification survey and specific searches for some plant species. For animals, this included specific surveys for otter, water vole and badger and assessments for the presence of pine marten and wildcat. Baseline bat surveys were undertaken in both 2010 and in 2012
- 128 SNH confirm there will be no significant effect on any protected species or habitats in the mitigation proposals described in the ES are followed.
- 129 Taking 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 Ground Conditions**

- 130 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**

- 131 The northern part of the site drains towards Burn of Kilry, which joins River Isla some 4 km east of the site. The southern part of the site drains to Burn of Alyth that flows through the village of Alyth, before joining River Isla. The Den of Alyth SSSI lies downstream of the site and River Isla is within the River Tay Special Area of Conservation (SAC).
- 132 The proposed development is not predicted to result in any loss of floodplain storage. The access road to the development will utilise the route of an existing

access track limiting increases in hardstanding areas within the study catchments. In addition, key stream crossings for the access road will be located at existing crossing sites, with any new crossings designed to pass appropriate design flood flows.

- 133 PKC's Flooding Officer and SEPA offer no objection to the proposal and consequently it is therefore considered to comply 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**

- 134 During construction, operation and decommissioning of the proposed Development the agent has confirmed that a number of established good practice measures will be put in place to control surface and ground water pollution and manage surface water run-off/drainage. These are designed to ensure the protection of the surface water, geological and hydrogeological regimes.

- 135 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) incorporating a Construction Method Statement (CMS) and a Site Waste Management Plan (SWMP) is submitted

### **Peat**

- 136 No significant deposits of peat have been found within the development area. SEPA refer to their regulatory position on developments where peat occurs in their consultation response as this issue will likely have to be incorporated into the plans that are identified in the paragraph above.

### **Disruption to wetlands**

- 137 Groundwater Dependent Terrestrial Ecosystems (GWDTEs), which are types of wetland, are specifically protected under the Water Framework Directive. SEPA notes that the access track to be upgraded cuts through an area of marshy grassland that is classified as a highly ground water dependant terrestrial ecosystem (GWDTE) - NVC M23. Therefore any of the up-grading works will require suitable mitigation measures to reduce any potential impacts on this habitat and to maintain hydrological flows within the area.

- 138 SEPA originally objected to the application as there was concerns that other (GWDTE) could be affected however following clarification this objection has been withdrawn as the applicant is content to sign up to the implementation of detailed mitigation measures that will be secured by condition.

### **Private Water Supplies**

- 139 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 attach to the consent if approved to secure this matter.

## **Impact on Cultural Heritage**

### **Scheduled Ancient Monuments**

- 140 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.
- 141 Historic Scotland are generally content with the content of the ES however they do have some minor concerns which relates to the assumption that impacts on an unoccupied and derelict building mean that impacts on its setting are less likely. In Historic Scotland's view, the occupation and condition of a cultural heritage feature does not affect its level of significance or the likely impact on it from a development proposal.
- 142 Historic Scotland consider there will be a moderate adverse impact on the setting of Parkneuk, two stone circles 550m E of (Index No. 1505) as all seven turbines will be clearly visible and prominent from the monument. They also consider that the cumulative impact of this scheme in combination with others will impact on the setting of the monument and could raise the level of impact.
- 143 Craighead settlement and field system 900m N of (Index No. 5581) is presently located within a commercial forestry plantation 730m northeast of the nearest turbine. Historic Scotland is disappointed that the ES has identified that no significant impact on setting has been identified because of the current forestry surrounding the site, they recommend that an assessment of impacts should consider that the retention of these existing trees cannot be guaranteed for the lifetime of the wind farm. Notwithstanding this concern they have concluded that the impacts on the monument are not significant.
- 144 With regards to Barry Hill, fort (Index No. 1591) [Site 355], Strone Hill, settlements, fields, cairns, stone setting & hillside figures (Index No. 4544) [Site 440] & Brankam Hill, houses, barrows, cairns and stone setting (Index No. 4419) [Site 453] Historic Scotland are content that impacts on the settings of these monuments are not significant because of the distance involved and intervening topography, in this case the proposal is considered with Policy 20 of the EALP and policy HE1A of the PLDP.

### **Unscheduled Archaeology**

- 145 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.

- 146 Perth and Kinross Area Archaeologist (PKHT) has been consulted. They confirm that the Cultural Heritage chapter of the EIA is acceptable. All known archaeological sites have been avoided and will not be directly impacted by the proposed development. However, due to the density of archaeology in the area there is potential that unknown buried archaeological remain may survive within the development site and may be negatively impacted on by the development. It is recommended that a program of archaeological works be carried out prior to and during construction works. This program of works should include the erection of temporary fencing to protect vulnerable archaeology sites during the construction period and targeted archaeological monitoring and evaluation. It is recommended that the mitigation strategy is refined in consultation with PKHT and outlined in a written scheme of investigation.
- 147 In line with Scottish Planning Policy (Historic Environment sections 110-124) PKHT recommended that an archaeological condition requesting a written scheme of investigation be attached to permission if granted. This would ensure compliance with policy 21 of the EALP and policy HE1B of the PLDP.

### **Listed Buildings**

- 148 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.
- 149 Balintore Castle (HB Num 13757) is category A listed building located 9 km northeast of the nearest turbine. While Historic Scotland have some concerns with the assumption that because the building is unoccupied and derelict impacts on its setting are less likely, it is however content to agree with the ES that the impact on the castle is not significant because of the distance involved and intervening topography.
- 150 In terms of the other listed buildings contained within the ES which will or may be inter-visible with the development, it is considered that the impact will not be significant. Overall the application accords with TAYPlan Policy 3, Policy 23 of the EALP as well as policy HE2 of the PLDP.

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

- 151 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.

- 152 The Garden and Designed Landscape (GDL) of Craighall Rattary is located approximately 5km 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**

- 153 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.
- 154 The applicant's Noise Assessment indicates that noise from the proposed turbines is unlikely to exceed any of the relevant assessment criteria relating to nuisance, annoyance or sleep disturbance, even when potential cumulative impacts are considered. The only potentially affected dwelling is Craighead, where noise levels are predicted to be 1dB (A) higher, when the combined noise levels are considered, from 37dB LA<sub>90 10 mins</sub> to 38dB LA<sub>90 10mins</sub>. The NA within the ES states 'noise from the operational impacts is unlikely to exceed Perth and Kinross or Angus Councils night- time noise criterion 43dBLA<sub>90,10mins</sub> at sensitive receptors' and 'is unlikely to cause significant loss of amenity or nuisance'
- 155 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 considers that, notwithstanding the conclusions contained within the applicants Noise Assessment, the Tullymurdoch proposal on its own is unacceptable in noise terms. In addition, when other consented turbines are taken into account, it is even more unacceptable. The Environmental Health response is included as an annex to this report.

## **Shadow Flicker**

- 156 Concerns are raised through representation that the proposal will give rise to unacceptable Shadow Flicker adversely affecting the amenity of residential occupiers.
- 157 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 'flicker at Craighead would occur at specific times of the year.
- 158 The effects would theoretically last for up to 27 minutes per day, at a specific time of the year, with a mean duration of 20 minutes. The effects would theoretically take place no earlier than 4.20am, and no later than 5am. The effects would theoretically take place between May 3rd and 25th, and July 15th to August 8th. It is possible for the turbines to be programmed to shut down at specified times of the year and during conditions in which shadow flicker will occur, in order to prevent its occurrence. This could be conditioned if the consent was approved to mitigate this effect.

## **Construction Traffic Events**

- 159 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' and these would originate from the port of Dundee.
- 160 The applicant has taken account of the local transport infrastructure and existing traffic condition as part of the assessment of effects for the proposed Tullymurdoch Wind Farm in Chapter 11. Consideration has been given to the potential site access routes, particularly for access by abnormal loads. The effects generated by traffic during construction, operation and decommissioning have also been assessed.
- 161 The proposed Development is to be accessed from the C446 Alyth / Forest of Alyth to A93 road close to grid reference NO201523. South east of Alyth lies the 'five ways roundabout' at the junction of the A926 and B952 and access routes available from the wider road network to reach this point include (travelling via Meigle) the A94 /A90 or, to the west the A93 and A90.
- 162 The ES predicted traffic impacts arising from the proposal have been identified as being negligible, but the following measures have been identified as good practice in terms of construction management in order to help minimise the traffic impacts from construction:

- use of the required route will be enforced by the applicant, principal and sub contractors;
- at locations where slow moving abnormal load traffic is considered likely to cause a road hazard it is recommended that escorted traffic is complemented by advance publicity;
- wheel washing is proposed in the vicinity of the site entrance to reduce mud on the road and to suppress dust;
- all site vehicles will be parked off-road.

163 The Transportation Planner has been consulted and offers no objection subject to conditional control. Transport Scotland has stated that there will be a minimal increase in traffic on the trunk road and offer no objection

### **Electromagnetic Interference**

164 An assessment of potential effects on telecommunications has been undertaken by the applicant and there are not anticipated to be any effects on telecommunications and microwave links.

165 The agent has confirmed that they have used the BBC windfarm tool which has identified that no homes which have no alternative off-air service are likely to be affected, but that 1 home may be affected which has an alternative off-air service. 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 a technical mitigation solution. This matter could be controlled by condition.

### **Aviation**

166 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.

167 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.

168 The MOD has undertaken an assessment and although it originally objected to the application it has now withdrawn the objection and recommended conditional control instead.

## **Public Access**

- 169 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.
- 170 There are a number of footpaths within the vicinity of the site which are used for public recreation. During the construction of the access track, a temporary diversion for the Right of Way will be necessary; following this the Right of Way can be reinstated. This can be controlled by condition to ensure a suitable diversion is agreed with the Access Officer as well as ensuring the implementation of a signage plan showing text and location of signs, times and dates when any temporary closure will apply.

## **Decommission and reinstatement**

- 171 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**

- 172 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**

- 173 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 174 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**

- 175 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.
- 176 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 the proximity of turbines to residential properties will result in a reduction in amenity due to operational noise.
- 177 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 defend the appeal against non-determination on the basis of the following reasons for refusal:-

## **RECOMMENDATION**

- A** The application is considered to be unacceptable for the following reasons:
- 1 Through the siting, size of turbines and prominence the proposal would have a major adverse impact on existing landscape character and visual amenity of 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 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 proposals siting, size of turbines, prominence and visual association with existing and consented windfarms within the locality 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 development is not compatible with its surroundings in land use terms due to noise resulting in an unacceptable loss of amenity to neighbouring properties that are not financially involved with the development. Consequently the proposal fails to comply with Policy 6 of the approved TAYplan 2012; and Policies 02 and 09 of the Eastern Area Local Plan 1998.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

None.

Background Papers: 14 letters of representation

Contact Officer: John Russell Ext 75346

Date: 15 April 2013

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

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Council Text Phone Number 01738 442573



# 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**

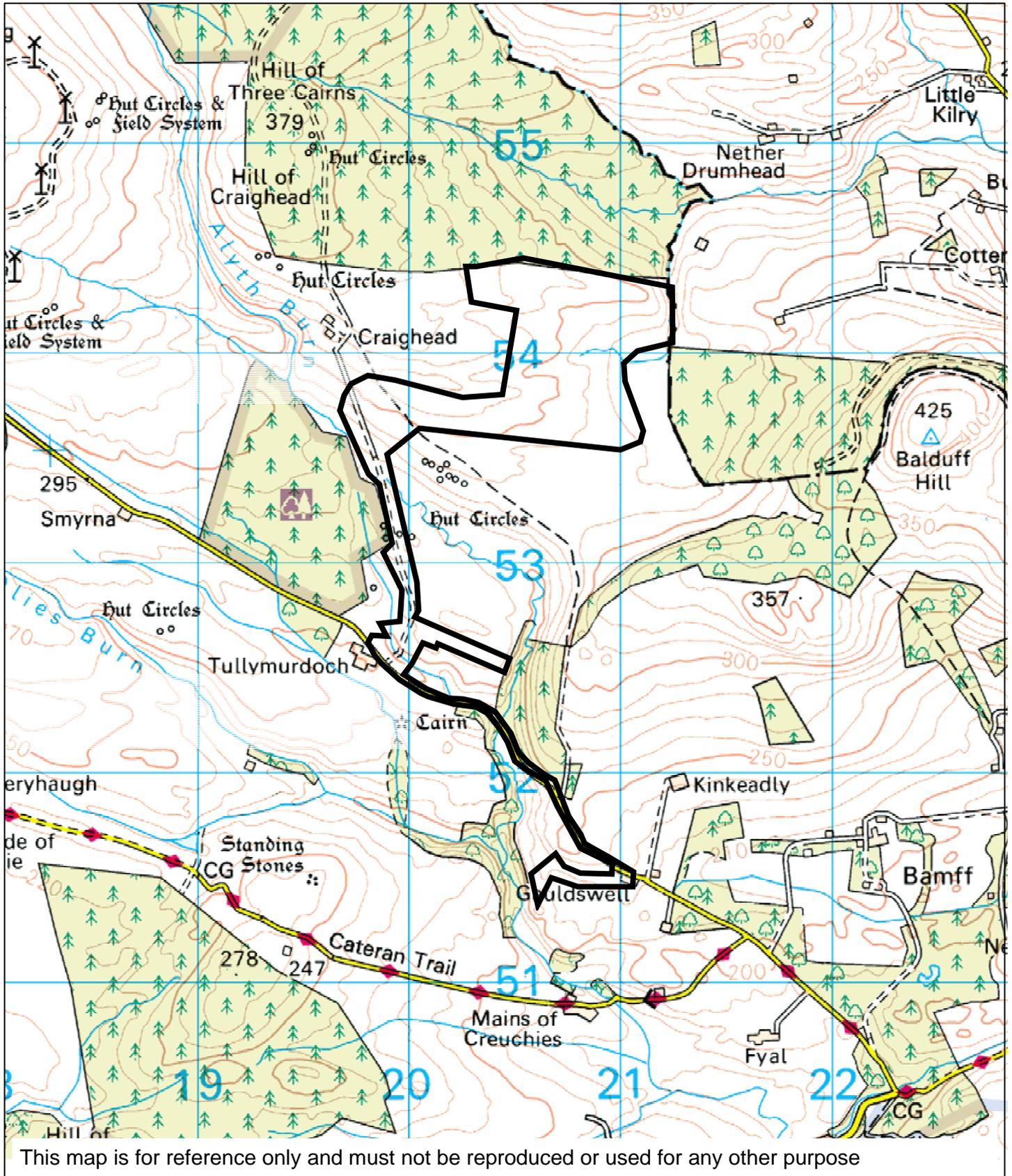
In light of reviewing the Bamff and Tullymurdoch assessments it is my contention that the Bamff Wind Farm on its own could be just acceptable in noise terms.

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

A handwritten signature in blue ink, appearing to be 'SJD', with a long horizontal stroke extending to the right.





↑ Scale  
1:25000