

Perth and Kinross Council
Development Management Committee – 14 May 2014
Report of Handling by Development Quality Manager

Erection of seven wind turbines with associated works on land 2000 metres north of Calliachar Wind Farm, Amulree

Ref. No: 13/00653/FLM
Ward No: 5 - Strathtay

Summary

All windfarm developments are likely to have significant effects because of their size and the need for locations exposed to adequate wind. In this case, having reviewed the Environmental Statement relating to the potential impacts of the development for the erection of seven wind turbines with associated works, on land to the north of the existing Calliachar Wind Farm, the magnitude of the adverse effects are not sufficient to make the proposal environmentally unacceptable.

Consequently, subject to conditional control the issues raised by third parties and consultees can be adequately addressed resulting in the development complying with the over-riding thrust of the Development Plan. The proposal would also make a valuable contribution towards the Scottish Government's target for renewable energy production and reduce greenhouse gas emissions. Furthermore there are no other material considerations which would outweigh the support provided by the Development Plan and justify withholding permission.

PROPOSAL

- 1 The windfarm application site, which is approximately 212 hectares in area, lies in the Moness Forest conifer plantation between Glen Cochill and Glen Quaich about 4km south of Aberfeldy and approximately 15km to the west of Dunkeld. The turbines would be set within a bowl and contained by Criag Formall (511m) to the north, Monadh nam Mial (604) to the east and Meall Odhar (623) to the south. Watercourses consisting of several small burns flow out of the bowl in a north-westerly direction, they join the Calliachar Burn, then the Urlar Burn which in turn becomes the Moness Burn which cascades through the Birks of Aberfeldy before flowing into the River Tay.
- 2 The proposal involves the erection of seven turbines in an irregular layout. The central group of three turbines within the bowl (WTG2, WTG4 and WTG6) would be on hubs of 80m with 93m diameter rotors, a maximum blade tip height of 127 m. While the remaining four turbines that flank the central group (WTG1, WTG3, WTG5 and WTG7) would be on 60m hubs with 93m diameter rotors giving a maximum blade tip height of 110 m. Each turbine would have a crane hardstanding adjacent to the turbine base.
- 3 Access to the site is gained from the A826 in Glen Cochil to the South of Loch Na Creige, this was the same access and egress point that was utilised for the Calliacher windfarm. It is intended to use 4.6 km of the existing Calliachar

Windfarm access track until there is a requirement to form some 3.7 km of new or upgraded access tracks to the north of Loch Hoil to access the proposed turbine locations. The temporary construction compound will be located approximately 1km along the existing access track and utilise the same area used as the Calliachar Windfarm. The borrow pit used for the Calliachar scheme which is also located on the existing access track is proposed to be reopened to win material while an additional borrow pit is proposed to the north of Loch Hoil beside the proposed substation compound. The turbines will be connected by underground cables to the electrical control building. The grid connection point for the scheme will be prescribed by the network operator. The applicant has advised that this will be subject to a separate consent process.

- 4 Should consent be granted the applicant expects that an estimated 130 ha of the existing Moness Forest would be clear felled over an 8 to 9 month period with construction of the windfarm taking approximately 8 months depending on the weather conditions. The development would be operational for a total of 25 years and following this period the development would either be decommissioned or a new application would be required to extend the operational life of the site past the 25 year timescale.
- 5 The maximum combined output of the seven turbines is dependent on the final turbine selection however the applicant has confirmed that the generating capacity of each turbine would have up to 3 megawatts (MW). This would result in the development having generating capacity of up to 21MW.

BACKGROUND: SUMMARY OF ELECTRICITY INFRASTRUCTURE HISTORY IN THE AREA

- 6 Members of the Committee will be aware of the long history of wind farm proposals and electricity infrastructure in this area of Highland Perthshire. However to fully understand how this proposal relates to these schemes it is prudent to set out the history.

Section 37 Applications

Beauly to Denny Over Head Line

- 7 In July 2005, (SHETL) and SP Transmission Limited (SPT) published the proposed route for the 400,000 volts (400kV) overhead electricity transmission line which will replace the existing 132,000 volts (132kV) transmission line between Beauly, west of Inverness, and Denny, west of Falkirk and in September 2005 applications were submitted to the Scottish Ministers under Section 37 of the Electricity Act 1989, to construct and operate the line in their respective licensed areas.
- 8 The Scottish Ministers announced on 30 August 2006 that the proposed upgrade to the overhead electricity transmission line between Beauly and Denny was to be referred to a public inquiry, the inquiry started in February 2007. The report on the Public Local Inquiry was provided to Ministers and on the 06 January 2012 the Section 37 application was approved.

- 9 The Beauly to Denny Over Head Line project will replace the existing transmission line with fewer but taller pylons; this is intended to facilitate the growth of the renewable energy sector in the north and west of Scotland by making it possible to feed the power generated into the wider National Grid.

Section 36 Applications

Calliachar

- 10 In February 2004 I & H Brown (Calliachar) Ltd submitted an application to the Scottish Ministers seeking consent under s36 of the Electricity Act 1989, and deemed consent under s37(2) of the Town & Country Planning Scotland Act 1997 for the installation of 46 wind turbines. Following the statutory consultation process, the applicant amended the scheme in the light of all the responses submitted to the Scottish Ministers by reducing it from a 46 turbines proposal to a 27 turbines proposal (hub height 60 metres, blade tip of 100 metres), with a revised installed capacity of 62.1 megawatts. The layout for the 27 turbine scheme consisted of a single group, generally narrowing from four turbines across the north-western end of the site, to a line of single turbines at its south-eastern end. All the turbines would be located to the east of the existing overhead power line.

Griffin

- 11 In April 2004, in addition to the Calliachar proposal, another application was submitted to the then Scottish Executive by GreenPower (Griffin) Ltd seeking the Scottish Ministers' consent under s36 of the Electricity Act 1989 and deemed consent under s37 (2) of the Town & Country Planning (Scotland) Act 1997 for the installation of 82 wind turbines. After the statutory consultation process, the Griffin scheme was reduced, this time from 82 turbines to 68 turbines (hub height of 77 metres, with a total height to blade tip of 124 metres).
- 12 In December 2005, following receipt of the Perth & Kinross Council's objection to both applications, the Scottish Ministers confirmed that both the Calliachar and Griffin proposals would be the subject of a conjoined Public Local Inquiry. In sending the application to the Inquiry Reporters Unit, it was stated on behalf of the Scottish Ministers that the cumulative impact of the Griffin and Calliachar wind farms should be assessed together, hence the conjoined nature of the consequent inquiry.

Section 36 Decisions

Calliachar

- 13 The recommendation of the PLI reporter to the Scottish Minister was to refuse the Calliachar application on the grounds of the significant adverse visual effects on Glen Quaich and on Loch Freuchie, caused by the siting of 13 turbines along the southern array.

- 14 The PLI reporter concluded that the only possible means to mitigate the significant visual impact of these turbines would be through their removal. If that application had been a planning application, this could have been secured through a suitable condition. However by imposing this restriction on this proposal, it reduced the development below the 50MW threshold for which consent by the Scottish Ministers under s36 of the Electricity Act 1989 can legitimately be granted. Accordingly, the Scottish Ministers resolved to refuse the application for 27 turbines in its entirety.

Griffin Forest

- 15 The Scottish Ministers approved the development under s36 of the Electricity Act 1989, and deemed consent under s37(2) of the Town & Country Planning Scotland Act 1997 in January 2008. The Griffin Forest wind farm is now operational.

Planning Applications

Calliachar (PKC Reference - 07/02617/FUL)

- 16 As a direct result of the comments made by the PLI reporter in his report to the Scottish Ministers, a planning application was made to Perth & Kinross Council in 2007 for a reduced wind farm, comprising 14 turbines in the locations identified by the PLI reporter. This planning application was recommended for approval to the Development Control Committee in May 2008, but was refused on the following grounds.
1. *The proposed development will have a serious detrimental effect, singularly and cumulatively, on the surrounding landscape.*
 2. *The proposed development contravenes Perth and Kinross Council's development and Local Plan Policies and supplementary guidance.*
 3. *The proposed development contravenes Policies 1, 2 and 3 of Perth and Kinross Council's Structure Plan.*
 4. *The proposed development contravenes Policies 2, 3 and 11 of Perth and Kinross Council's adopted Highland Area Local Plan.*
- 17 The applicants subsequently appealed Perth & Kinross Council's decision to refuse the planning application to the Scottish Government, and a further PLI was held in 2008. The result of that PLI was that the Reporter recommended to the Scottish Ministers that the appeal should be allowed, subject to a number of conditions, and the Scottish Ministers duly granted permission in July 2010 in line with the Reporter's recommendations. A separate claim for expenses was also successful and the Reporter, in his report to the Scottish Ministers, opined that the Council in its decision to refuse the planning application, and in its approach to the subsequent inquiry, had ultimately acted unreasonably and that it should not have been necessary for the appeal to have come before the Scottish Ministers for determination, which in turn could have saved the

appellant unnecessary expense in having to prepare for, and present evidence at the appeal inquiry.

- 18 The reports to the Scottish Ministers and the Scottish Ministers decision letters (for the appeals and the award of expenses) are available online from the Directorate for Planning and Environmental Appeals.

Calliachar (PKC Reference - 11/01060/FLM – Variation of previous consent 07/02617/FUL)

- 19 Following the acquisition of this site Scottish and Southern Energy Renewables submitted a planning application which sought to vary the consented 2007 scheme by increasing the height of the turbines as well as various other supplementary proposals.
- 20 The report from officer's to Development Control Committee on the variations recommended conditional approval on the grounds that the overall magnitude of change, in terms of visual presence and impact on landscape character which can be attributed to the increased height of the turbines was not significant from the consented scheme. The Committee agreed with the recommendation and the variation was approved in January 2012. At the time of writing this report the construction works associated with the Calliachar scheme is now complete and the site is operational.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 21 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so 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 'development consent' can be given.
- 22 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.
- 23 An Environmental Statement (ES) has been submitted in support of the application which contains an introduction and description of the proposed development and site selection details, a renewable energy and planning policy context and an environmental study.

- 24 Volume 1 covers the following topics:-
- Chapter 1 – Introduction, provides an introduction to the EIA process, structure and content of the ES;
 - Chapter 2 – Project Description, provides a description of the proposed development;
 - Chapter 3 – Policy Framework, provides a summary of the policy context;
 - Chapter 4 – Scoping, provides details of the scoping and consultation activities undertaken as part of the EIA process;
 - Chapter 5 – Existing Environment, provides information on the existing environment at the development site and its surroundings; and
 - Chapter 6 – Summary of Effects, summarises the key findings of the ES, including significant effects and adopted mitigation. A description of the cumulative effects of the proposed development is also provided.
- 25 Volume 2 contains technical annexes covering the following topics:-
- Annex A – Ecology;
 - Annex B – Ornithology;
 - Annex C – Forestry;
 - Annex D – Air Quality and Carbon Savings;
 - Annex E – Hydrology, Hydrogeology and Geology;
 - Annex F – Noise;
 - Annex G – Landscape and Visual Amenity;
 - Annex H – Archaeology and Cultural Heritage;
 - Annex I – Tourism, Land Use and Recreational Access;
 - Annex J – Aviation and Telecommunications; and
 - Annex K – Traffic.
- 26 Volume 3 contains all figures and graphic material. Volumes 4a and 4b contain acetates and other visual material to comply with Perth and Kinross Council's photography and visualisation standards. The ES is also supported by a Non-Technical Summary (NTS).
- 27 Supplementary Environmental Information (SEI) was submitted in February 2014 following concerns raised by the Scottish Environment Protection Agency and Perth and Kinross Council on ecology, landscape and visual amenity. This report provides a reassessment of the following environmental topics changed given the proposed repositioning of wind turbines 3, 5, and 7 which sought to minimise potential impacts:-
- Ecology;
 - Ornithology;

- Hydrology, Hydrogeology, and Geology;
- Landscape and Visual Amenity;
- Archaeology and Cultural Heritage; and
- Aviation and Telecommunications.

- 28 This Supplementary Environmental Information (SEI) was subjected to further advertisement and consultation.
- 29 Part II, Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA. In this case the information within the Environmental Statement is considered to meet the requirements of the regulations.

FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT

- 30 In addition to the Environmental Statement the applicant has also submitted the following documents in support of the application.
- Pre-application Consultation Report
 - Planning Statement
 - Design Statement

Pre-application Consultation Report

- 31 Under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 this proposal is defined as a major application due to the electricity generating capacity of the seven turbine proposal exceeding 20 MW. This means there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.
- 32 The pre-application consultation report submitted by the agent confirms the extent of consultation activity undertaken and in this case it complies with the measures agreed through the Proposal of Application Notice.

Planning Statement

- 33 The Planning Statement considers the proposal in the context of the Development Plan framework and other material considerations including national policy and guidance and local guidance. It considers the proposal to accord with the development plan and relevant guidance lends further support that consent should be granted.

Design Statement

- 34 The Design Statement indicates that the designer has taken account of the sites characteristics as well as the opportunities and constraints. It highlights that a set of design principles were set with alternative schemes considered and tested, with the final layout progressed to submission as the design solution.

NATIONAL POLICY AND GUIDANCE

- 35 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

- 36 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

- 37 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.
- 38 The following sections of the SPP are of particular importance in the assessment of this application:-
- Paragraph 24 – 27: 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 182 – 191: Renewable Energy & Wind Farms
 - Paragraphs 196 – 211: Flooding and Drainage
 - Paragraph 255 – 257: Outcomes
- 39 The following Scottish Government Planning Advice Notes (PAN) are also of interest:-

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

Onshore wind turbines – Online Renewables Advice December 2013

- 40 Provides specific topic guidance to Planning Authorities from Scottish Government.
- 41 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.
- 42 In relation to any assessment of cumulative impacts it is advised that:
- 43 *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.*
- 44 *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

- 45 The Development Plan for the area consists of the Tayplan Strategic Development Plan 2012 – 2032 Approved June 2012 and the Perth and Kinross Local Plan 2014.

TAYplan Strategic Development Plan 2012

- 46 The vision set out in the TAYplan states that:
- 47 *“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

- 48 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

- 49 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 50 Relates to 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.

Perth and Kinross Local Development Plan February 2014

- 51 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 52 The relevant policies are, in summary:

Policy PM1A - Placemaking

- 53 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All

development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

- 54 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 55 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy TA1B - Transport Standards and Accessibility Requirements

- 56 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF2 - Public Access

- 57 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy HE1A - Scheduled Monuments

- 58 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Non Designated Archaeology

- 59 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 60 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE4 – Gardens and Designed Landscapes

- 61 The Council will seek to manage change in order to protect and enhance the integrity of those sites currently included in the inventory.

Policy NE1A - International Nature Conservation Sites

- 62 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

- 63 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE1C - Local Designations

- 64 Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance.

Policy NE2A - Forestry, Woodland and Trees

- 65 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 66 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 67 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning

permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

- 68 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy ER1A - Renewable and Low Carbon Energy Generation

- 69 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported where they are in accordance with the 8 criteria set out. Proposals made for such schemes by a community may be supported, provided it has been demonstrated that there will not be significant environmental effects and the only community significantly affected by the proposal is the community proposing and developing it.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 70 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP2 - New Development and Flooding

- 71 There is 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. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP5 - Nuisance from Artificial Light and Light Pollution

- 72 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8 - Noise Pollution

- 73 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Other Policies

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

- 74 This supplementary planning guidance was approved by Perth & Kinross Council in 18th May 2005. As Members are aware, the Council undertook

extensive public consultation on its Wind Energy Policy and Guidelines and was approved by the Council in May of 2005.

75 However, in considering this particular proposal, account should be taken of the findings of Ms McNair (reporter) in relation to the Abercairny wind farm proposal, as well as the Council's experience in using the WEPG since 2005. The Council also recognises that following the publication of the Scottish Planning Policy, it is necessary to revisit and refine the precise wording of its supplementary planning guidance on wind energy, to ensure that it provides the most up-to-date and helpful guidance for both developers and the Council in its consideration of planning applications for wind energy developments. I therefore consider that although the presence of this document should be noted, its weighting in the determination of this planning application should be limited.

76 In this particular case the site is located within a 'sensitive area' in the Council's WEPG, where there is generally a presumption against wind farms. However, the presence of the existing fourteen turbine Calliachar scheme should be noted as this is also located within this sensitive area.

77 **Perth and Kinross Council's Guidance for the Preparation and Submission of Photographs and Photomontages to illustrate the impacts of Wind Energy Development, for inclusion in Planning Applications and Environmental Statements**

78 This provides advice on the selection and identification of viewpoints, photography standards and photomontage standards.

Tayside Landscape Character Assessment (TLCA)

79 The Tayside Landscape Character Assessment (TLCA), 1999, is published by Scottish Natural Heritage and remains a valid baseline resource. Whilst some of its guidance on wind energy is dated, owing to the much smaller size of turbines considered in the TLCA, other aspects of the study remain a useful resource.

The David Tyldesley and Associates – Landscape Study – Wind Farm Development in the Ochil Hills and part of Southern Highland Perthshire (2004)

80 This study is strategic in nature and concentrates on landscape character and visual amenity. Designations and associated policies are not taken into account, it adopts the landscape character types identified in the Tayside Landscape Character Assessment and divides them into smaller units. The site is located within Unit H2 'High Summit and Plateau: Cochil – Tay – Brann' which forms part of the forested Moness Estate.

81 The operational Calliachar Windfarm is located to the south-west in Unit H3 'High Summit and Plateau: Tay – Cochill – Quaich'.

The David Tyldesley and Associates – Landscape Study to Inform Planning for Wind Energy (2010)

- 82 This documents purpose is to inform the development of the ‘spatial strategy for Wind’ which will be subject to consultation and ultimately approval by the Council as supplementary guidance. The need for the preparation of this Supplementary Guidance is detailed in the Local Development Plan under the heading ‘Guidance to be published later’ in Appendix 1: List of Supplementary Guidance.
- 83 At the outset, the author of the Study, states that the document should not be used in the determination of individual planning applications. .i.e. this study will provide only one ‘layer’ of information to inform that work.
- 84 The process of determining the methodology in this document was agreed through a steering group and consultation with landscape consultants. The results of that consultation can be found in Appendix A of Appendix C of the document.
- 85 Although this document will form part of a strategic planning framework and the report should not be used in isolation, or to ‘test’ proposed wind farm developments, there are elements of the study which are useful in the consideration of the application but the weighting that can be attached to this technical report is limited.
- 86 The site is located within Unit 3c(v) Craigvinean Forest. While the existing Calliacher scheme is located in Unit 3b(v) Meall Dearg/Meall a Choire Chreagaich.

The Economic Impacts of Wind Farms on Scottish Tourism (2008)

- 87 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.
- 88 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.
- 89 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.

- 90 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.
- 91 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.
- 92 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.

Scottish Natural Heritage – Siting and Designing Windfarms in the Landscape (2009)

- 93 Guides windfarms towards those landscapes best able to accommodate them and advises on how windfarms can be designed to best relate to their setting and minimise landscape and visual impacts.

Scottish Natural Heritage – Assessing the Cumulative Impact of Onshore Wind Energy Developments 2012

- 94 This document sets out methods to be used to assess cumulative impacts on landscapes and birds.

SITE HISTORY

- 95 A summary of electricity infrastructure history in this area of Perthshire is provided at the outset of this report.

CONSULTATIONS

- 96 The following bodies have been consulted in respect of the proposal. Their comments are summarised as follows:-
- 97 **Scottish Environmental Protection Agency:-** has considered the proposal in the context of ecology, the groundwater environment, site drainage and water crossings, management of peat, environmental management and pollution prevention, forestry, dewatering and abstraction as well as waste management. Following the submission of the Supplementary Environmental Information, which resulted in the repositioning of turbines, no objection is offered if conditional control secures an Environmental Management Plan incorporating a Construction Method Statement and a Site Waste Management Plan.
- 98 **Scottish Natural Heritage:-** has commented on the relationship of the development with the River Tay Special Area of Conservation (SAC) and provided advice on landscape/visual issues, including landscape character, visual impacts and design issues. They also offer advice on other ecological interests including bats, otters, pine martin, habitats, ornithology, the appointment of an Ecological Clerk of Works and the requirement for decommissioning to take account of natural heritage issues if consent was granted.
- 99 **Historic Scotland:-** has offered no objection to the proposal in the context of Scheduled Monuments (SAMs) and their setting, category A listed buildings and their setting, and gardens and designed landscapes (GDLs) appearing in the Inventory and Inventory Battlefields. HS has indicated that it is content with the findings of the ES and SEI in that significant impacts are not likely on cultural heritage features that fall within their remit.
- 100 **Transport Scotland:-** no objection is offered subject to conditional control being applied to minimise adverse impacts on road users.
- 101 **Royal Society for the Protection of Birds:-** confirm that they agree that the repositioning of turbines 3, 5 and 7 is unlikely to change the direct and indirect effects on the ornithological receptors as predicted in the Environmental Statement. While their initial objection to the application has been withdrawn they still have strong concerns about the impact of this proposal on breeding Schedule 1 species and the methods used to determine the impacts.
- 102 **Forestry Commission:-** initially objected to the proposal due to the loss of woodland cover, the associated plans for compensatory planting as well as the negative impacts associated with remaining standing forest located out with the application site that could be more susceptible to wind blow. Subsequently this

objection was lifted if the proposal was controlled by suspensive condition to secure a detailed long term forestry plan and compensatory planting plan.

- 103 **Scottish Water:-** has offered no objection to this proposal.
- 104 **Ministry of Defence:-** no objection is offered subject to an aviation lighting and clarification on the final turbine position being controlled by condition.
- 105 **Perth and Kinross Access Officer:-** has advised that during the construction of the Calliachar Windfarm core paths AFDY/112 and AFDY/113 required diversion and temporary closure of the footpaths. While these paths have been upgraded to a high standard as a form of mitigation associated with the Calliacher Scheme the proposed closure of the AFDY/112 to facilitate the development of this windfarm will put a greater reliance on the access point at the north end of corepath AFDY/112 where it meets the A826. As a consequence the access officer advises that a Public Access Plan is required. This should include, amongst other things, improvement to the access point through the fenceline at the north access to corepath AFDY/112, the upgrade/extension to car parking facilities in the area and the reinstatement of corepaths to a condition which is appropriate for public access and the upland terrain.
- 106 **Bio Diversity Officer: -** the removal of the woodland will have an impact on bird species which rely on this type of habitat. As the site will not be replanted and is instead replaced with the proposed windfarm this would have a negative impact on the effected populations, however, it is possible that moorland species will replace those which are displaced due to an increase in moorland habitat. Mitigation measures are advised to be incorporated into conditions if the proposal is approved.
- 107 **Environmental Health (including Dick Bowdler Acoustic Consultant):-** Environmental Health has commented in the context of operational turbine noise, construction noise, shadow flicker and the protection of private water supplies. In respect of shadow flicker they advise that properties within a 10 rotor diameter need to be considered, as there are no properties within 480 metres of the site they do not foresee any issues with shadow flicker. Conditions could regulate potential effects on private water supplies and construction noise would be within acceptable levels according to the information submitted. With regards to operational noise and taking account of the potential cumulative effects with Calliachar and Griffin, Environmental Health advise that the scheme on its own and cumulatively should not lead to a loss of amenity to residential properties. Operational noise was reviewed by Dick Bowdler to assist with the construction of noise conditions and his assessment broadly concurs with the Environmental Health response. Conditions can be applied to regulate operational noise from the windfarm.
- 108 **Perth and Kinross Heritage Trust:-** have taken account on the potential impact on local archaeology and the offer no objection subject to conditional control.

Representations

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

110 **Support:** One letter of support has been received raising the following issues:

- Windfarms have brought significant work to the area
- Extension to windfarm not considered to be detrimental

111 **Objections:** Fifty-two letters of objection have been received raising the following issues:

- Contrary to Structure Plan and Local Plan Policy
- Excessive height
- Inappropriate landuse
- Loss of visual amenity
- Landscape and Visual Impact, Cumulative Landscape and Visual Impact (Beauly Denny Overhead Line, Calliachar and Griffin).
- Concern regarding visualisations within landscape and visual impact assessment and cumulative landscape visual impact assessment and how this relates to the as built scheme.
- Overdevelopment and 'development creep'
- Impact on Glen Quaich
- Noise (operational and construction)
- Flicker
- Impact on birds and wildlife, concern with survey evidence.
- Impact on habitats
- Relationship to Wildland
- Traffic impact, congestion.
- Impact on public access, Rod Roy Way, tourism and recreation (impacts on mitigation associated with the approved Calliachar scheme).
- Loss of openspace
- Loss of trees and concern regarding compensatory planting
- Impact on national tourist routes
- Impact on mountain tops and National Scenic Areas (NSA)
- Water pollution
- Wind resource questioned
- Impact on historic environment and cultural heritage
- Impact on habitat management scheme associated with the approved calliachar scheme and the acceptability of conditioning a habitat management plan
- Concern with job creation and positive economic impact figures, previous schemes have not been quantified though an evidential basis
- Community benefit questioned
- An appropriate Assessment is required to be undertaken

112 The above matters are addressed in the planning appraisal section of this report. However the following elements are best addressed under the following headings:-

- **Application submitted by a ‘special purpose vehicle’** - the concern expressed regarding the company name and its structure is noted but this does not affect the assessment of the planning application.
- **Subsidies are born by tax payers** - the impact this submission has on tax payers fall out with the remit of this planning assessment.
- **Efficiency of turbines questioned** - a number of representations express concern at the support given through planning policy and Government Planning Guidance to the use of wind technology contending that it offers broad support to an inefficient technology which relies on the extensive use of natural resources through the production and construction process and relies on extensive public subsidy whilst delivering minimal climate change benefits.

Whilst these concerns are noted it must be acknowledged that Planning Policy does provide support for appropriately sited and designed wind farm development. In those locations where landscape and visual concerns are raised it will be appropriate for any decision maker to have regard to the amount of energy contribution to be delivered by a proposal and the extent to which that will contribute to Scottish Government commitment to generating an equivalent of 100% of electricity demand from renewable sources by 2020.

- **Legality of national policy/guidance challenged (Aarhus convention)** - the United Nations Economic Commission for Europe (UNECE) ‘Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters’ was adopted on 25 June 1998 in the Danish city of Aarhus (Århus) at the Fourth Ministerial Conference as part of the "Environment for Europe" process. The Aarhus Convention establishes a number of rights of the public (individuals and their associations) with regard to the environment. The Parties to the Convention are required to make the necessary provisions so that public authorities (at national, regional or local level) will contribute to these rights to become effective. The Convention provides for:
 - right of everyone to receive environmental information that is held by public authorities ("access to environmental information"). This can include information on the state of the environment, but also on policies or measures taken, or on the state of human health and safety where this can be affected by the state of the environment. Applicants are entitled to obtain this information within one month of the request and without having to say why they require it. In addition, public authorities are obliged, under the Convention, to actively disseminate environmental information in their possession;
 - the right to participate in environmental decision-making. Arrangements are to be made by public authorities to enable the public affected and

environmental non-governmental organisations to comment on, for example, proposals for projects affecting the environment, or plans and programmes relating to the environment, these comments to be taken into due account in decision-making, and information to be provided on the final decisions and the reasons for it ("public participation in environmental decision-making");

- o the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ("access to justice").

113 Concern has been expressed in objection that that approval of this application would conflict with the Aarhus Convention. Legal advice has been sought and the application is required to proceed on the basis that both the Scottish Government's policy framework and Perth and Kinross Council's own renewable policies are a valid and a lawful basis on which to assess this application.

ADDITIONAL STATEMENTS

114

Environment Statement	Submitted
Screening Opinion	Environmental Statement submitted.
Environmental Impact Assessment	Yes
Appropriate Assessment	Undertaken
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Incorporated into Environmental Statement.

Appraisal

115 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by section 2 of the Planning etc (Scotland) Act 2006, decrees that planning decisions are required to be made in accordance with the development plan unless material considerations indicate otherwise. Thus it is necessary to establish whether the proposal accords with the Development Plan and whether any material consideration indicates that the decision should not accord with the plan. The development plan for the area within which the application site lies consists of TAYplan 2012 and the Perth and Kinross Local Plan 2014.

116 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. Of all the Strategic Plan policies I find this is the most relevant to the determination of the proposal. The policy seeks to grow and deliver this type of infrastructure in the most appropriate locations; it puts emphasis on the need for local plans to be consistent with Scottish Planning Policy requirements 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.

- 117 With regards to the recently adopted Perth and Kinross Local Development Plan there are numerous individual policies that are applicable in the determination of the application as detailed in the above policy section.
- 118 Policy ER1A: New facilities confirms that proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported subject to a number of factors being taken into account. These include the individual or cumulative effects on landscape character, the contribution towards meeting carbon reduction targets, the impact on the local economy, including tourism and recreation interests, and their fit with the special framework for wind energy developments.
- 119 The latter is to be provided by supplementary guidance for large scale wind energy and other developments.

Landscape Character

- 120 The Scottish Government's SPP acknowledges that different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character. The natural and cultural components of the landscape should be considered together, and opportunities for enhancement or restoration of degraded landscapes, particularly those affecting communities, should be promoted through the Development Plan where relevant. It acknowledges that the most sensitive landscapes may have little or no capacity to accept new development. Areas of wild land character in some of Scotland's remoter upland, mountain and coastal areas are very sensitive to any form of development or intrusive human activity and Planning Authorities should safeguard the character of these areas in the Development Plan.
- 121 Policy 3 of TAYplan seeks amongst other things to safeguard landscapes and geodiversity, while TAYplan Policy 6 indicates that in determining proposals for energy development consideration should be given to landscape sensitivity. The adopted Local Development Plan policy ER1A (1) confirms the need to take account of landscape character with Policy ER6 specifying that development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. The note associated with Policy ER6 acknowledges that until it is possible to assess the acceptability of development proposals against Perth and Kinross-wide Supplementary Guidance on Landscape, priority will be given to safeguarding and enhancing the landscape of National Scenic Areas and the Tayside Landscape Character Assessment will be used for assessing development proposals, along with other material considerations.

122 The site lies within the Highland Summits and Plateaux Landscape Character Type (LCT) of the Tayside Landscape Character Assessment 1999 (TLCA). This landscape unit comprises a large part of the TLCA study area covering the higher ground located to the North of the Highland Boundary Fault and is described as one of the remotest and wildest in the United Kingdom. The TLCA confirms within Highland Summits and Plateaux type there is a distinction and this can be drawn through the Glen Garry/Drumochter which effectively dissects the Mounth Highlands which are rounded in nature to the east, in comparison to the craggier hilltops of the Western Highlands, the proposed North Calliacher site is located within the latter. The Strathbraan/Glen Quaich (Mid Highland Glens LCT) is located to the south of the Calliacher North site, the Ballinluig to Loch Tay Strath (Mid Highland Glens LCT) is to the north and Loch Tay (Mid Highland Glens with Lochs LCT) is to the north west.

Highland Summits and Plateaux Landscape Character Type

- 123 The assessment in ES acknowledges that the Highland Summits and Plateaux landscape type generally has a high/medium sensitivity to change of the type associated with wind farm development. It confirms that a significant effect on the landscape character Highland Summits and Plateaux unit is predicted on the Rob Roy Way as demonstrated by view point 13, with no other significant effect on the Highland Summits and Plateaux unit expected due to the proximity of the existing Calliacher scheme as well as the design rationale for the site.
- 124 While landscape guidelines contained in the 1999 TLCA seek to discourage proposals for wind turbines and other tall structures because of their likely impact on the harsh, undeveloped character of the Highland Summits and Plateaux, national policy now places greater emphasis on increasing the amount of electricity generated from renewable energy source and this has been highlighted in numerous appeal decisions within Perth and Kinross.
- 125 During the Public Local Inquiry (PLI) associated with the 2008 Calliacher application the Reporter in their assessment made reference to the TLCA and opined that the impact of that scheme would have a relatively small effect on the Highland Summits and Plateaux LCT as a whole due to the wide area that LCT covered in Tayside.
- 126 In the case of the North Calliacher proposal, the introduction of an additional group of large vertical structures in the landscape which would be seen adjacent to the Calliacher Wind Farm, resulting in the appearance of both schemes as a single windfarm development would, when taking account of the extent of the Highland Summits and Plateaux LCT within the TLCA still have a relatively small effect on the LCT as a whole.
- 127 Notwithstanding the above, the PLI Reporter considered, due to the extent of the Highland Summits and Plateaux LCT, local landscape units within the Highland Summits and Plateaux LCT provided a more meaningful context in which to assess the proposals impact on landscape character and referred to the landscape sub units within the 2004 David Tyldesley Associates (DTA)

study. Accordingly the assessment of this planning application should also take account of the local landscape units surrounding the site and how these may be affected by the proposal.

- 128 The DTA 2004 study includes consideration of part of South Highland Perthshire, including areas within the Highland Summits and Plateaux, Upper Highland Glen and Mid Highland Glen landscape character types. Sub-division of these landscape character types enabled a finer grained assessment. The study concluded that parts of these landscape character types do have the potential for the siting of wind farms. In this regard the proposed North Calliacher windfarm is located within sub unit H2: the Highland Summits and Plateaux: Cochill – Tay – Braan which extends from the vicinity of Craig Formal and Monadh nam Mial hills across the upper part of Glen Cochill to the Tay Valley in the vicinity of Dunkeld to Ballinluig. This landscape unit contrasts, being lower in elevation and dominated by forestry plantations and associated access tracks, compared to open moorland with hill tracks in the neighbouring landscape character sub unit H3 the High Summit and Plateaux: Tay – Cochill – Quaich, where the existing Calliacher windfarm is located.
- 129 While Scottish Natural Heritage (SNH) advises that the proposal in combination with the existing Calliacher scheme will stretch across the boundary of these local landscape units resulting in a change to the local landscape character and an adverse cumulative impact. They do note that the removal of the forestry would change the character of the landscape to one more in keeping with that of the existing Calliacher windfarm scheme, therefore sub unit H3 the High Summit and Plateaux: Tay – Cochill – Quaich. In light of this it is considered that while an adverse effect occurs, it will be short term and reduce over time through the establishment of vegetation and land cover that will be similar to the adjacent local landscape character unit that the operational Calliacher windfarm is situated in.
- 130 Further afield, to the north of the Tay Valley at some 8km from the site, there is a further Highland Summits and Plateaux unit. From this unit the proposal would add density to the existing Calliacher scheme (refer to viewpoint 3, the track below Beinn Eagagch). However, this would be limited to higher ground between Meal Odhar to Meall a' Charra as commercial forestry below the summits of this range would limit views.
- 131 Beyond the A9 corridor to the north east, There is a further Highland Summits and Plateaux unit, this contains Ben Vrackie (viewpoint 7), the A924 tourist route (viewpoint 8) and the Track near Lochan Oisinneach Mor (viewpoint 9). From this landscape character unit the effect would be limited as the proposal would be a minor feature (contained within the horizontal array of the existing Calliacher Scheme) forming part of the existing Calliacher scheme.
- 132 Overall, I am in broad agreement with the findings of the applicant's assessment and how it impacts on the immediate Highland Summits and Plateaux landscape character type in which the proposal is sited. there is an additional impact on the local landscape character units which form part of the immediate Highland Summits and Plateaux landscape character unit as

identified by SNH. However, this adverse effect on local landscape character caused by the merging of two local landscape character areas will reduce over time as the ground cover changes and aligns to the characteristics of the unit where the existing Calliachar scheme is sited.

Mid Highland Glens Landscape Character Type

- 133 This landscape character area occurs in Strathardle, Stath Braan, sections of Glen Artney and Glen Almond, the upper parts of Glen Lyon, the glen between Loch Tummel and Loch Rannoch, and Glen Errochty. These sections of glen are distinguished by the concentration of agricultural activity on the valley floor, and the predominance of rough grazing, bracken and heather moorland on the valley slopes. These sections of the glens are more settled than the upland landscape character type sections.
- 134 The Environmental Statement considers this LCT to be highly sensitive to change. The zone of theoretical visibility (ZTV) ES Volume 3 (Fig G4 and G4b) indicates that visibility of Calliachar North would only occur in section of Strath Brann. Visibility would be limited to the north facing slopes of Trochry Hill and Little Trochry Hill, at some 7km from the site. consequently no significant effects are considered to arise from the Calliachar North Scheme on the Mid Highland Glens LCT.

Mid Highland Glens with Lochs Landscape Character Type

- 135 The geology and landform of the Mid Highland Glens with Lochs landscape type is very similar to the Mid Highland Glens that have already been described. However, the lack of a valley floor, due to the presence of lochs, means that human activity has been pushed on to the lower slopes of the glen, or concentrated on alluvial deposits at either end of the bodies of water. This landscape character type is associated with Loch Rannoch, Loch Tay and Loch Earn.
- 136 The Environmental Statement considers this LCT to be highly sensitive to change. The (ZTV) ES Volume 3 (Fig G4, G4c and G4d) shows that the North Calliachar scheme is visible from a narrow section of the Loch Tay LCT and is confined to the northern and upper slopes of the Loch. No significant effect on this landscape character type is predicted in the ES as the proposed development would be seen in conjunction with the existing Calliachar scheme. I agree that due to the limited extent of visibility, at the distances involved and the presence of the existing Calliachar scheme that there is no adverse impact on this LCT.

Lower Highland Glens Landscape Character Type

- 137 This landscape type comprises the lower sections of the most significant Highland Glens. These sections of glen are distinguished by their comparatively large scale, and the particular combination of upland and lowland attributes. There is generally a substantial and varied woodland cover and it is a well settled landscape with main lines of communication following the valleys. It

occurs along the River Tay north-east of Aberfeldy, along the River Tummel and Strathtay towards Birnam. It is considered to be highly sensitive to change in the Environmental Statement.

- 138 The ZTV ES Volume 3 (Fig G4 and G4a) confirms there would be no view of the proposal from the A9 corridor between Dunkeld and Pitlochry. Visibility would occur from parts of the Strath Tay between Aberfeldy and Pitnacree with the ZTV showing that up to six of the seven turbines may be seen. However, visibility is limited both by local landform and the varied tree cover along the glen. This is demonstrated by wirelines and photomontages from viewpoint 1-Weem as well as Viewpoint 6 - the village of Strathtay. Consequently I concur with the findings of the LVIA, that due to the limited extent of visibility there would not be a significant effect on this landscape character type.
- 139 Overall, I find that the landscape impact would be limited to the immediate Highland Summit and Plateaux landscape character unit in which the windfarm is sited, with a significant impact to the north, where the Rob Roy Way is located. There would be an adverse impact on the local landscape character units, as identified in The 2004 DTA study (also defined in the 2010 DTA study) that form the Highland Summit and Plateaux unit in which the windfarm is sited, however, this would diminish overtime. There are large areas of the wider landscape where no visibility of the proposed turbines would occur, such as the Mid Highland Glens, Mid Highland Glens with Lochs and the Lower Highland Glens. Where visibility does occur in the wider landscape the impact is slight as the proposal forms a minor element in a large-scale framework, it is further reduced due its relationship with the operational Calliachar Scheme as it either seen as an extension or an integral part contained with the horizontal array of the existing Calliachar windfarm.

Visual Impact

- 140 There is also a requirement through adopted local plan policy ER1A to take account of visual integrity. Accordingly the potential visual impact in relation to residential properties, designated locations, roads, recreation and sporting activities has to be considered.

Residential Receptors

- 141 Paragraph 190 of the SPP refers to a guideline separation distance of up to 2km between areas of search for groups of wind turbines and the edge of towns, cities and villages, to reduce visual impact. However, this 2km separation distance is a guide not a rule and decisions on individual developments should take into account specific local circumstances and geography.
- 142 The nearest residential properties are located to the north of the proposed scheme. Urlar Farm House and Urlar Bunaglaow are located approximately 2.1km to the north of the nearest proposed turbine, Shepherds cottage at a distance of approximately 2.2km and Torr Cottage at 2.45km from the nearest turbine.

- 143 The Urlar Farm House sits at an altitude around 320m with the principal outlook from this residential receptor to the south. Residents at this property already obtain a significant visual impact due to the presence of the operational Calliachar scheme which sits at an altitude of around 500m to the South. The north Calliachar scheme would still be located out with the Scottish Government's 2km guide and on a site that slopes from the existing windfarm to an altitude of 430m (where the closest turbine (no. 6) is located). However, I am of the view, from my site inspection, that the additional turbines associated with North Calliachar will heighten the adverse effect already experienced by this receptor due to the increased density of the turbines in the view as well as the turbines being sited closer to the residential property.
- 144 From my site inspection the Urlar Bungalow would not have a direct view of the proposed windfarm due to the existing grouping of buildings at the farm. Similarly Shepherds Cottage has a significant wedge of forestry to the south which screens any direct view towards the proposal from the principal south east outlook. In this case I am of the view that the impact on these receptors is minimal.
- 145 On the access road from Aderfeldy to the Urlar Farm House is Torr Cottage. This property is located 2.45km from the nearest turbine and has a south easterly aspect. I am of the view that there would be a substantial effect to the residential amenity of this property.
- 146 With regards to settlements, these are all located out with the Scottish Government's separation distance guide of 2km. The majority experience no visibility due to their location on the valley floor, the only exceptions are Strathtay and Weem. In these settlements theoretical visibility is predicted however the wirelines indicate the effect on these settlements are limited by local landform and the tree cover on the rising slopes of the valley, refer to wireline associated with viewpoint 1- Weem, where 1 blade from Calliachar and 1 blade from North Calliachar will be screened by vegetation. As well as the wireline associated with viewpoint 6 - the village of Strathtay, where three hubs and five blades from Calliachar are screened by woodland along with two hubs and four blades associated with Calliachar North. On the rising ground to the north of the Tay, above Weem and Strathtay residential properties will have a view of the proposal at distance of approximately 5.5km or greater, at this distance the impact on residential receptors will be limited.

Roads

- 147 Perthshire forms the main "gateway" for tourists entering the highlands, with the A9 north of Perth and the A822 north of Greenloaning forming the main tourist corridors. As depicted in Figure G4 in Volume 3 of the ES there is next to no visibility from the A9 and related railway line (only a small segment of theoretical visibility on the dual carriageway section beside killiekrankie) and no visibility on the A822 from Greenloaning to Milton or the Strathbrann section of the A822, Milton to Birnam. As a consequence there is no impact on these routes.

- 148 Figures G20 to G23b of the Volume 3 of the ES confirms that the proposal will be theoretically visible from the following routes: A826 - Milton to Aberfeldy, A827 – A9 to Aberfeldy and the A924 – Kirkmichael to Pitlochry.
- 149 A826 - Milton to Aberfeldy:- The A826 tourist route from Crieff to Pitlochry runs between Milton on the A822 and Aberfeldy. The ZTV indicates that there are two short sections of approximately 0.25 km from where one turbine may be visible. In this section of the route there are also predicted sequential cumulative impacts with Calliachar and Griffin. I find that the proposal although it adds additional visibility of turbines to the route would not have a significant effect on receptors travelling through Glen Cochill.
- 150 A827 – A9 to Aberfeldy:- There would be no turbines visible from the A827 west of Aberfeldy therefore the applicant's assessment has concentrated on the section of the A827 to the east of Aberfeldy to the A9. The route analysis confirms that 14.7% of this route between the A9 and Aberfeldy could have theoretical visibility of the proposed windfarm ranging between 1 and 6 turbines. From my site inspections and driving this route the operational Calliachar Scheme was imperceptible and I note that scheme has the same predicted visibility which correlates with the proposed north Calliachar scheme. Accordingly I agree with the applicant's assessment that the predicted impact is further reduced by local landform and tree cover.
- 151 A924 – Kirkmichael to Pitlochry:- Views of the North Calliachar scheme would be gained at a distance of 18km to 20km from this route. It would be experienced as the road user travelling from Kirkmichael reaches the summit of the hills and descends towards Pitlochry into the Tay Valley. The scheme would be seen in combination with the operational Calliachar and Griffin windfarms and at the distances involved the effect on road users would be limited.
- 152 Other routes surrounding the site:- the ZTV confirms visibility occurs on the road from Amulree through Glen Quaich to Kenmore. Although this is a minor road and single track in nature with passing places it is a popular route which provides the receptor with dramatic vistas of the landscape.
- 153 No visibility occurs from the road within Geln Quaich or the associated climb up the hillside, furthermore no visibility would occur from the steep climb out of Kenmore. Visibility is limited to a 1.25km segment near the summit where the road intersects with the Rob Roy Way. From this area the proposed turbines would be viewed by looking east and at a 90 degree angle from the road. The proposal would be seen in combination with the operational and prominent Calliachar scheme. I do not consider the impact is significantly increased given the existing windfarm baseline. It is also worth noting that the design of North Calliachar successfully uses the topography and intervening landform to reduce the prominence as seen in viewpoint 14. I take account of the Overheadline in the cumulative section of this report.

Historic Gardens and Designed Landscapes (HGDL)

- 154 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. 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.
- 155 In this case there are an extensive number of Historic Gardens and Designed Landscapes within the 35km study area. However, the ZTV confirms that only three properties in the inventory will have theoretical visibility of the turbines. This consists of Castle Menzies to the north west of Aberfeldy, Cluny which is located on the north bank of the River Tay between Aberfeldy and Strathtay as well as Grandtully Castle approximately 5 km east of Aberfeldy.
- 156 Visibility is predicted from the rising wooded ground to the rear (north) of Castle Menzies, however due to the woodland cover on these slopes there is no adverse effect on the HGDL. Cluny HGDL is located in a heavily wooded section of the Tay strath, consequently views of the turbines will be limited and the proposed development is not considered to adversely impact on the HGDL. At Grandtully Castle the ZTV indicates that up to three turbine blade tips may be seen but these would be screened by mature woodland that surrounds the castle, accordingly no significant effect on the landscape of this property occurs.
- 157 Thus, the settings of the HGDL's are maintained and the development accords with the requirements of Policy HE4 of the adopted Local Development Plan. Furthermore Historic Scotland offers no objection.

National Scenic Areas

- 158 A National Scenic Areas (NSA) is an area which is nationally important for its scenic quality. Development that affects a NSA should only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated, or any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
- 159 There are three National Scenic Areas from which the proposal would be visible from, they consist of Loch Rannoch and Glen Lyon NSA approximately 11 km to the north-west of the site, Loch Tummel NSA 11 km to the north of the site and River Tay NSA (Dunkeld) approximately 12 km to the east of the site.
- 160 From the Loch Rannoch and Glen Lyon National Scenic Area, there would be large parts where no visibility of the proposal would occur, for instance from Glen Lyon itself and from the whole of Loch Rannoch and its surroundings. Visibility of the scheme within this NSA is limited to the summits and south facing slopes of Schiehallion, Ben Lawers, the Carn Mairg group of Munros

north of the Invervar section of Glen Lyon and Beinn a' Chuallich. These summits are popular destinations for walkers and as they climb to the summits they experience a transition from habitation into a wild landscape of ridges, corries and cliffs, which are seemingly remote from civilisation.

- 161 Due to the presence of the Griffin and the existing Calliachar schemes there has been an element of erosion to the special qualities associated with the summits in this NSA, although the effect was considered to be limited, with this discussed in the 'findings of fact' associated with the 2008 Public Local Inquiry for the Calliachar scheme. In most instances, the proposed North Calliachar Scheme would be seen below the horizon, back-clothed by land and immediately adjacent to the Calliachar Wind Farm. As a result the proposed and existing scheme would appear as a single development (refer to viewpoint 16 Ben Lawers, 17 Schiehallion and 18 Beinn a' Chuallich). While the proposal would extend the angle of view of wind farm development and add to the density of turbines in views from these summits it is considered that the qualities of this NSA are not adversely affected given the relationship between this designation and existing wind energy development within this area of Perth and Kinross.
- 162 The Loch Tummel National Scenic Area lies to the north of the scheme. The summits of Meall Tairneachan, Farragon Hill, Beinn Eagagach and Meall a' Charra form the southern boundary of the designation and due to the topography these mountains shield the rest of the NSA designation. As the qualities of this NSA predominantly relate to the characteristics of the Tummel Valley, including the celebrated Queen's view, there would be little effect on designated qualities of this NSA. The effect would be limited to outward views from the NSA's southern mountain tops where the proposed scheme would be sited in front of the operational Calliachar scheme resulting in an increase density of turbines (see viewpoint 3, track below Beinn Eagagach).
- 163 The River Tay (Dunkeld) National Scenic Area is some 12 km to the south east. The qualities of this area is predominantly focused on the presence of the river between the rugged hills of the highland edge, which are clothed with a variety of woodland, and the presence of a small and ancient ecclesiastical settlement. The proposal does not affect these qualities. The King's Seat (Birnam Hill) sits on the edge of the Highland Boundary Fault line and is an iconic view point from the NSA's west boundary. The hill can be climbed using a circular route which results in walkers experiencing a series of different aspects of the transition from lowlands to Highlands. The proposed North Calliachar Scheme would be seen from above the woodland near the summit where there is a panoramic view of hills, mountains and glens to the north. Viewpoint 13, King's Seat illustrates this panoramic view with Fig G33c illustrating the noticeable effect of the existing Griffin and Calliachar Schemes. While the proposed North Calliachar scheme will add a further three turbines (two hubs and one blade) to the existing and merged horizontal array of Calliachar and Griffin from this view I do not consider the impact to be significant given the existing windfarm baseline.

- 164 Taking the above into account I do not consider the proposed scheme affects the special qualities of the National Scenic Areas to a degree that would preclude the granting of the application especially given the weight of national policy associated with generating electricity from renewable sources. Accordingly I am of the view that the scheme accords with policy NE1B of the adopted Local Development Plan.

National Parks

- 165 The Cairngorms National Park is located to the north east perimeter of the study area with visibility limited to the summits at distance of some 25km. Viewpoint 4, Carn Laith, confirms that at this distance the outlook from the national park is expansive with the operational Calliachar scheme forming a minor component in the landscape. The addition of the proposed Calliachar North turbines in front of the existing scheme would not exacerbate the current situation as the proposed turbines would be seen to be part of the existing Calliachar scheme.
- 166 Loch Lomond and the Trossachs National Park is located to the south west perimeter of the 35km study area. In this case there is no visibility of the proposed wind farm, therefore there is no effect on this National Park.
- 167 National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to, conserve and enhance the natural and cultural heritage of the area, promote sustainable use of the natural resources of the area, promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and promote sustainable economic and social development of the area's communities. In this case these special qualities are not adversely affected.

Recreation

- 168 Core Path AFDY/112 dissects the site while AFDY/113 is located in close proximity and provides access to the former core path. These core paths were subject to improvement under the Calliachar application. As a consequence the popularity of this area may increase resulting in a greater number of recreational users using the core paths and the tracks associated with the adjacent operational Calliachar scheme. While recreational users in the development site and directly adjacent to the site will be impacted on this has to be balanced against the increased and improved recreational access offered by the development of turbine tracks and core paths improvements. In light of this I am of the view that the impact should be viewed as moderate on recreational users using the development site and the adjacent tracks associated with the Calliachar scheme.
- 169 During the consideration of the existing Calliachar Windfarm there was concern from the adjoining proprietors regarding the potential impact on sporting activity surrounding the site (predominantly shooting and some fishing). They were of the view that persons who wish to shoot prefer to do so in a "natural" setting

rather than on an estate that has a wind farm nearby. I do not consider that the North Calliachar scheme, which reads as an extension, will significantly increase the impact given the presence of the existing wind farm which already has an adverse effect on the value of sporting activity on land close at hand.

- 170 The Rob Roy Way, a National Trail/Long Distance Route, from Drymen to Pitlochry runs approximately 2.4 km to north west of the proposed site, at the closest point. Visibility would occur from Urlar above the Birks of Aberfeldy and extend along the Urlar Burn Valley and a section of route which consists of the minor Amulree to Kenmore road. This would be in combination with energy infrastructure visible from the route Calliachar and Griffin and the Beaully-Denny upgrade currently being constructed. The proposal would have a significant impact on receptors using the Rob Roy Way as more turbines would be seen along a greater length of the route.
- 171 The mountain summits to the west, north west and east of the site are popular destination for walkers and climbers. The North Calliachar proposal would extend the angle of view of wind farm development in the viewpoints associated with Creagan na Beinne, Ben Lawers, Schiehallion and Beinn a' Chuallaich. SNH note that from VP 17 Schiehallion (Fig G40a) North Calliachar plus Calliachar would approximately double the existing angle of view of Calliachar, they also note that the development would begin to fill the existing gap between Calliachar and Griffin wind farms resulting in a skyline with continuous wind farms from this viewpoint. From personal observation at the lower flank of Schiehallion, where the greatest skylining effect occurs I agree with SNH that the gap between Calliachar and Griffin wind farms will be reduced by this proposal. However, it is worth noting that the proposed North Calliachar scheme would read as part of the existing Calliachar windfarm. I am of the view that a sufficient degree of spatial separation remains between Calliachar/North Calliachar from Griffin for them to remain as two distinct and differently designed windfarm schemes.
- 172 The mountain tops to the north and south of the site are also popular destinations for walkers and climbers. North Calliachar would broadly overlap with Calliachar in views from the north and south and with Griffin in views from the east. In these cases the impacts are reduced as the scheme adds density to the existing Calliachar Scheme as seen from viewpoints such as Ben Vrackie, Carn Liath, the track near Lochan Oisineach Mor, King's Seat, Meall nam Fuaran, and Ben Chonzie.
- 173 Overall there would be no significant effects on designated landscapes in the study area. No significant landscape or visual effects would arise in the villages or towns in the study area, or the main transport routes. While there would be a change to the landscape and visual amenity on higher ground, predominantly to the west, north west and east of the site, which is well frequented by climbers and walkers, it is not anticipated that the effects would be significant at distances of over 6km as the North Calliachar would be viewed in combination with and read as part the existing operational Calliachar Scheme. It is accepted that there would be a significant change to the landscape and visual amenity in close proximity to the site, especially from on Urlar Farm House, Torr Cottage

and the Rob Roy Way, however, these would not be sufficient to justify refusal of the application. I consider it prudent to reinforce this point by highlighting that national guidance accepts that windfarms will have a visual impact, as they are effectively impossible to hide for all practical purposes on a commercial scale.

Cumulative Landscape and Visual Impact

- 174 An assessment of cumulative landscape and cumulative visual effects is also required by local and national policy. SNH Guidance on 'Assessing The Cumulative Impact of Onshore Wind Energy Developments' (March 2012) indicates that cumulative landscape effects can include effects on the physical aspects of the landscape and effects on landscape character. Cumulative visual effects can be caused by combined visibility and/or sequential effects. Combined visibility may be *in combination* i.e. where several windfarms are in the observer's arc of vision or *in succession* where the observer has to turn to see various windfarms. *Sequential* effects occur when the observer has to move to another viewpoint to see different developments.

Cumulative effects with other windfarms

- 175 A series of cumulative ZTVs are included in Volume 3 of the Environmental Statement (Fig G7 and G11 to G19) this shows areas from where the proposed North Calliachar Wind Farm may be seen with operational, consented and proposed wind farms within the study area. Within the immediate vicinity of the site there are the following windfarms:-

- Griffin (operational)
- Calliachar (operational)
- Balmacnaughton (consented pair of turbines but not constructed)

- 176 Near Blairgowrie and Alyth to the east of the site:-

- Drumderg (operational)
- Corb (approved single turbine but not constructed)
- Welton of Creuchies (approved but not constructed)
- East Gormack (operational single turbine)
- Lethendy (approved single turbine but not constructed)
- Ardlebank (now refused)
- Bamff (at appeal)
- Tullymurdoch (at appeal)

- 177 To the south of the site in the Ochil Hills:-

- Lochelbank (operational)
- Greenknowes (operational)
- Middlethird (now refused)
- Burnfoothill (operational)
- Rhodders (approved but not constructed)
- Frandy Hill (now refused)

178 To the South East of the site in the Kniak Hills:-

- Greenscares (scoping)

179 Having reviewed the ZTV's I find that Griffin and Calliachar are of the most significance because of their scale and proximity to the North Calliachar Scheme. Therefore my focus of assessment is on the relationship between the proposal and these two schemes, although, other windfarms will be referenced where appropriate.

Cumulative effects with Calliachar

180 The operational Calliachar windfarm is adjacent to the North Calliachar site on its southern boundary. Due to the proximity of this scheme my assessment under the landscape character and visual impact headings above has already commented on the relationship of the proposed windfarm and its operational neighbour to a certain extent.

181 The paired ZTV (Fig G7 of ES Volume 3) shows that the proposed North Calliachar Wind Farm would predominantly be seen in views with the Calliachar development. There are very few areas of additional visibility, where this occurs it is limited in extent and occurs to the south east at Trochry Hill at a distance of 7km and in Strathmore, at a distance of 34km near Kirkton of Collace.

182 The Calliachar turbines, located to the south of the North Calliachar site will be visible from the high ground between Glen Cochil and Glen Quaich, as well as the high ground on south facing slopes to the north of the River Tay with some visibility extending along the River Tay valley towards Strathtay. From the north visibility of both schemes are predicted from Beinn a' Ghlo and the high summits on the north side of Glen Tilt. Further to the north-east, visibility of North Calliachar with Calliachar is predicted from Meall a' Choire Bhuidhe. Calliachar and north Calliachar turbines will also be visible from the summit and west facing slopes of Ben Vrackie and further east, Creag an t- Sithein. From the south-east, only the operational Calliachar turbines are predicted to be intermittently visible around Blairgowrie and to the east of the A93. To the south-west, Calliachar and North Calliachar would both be seen from the high ground between Meall nam Fuarnan and Creag na Beinne, including Ben Chonzie. To the west both wind farms would be seen from Ben Lawers and adjacent upper slopes on the north side of Loch Tay. From the north-west part of the study area, both Calliachar and North Calliachar would be visible from Carn Gorm and high ground to the west of Keltneyburn, as well as Schiehallion.

183 Cumulatively a significant effect on landscape character and visual amenity will occur directly to the north at Urlar Fram House and along the Rob Roy Way that follows the Urlar Burn as illustrated by Viewpoint 13. Here the proposed development would be seen in conjunction with the Calliachar Wind Farm but at close proximity and extending the portion of the view occupied by wind turbines.

- 184 The cumulative effect is limited and relatively minor further afield as the proposed development appears similar in height and layout as the Calliachar turbines located immediately to the south. Overall, due to the development being designed and appearing to be part of the same development from the surrounding area I am of the view that the overall cumulative effect between these two schemes is relatively minor when considered holistically.

Cumulative effects with Griffin

- 185 Griffin is located on the east side of Glen Cochil and to the north of Strathbraan. This operational windfarm is located approximately 5km to the east of North Calliachar site.
- 186 Theoretical visibility of Griffin with North Calliachar is shown on Drawing G12. The areas from where the North Calliachar Wind Farm would be visible together with the proposed wind farm at Griffin occur on the slopes to the north-west of Meall Odhar on the Calliachar site; and in the elevated northern parts of the Griffin site. There would also be visibility of both wind farm developments from the south facing slopes on the north side of Appin of Dull and Strath Tay; the west facing slopes on the east side of the River Tummel valley and scattered parts of the summits in the Forest of Clunie, all on the east side of the River Tay and the A9 corridor. On the north side of Strathbraan, there would be visibility of both wind farms from the north shoulder of Druim Mor and the south-west facing slopes below Salachill. To the south side of the Strathbraan there would be some areas of simultaneous visibility of North Calliachar with Griffin, mainly confined to the area around Birnam Hill and the high ground to the south of the valley.
- 187 From most locations the North Calliachar and Calliachar Wind Farms would appear clearly as a separate group of turbines from Griffin. The exception would be from the north-east and south-west of the site where North Calliachar and Calliachar Wind Farms along with Griffin would give the impression of one large wind farm. Overall I find that the addition of Calliachar North would add to the cumulative effect with Griffin but the effect is negligible.

Cumulative effects with Balmacnaughton

- 188 The consented two turbines at Balmacnaughton which are 47m to tip height will be located approximately 2 km to the west of the North Calliachar turbines. Both developments would be visible from the high summits directly north of Loch Tay and Strath Tay between Ben Lawers, and the track below Bienn Eagagach, this includes Schiehallion. To the west both developments would be visible from Ben Vrackie and the higher ground to the south before visibility peters out around Creag Nam Mial. Visibility also occurs in the south-west part of the study area where both wind energy developments would be visible from the north side of the upper part of Glen Almond as illustrated by viewpoint 15 Creagan na Beinne. I find that the addition of North Calliachar beside the operational Calliachar scheme and in combination with Balmacnaughton not to have a significant cumulative effect beyond the current baseline.

Cumulative effects with the remaining windfarms to the east and south

- 189 The other wind farms included in the cumulative LVIA would all be located at considerable distance from the site on the eastern and southern perimeter of the study area, the magnitude of cumulative change in combination with North Calliachar proposal would predominantly remain unchanged or be negligible.

Cumulative effects with Beaully to Denny Overhead Line

- 190 The existing Beaully to Denny line with pylons at a height of 25 metres run along the western side of the development site. These pylons are to be replaced by the 400kv Beaully to Denny transmission line with pylon towers at a height of some 60 metres. The reports observations on the Calliachar scheme confirmed that the existing 25 metre pylon towers would be dwarfed by the height of the turbines proposed for Calliachar but the replacement 60 metre pylon towers would not. At that point in time the Reporter had to consider the potential impacts of two possible schemes, one which ran parallel to the existing turbines through the Calliachar Valley or a deviation known as the Urlar alternative. The latter would take the line away from the lower part of the Calliachar valley resulting in the line being closer to the unclassified Amulree to Kenmore Road. The Reporter confirmed that the Urlar alternative would not result in simple relationship between the overhead line and Calliachar windfarm from the hill section of the Amulree to Kenmore road and the eastern section of Rob Roy Way as the line would appear in the fore to middle-ground in views with the wind farm beyond resulting in a significant cumulative effect.
- 191 The Urlar alternative is the alignment that is being progressed and constructed by the network operator. From my site inspection the tower base locations have been set out and the route alignment can be deciphered, this is also illustrated in the photomontage from Rob Roy (refer to viewpoint 13). I have already confirmed that there is a significant impact on the Rob Roy Way in combination with Calliachar and North Calliachar. The presence of the overhead line infrastructure will exacerbate this impact. I consider there will be an adverse cumulative impact from part of the Amulree to Kenmore road, however, when referencing viewpoint 14, North Calliachar although present in this view uses the intervening landscape to shield the turbine towers and hubs. While the tips will increase the cumulative effect in this viewpoint due to the introduction of five blade tips the predominant adverse cumulative effect will be between the operational Calliachar windfarm and the overhead line. Overall I find that the local cumulative effects with the overhead line are not so great or so extensive to render the North Calliachar proposal unacceptable.

Cumulative sequential effects

- 192 I have given consideration to the sequential cumulative landscape and visual effects from the main roads and routes through the landscape. There would be very limited visibility of the North Calliachar Wind Farm from the public road network and at the locations where it would be seen, the Calliachar turbines are also predicted to be visible. From elsewhere, there are limited sections of main

road where cumulative effects would occur but significant cumulative sequential effects are not predicted at any of these locations.

Wind Farm Design

- 193 Perth and Kinross Planning Authority place particular importance on the layout and design of wind farms to ensure there is a coherent, structured and quality driven approach to wind farm development. The design strategy for North Calliachar layout was expressed through a design statement to accord with the requirements of local plan policy PM2. This sought to apply the following design objectives to the scheme:-
- North Calliachar scheme should relate to the adjacent Calliachar windfarm.
 - Turbines should be similar in height, spacing, colour and rotor diameter as well as rotational speed.
 - Turbines should form an array which is visually balanced.
 - The scheme should relate to the overall north west slope of the landform of the site.
 - The ZTV for the North Calliachar wind farm should avoid or minimise any areas of additional visibility from those associated with the Calliachar wind farm.
- 194 SNH Guidance the 'Siting and Designing Wind Farms in the Landscape' states that 'a windfarm if located close to another and of a similar design may appear as an extension; however, if it appears at least slightly separate and of a different design it may conflict with the other development'. SNH in their initial consultation response considered that Calliachar North would be widely perceived as part of the Calliachar wind farm. However, they did have concern regarding some of the proposed turbines being taller and more widely spaced. The concern regarding the spacing of the turbines was also a concern raised by the Planning Authority. SNH in their updated consultation response, still refer to cumulative impacts but confirm that the revisions to the layout have to a small degree, improved views of the wind farm from viewpoints to the north west of the site. This is apparent in Supplementary Environmental Information viewpoints 17 Schehallion and 18 Bienn a' Chuallaich where a previously outlying turbine has been moved to create a more consistent arrangement of turbines .
- 195 Overall I am of the view that the windfarm design relates to the adjacent operational Calliachar windfarm. The scheme also takes account of the sites underlying topography as well as achieving a visual balance between the arrays. It also minimises areas of additional visibility from those associated with the Calliachar wind farm. While the height, spacing, colour and rotor diameter as well as rotational speed can be dealt with through conditional control. Accordingly it is considered that the windfarm layout achieves the design statements objectives.

Adequacy of Visualisations

- 196 Representations have advised that micro siting associated with the approved Calliachar turbines will significantly alter the visual material submitted in support of the North Calliachar proposal.
- 197 It should be noted that the micro-siting of turbines is an accepted practice, warranted by the Scottish Government and if the Calliachar scheme wasn't built then the submitted material would be sufficient for assessment purposes. Notwithstanding this, from my site inspections and the use of the submitted visual material I am satisfied that the micro-siting associated with the existing Calliachar scheme is unperceivable and has not affected the composition of the turbines depicted in the submission to an extent that would warrant the submission of revised materials. Therefore I am content that the submitted information is sufficient and robust enough to assess the application.

Wild Land

- 198 The Scottish Government's NPF 2 recognises the importance of wild land at paragraph 99, "Some of Scotland's remoter mountain and coastal areas possess an elemental quality from which many people derive psychological and spiritual benefits. Such areas are very sensitive to any form of development or intrusive human activity and great care should be taken to safeguard their wild land character". Additionally, paragraph 128 of Scottish Planning Policy states that, "The most sensitive landscapes may have little or no capacity to accept new development. Areas of wild land character in some of Scotland's remoter upland, mountain and coastal areas are very sensitive to any form of development or intrusive human activity and planning authorities should safeguard the character of these areas in the development plan".
- 199 The North Calliachar site is not located within the Core Areas of Wild Land as identified in Scottish Natural Heritage's 2013 wild land mapping exercise. However there is predicted visibility within the following Core Areas of Wild Land, the Cairngorms, Rannoch – Nevis – Mamores – Alder, Breadalbane - Schiehallion, Ben Lawers and Upper Almond. the schemes impact on these areas, where visibility occurs, has already been taken into account during the assessment under the landscape character and visual impact headings above. Overall the effects on the wider landscape was not considered to be significant especially as North Calliachar will be visible in combination with the operational Calliachar Scheme and will be read as a designed extension to that group of turbines, this also applies to the Core Areas of Wild Land.

The Historic Environment, Cultural Heritage

- 200 The proposed wind farm would not have a significant effect on any scheduled ancient monument, listed building, or historic garden and designed landscape, or on the setting of any of these assets. Historic Scotland and the Council's Conservation Officer offer no objection to the proposed development. Consequently the proposal does not contravene policies HE1A or HE2 of the adopted Local Development Plan.

- 201 Consultation has been undertaken with the Perth and Kinross Heritage Trust's archaeologist. They generally agree with the mitigation measures within the Environmental Statement as outlined in Annex H Cultural Heritage, section H120. However they advise that additional mitigation in the form of a post-felling walkover should be undertaken as archaeological remains may survive under the forestry. To ensure the development complies with the non-designated archaeology policy HE1B conditional control can secure a programme of archaeological works.

Natural Heritage

- 202 The development plan framework contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. NE1A relates to International Nature Conservation Sites, NE1B relates to National Designations, NE1C covers Local Designations while NE3 Bio-diversity confirms that protection should apply to all wildlife and wildlife habitats, whether formally designated or not.

International Nature Conservation Sites

- 203 Development which could have a significant effect on an international nature conservation designated site (or proposed site) will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, that there are no alternative solutions and there are imperative reasons of overriding public interest. In this particular case the site is connected via watercourses to the River Tay Special Area of Conservation (SAC).
- 204 The development site is some 2km upstream of the boundary of the River Tay SAC above the Falls of Moness. The Environmental Statement (ES) identifies the features for which the River Tay SAC is classified, namely Atlantic salmon, otter, river, brook and sea lampreys, and clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels. The main impact on the qualifying features that are present is the potential release of sediments and other pollutants into the sites water courses that are connected to the SAC.
- 205 SNH has confirmed that the proposal is likely to have a significant effect on the qualifying interests of the site. However they have advised Perth and Kinross Council that if the pollution prevention measures contained within the detailed construction method statement outlined within the Construction Environmental Management Plan (CEMP) at ES Vo1 Appendix 4 are carried out during construction then the potential significant effect on the qualifying interests of this designation can be avoided.
- 206 An Appropriate Assessment has been undertaken by the Planning Authority in line with regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitats Regulations"). This has ascertained that if the proposal is done strictly in accordance with mitigation measures that are being

secured by condition, as discussed above, then this will avoid significant impacts on the River Tay SAC.

- 207 In light of this the proposal would comply with policy NE1A of the adopted local development plan.

National Designations

- 208 The Birks of Aberfeldy a Site of Special Scientific Interest is located approximately 2 km from the development, the site is designated due to its importance for a diversity of flora and fauna. However the proposed wind farm will not affect the notified features of this SSSI. Additionally the development will not adversely affect Bolfracks Wood SSSI 3.0km to the north west of the site or Weem Meadows SSSI 3.1km north of the site. Accordingly the elements of Policy NE1B that are applicable to nature conservation designations is not contravened.

Local Designations and Biodiversity

- 209 Policy NE1C confirms that development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected. While Policy NE3 stipulates that all wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the set out criterion.
- 210 There is no adverse effect on local nature conservation or geological interest designations.
- 211 The habitat of the site predominantly consists of dense plantation coniferous woodland, however, small patches of other semi-natural habitats occur including acid/neutral flushes, marshy grassland, acid dry dwarf shrub heath, wet dwarf shrub heath, acid/neutral flush, an isolated area of semi-improved acid grassland is present to the east of the site and fen, mainly along the watercourses. The removal of the existing woodland will result in a change to open ground then eventually heath. SNH agree that the applicant's proposed mitigation will minimise habitat loss and assist the recovery of dry heath after the removal of the forestry.
- 212 Protected species surveys recorded no evidence of roosting bats within the survey area and very low bat activity recorded within and around the development area, and over the majority of the survey area, refer to Volume 2 Annex A of the ES. The ES concludes that because of the low number of bats found and they are a common and widespread species with their habits at low risk from wind turbine mortality, effects on bats will be insignificant. The Council's bio-diversity officer recognises there will be a negative impact on bats through the loss of woodland while SNH agree with the conclusions within the ES associated with this protected species and note that there is no need for a species protection plan to be prepared for bats.

- 213 As described Volume 2 Annex A of the ES, a possible otter scat was found towards the south of the otter survey area but due to its old and decaying nature this could not be confirmed. The applicant recognises that otters are present in the locality and have incorporated mitigation outlined within the Construction Environmental Management Plan (CEMP) at ES Volume 1 Appendix 4. SNH agree that no significant effects on otters are likely on implementation of a design that includes the proposed mitigation measures.
- 214 The Council's Bio-diversity officer has confirmed that the removal of forestry is likely to impact on habitat used by pine martin. Mitigation for pine martin is detailed in Volume 2 Annex A - para A126 of the ES. SHN has been consulted and they are of the view that the mitigation is appropriate and if incorporated into a species protection plan then no offences against this protected species are likely if the development is carried out in line with the protection plan.

Ornithology

- 215 The development site is not statutorily designated at international or national level for ornithological interests. The nearest designated area for birds is Forest of Clunie Special Protection Area (SPA) some 16 km east of the site.
- 216 The boundary of the ornithological study area is detailed in Volume 3 of the ES Figures B1 to B11. During the survey work eight high sensitivity species were recorded, black-throated diver, common crossbill, red kite, hen harrier, goshawk, osprey, peregrine, and whooper swan. The ES confirms that no evidence of breeding activity by any of the five high sensitivity raptor species were found and suggest that the site is not important for any of these species during breeding.
- 217 Initially the Royal Society for the Protection of Birds raised concerns and objected in their letter of the 07 June 2013. Following clarification the RSPB confirmed they were satisfied that an adverse impact on the hen harrier NHZ population through collisions was unlikely and withdrew their objection on the 14 October 2013. However they still remain concerned over the potential impact on black-throated divers should they return to Loch Hoil and that no hen harriers were found breeding within 2km of any turbine position in 2011 (as they were past breeding records within this radius). SNH advise that there are relatively low levels of flight activity through the collision risk zone and there is an absence of important nest sites and breeding birds within the immediate vicinity of the proposal. They do not consider or expect there to be significant impacts on birds provided suitable habitat management plan is secured and carried out with interested parties being consulted on all ecological, ornithological and forestry interests to reach a consensus on any proposed mitigation measures. Representations have expressed concern regarding the acceptability of conditioning a habitat management plan however there is nothing, in this case, which precludes this practice. Representation have also highlighted that the delivery of the North Callaichar scheme at Moness Forest will have an impact on the habitat management schemes associated with the approved Callaichar scheme, however having reviewed the conditional control and improvements secured by that consent I see no conflict with this proposal.

- 218 Overall I find no reason why reliance should not be placed on the ornithological advice from SNH and their conclusions that subject to conditional control the impact on bird life from this development would be limited. The concerns expressed by RSPB are noted however they do not formally object to the application. I note the RSPB have recommended that no work should be undertaken during the breeding season (April-August inclusive) at the borrow pit, track and substation compound within 200m of Loch Hoil (Figure 2.1 of ES Volume 3) to avoid disturbance to breeding black-throated divers and this can be incorporated into the Construction Environmental Management Plan to ensure control.

Water resources and Carbon Rich Soils

Groundwater Dependant Terrestrial Ecosystems

- 219 Groundwater Dependant Terrestrial Ecosystems (GWDTEs), which are types of wetland, are specifically protected under the Water Framework Directive. Impacts on Groundwater Dependent Terrestrial Ecosystems (GWDTEs) have been considered and mitigation measures proposed: these will include the implementation of best practice construction methods (including the use of floating tracks, careful drainage design and storage of peat for reinstatement on site) in line with relevant guidance.
- 220 Consultation with SEPA confirmed that there was a potentially highly dependent groundwater community located approximately 100m *downslope* of WTG7. For deep foundations such as turbine bases they advised that mitigation would be difficult. This matter was taken into account through the submission of the Supplementary Environmental Information (along with other matters). The reposition of the turbine WTG7 is further downslope at the extreme end of the main conceptual zone of Ground Water contribution for the area. SEPA were re consulted and advise they have no concerns over this location. They note that WTG5 and WTG3 have also been re-located (to refine the windfarm design as requested by the Planning Authority) and they have no concern over the new locations if pollution prevention measures are secured via a Construction Environmental Management plan.

Private Water Supplies

- 221 The principal risk to water supplies is during construction. Environmental Health have identified properties within the vicinity of the site that use private water supplies, they advise that they have no significant concern regarding this matter subject to conditional control to maintain an adequate and wholesome supply. SEPA also advise no significant issues have been identified in relation to private water supplies provided that the detailed design and management of construction works is undertaken appropriately.
- 222 While contamination of water supplies is a private legal issue, I consider it only reasonable to safeguard water quality and water supplies by condition to ensure the amenity of residential properties and/or other enterprises which use that supply are protected. Conditional control will be applied.

Management of Peat

- 223 The ES confirms that the level of peatslide risk at the North Calliachar development site is assessed to be 'low to very low'. It confirms that a shallow layer of peat has been encountered during a preliminary survey of the proposed turbine locations and access track. Peat depth has been found to be typically less than 200 mm over the entire survey area with a single isolated peat depth of 550 mm being encountered within 75m of the proposed location of WTG2, with peat also observed near the bases of turbines WTG5 and WTG1 but with none of the proposed turbine foundations are located within peat. The proposed access track crosses peat at locations to the north west of the site where the main access track from the forested area leads east, and in the southern section of the site where the turbine access track runs between turbine bases WTG3 and WTG2.
- 224 SEPA advises that for construction purposes areas of deep peat should be avoided and this should form part of the CEMP with updated details being provided as part of this process.

Site Drainage and Watercourse Crossings

- 225 The majority of the site is located within the sub-catchment of the Calliachar Burn, which is itself within the catchment of the Ullar Burn then the River Tay. The south eastern portion of the site, including the proposed access track, substation, borrow pit(s), and site compound, are located within the Cochill Burn catchment.
- 226 The Environmental Statement confirms that the main effects are predicted to be local and generally confined to the site itself. Effects on quality and quantity of flow in water courses can be mitigated by site layout, best practice construction methods and site management practices, and no significant effects on the local watercourses or the wider River Tay SAC is predicted.
- 227 SEPA advises that river crossings should be constructed to maintain the morphological functioning of the river corridor, allowing for the unimpeded passage of sediments downstream in times of high flows. They advise that where culverts are proposed then erosion protection should be minimised and should be designed such that flow velocities match as close as possible the original stream velocity. All culverts should be designed and installed to avoid the creation of hydraulic steps at the inlets and outlets of culverts. They also welcome the use of Sustainable Urban Drainage Systems to attenuate overland flows and aid runoff from the site.
- 228 I note that the substantial crossing is likely to require CAR authorisation from SEPA however other smaller scale crossings are unlikely to fall under these regulations. As a consequence this matter requires conditional control. Other matters associated with maintaining water quality can be incorporated into the CEMP, thereby complying with the requirements of local plan policy EP2 and NE1A.

Aviation and Telecommunications

- 229 The Loch Water Tay Aerodrome (LWTA) is 8km to 28 km from the application site, once operational and at the distances involved the proposal will be beyond the obstacle clearance criteria and there will be no adverse impact on this facility. Apart from the LWTA there are no other airfields or airstrips within 20km of the site.
- 230 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.
- 231 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.
- 232 The MOD has been consulted on this application and has no objection subject to conditional control relating to aviation lighting being installed on the turbines and the exact 'as-built' position of the turbines being confirmed to them in writing.
- 233 The Environmental Statement has taken account of the potential conflict with telecommunication interests and none are predicted to be affected. It is also noted that no objection has been received from telecommunication operators.
- 234 The applicant has applied the BBC television's reception assessment tool and it is not considered that television reception of any domestic properties will be affected when the windfarm is in its operational phase. Nevertheless I consider it prudent to control this by condition should any television reception complaints come forward, furthermore I do not consider that the condition should just be limited to domestic properties as this could extend to commercial premises.

Shadow Flicker

- 235 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. In this case there are no properties located where shadow flicker would occur.

Noise

- 236 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.
- 237 Consultation with the Council's noise consultant Dick Bowdler and the Environmental Health Section confirms that there would not be a significant loss to the amenity to residential properties if noise is controlled by condition

Contribution towards meeting Carbon Reduction Targets.

- 238 The submitted Environmental Statement indicates that the proposed windfarm, once fully operational, would have a generating capacity of up to 21MW. Based on a typical UK household using 4,560kWh per year (Department of Energy and Climate, 2010) the development would produce enough electricity to meet the needs of up to 12,100 households per year. This would make a contribution to the Scottish Governments target of 100% electricity generation from renewable energy resources by 2020.
- 239 The production of electricity from this source will also offset emissions from electricity produced by fossil fuel leading to a reduction in green house gas emissions. While the development itself will result in CO₂ emissions during its lifecycle the Environmental Statement estimates that this will be offset within 18 months following the completion of the development and therefore contribute to the reduction of greenhouse gas emissions in line with the commitment to reduce emissions by 42% by 2020 and 80% by 2050 targets as set out by the Scottish Government.
- 240 With regards to the Development Plan it would assist with 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 and LDP Policy ER1A (b) which seeks proposals to contribute to meet carbon reduction targets.

Electricity Transmission/Grid Connection.

- 241 The Environmental Statement advises that the wind farm will connect into the existing grid infrastructure in the area or alternatively connect into the planned grid upgrades. The applicant's intention is to underground the cables where practical however overhead cables supported by wooden poles which are typically up to 17 m in height may also be required.
- 242 While it would be useful to understand the grid connection location at this point in time and consider the effects of that infrastructure in this assessment I

accept that there are alternative options available to the applicant and there may be a preferred option which is environmentally more acceptable than the other. The applicant is aware that the development consent for the grid connection will be required through a separate application, therefore in this circumstance, I consider it appropriate for these potential connection points to be bottomed out and brought forward through a separate application where the Planning Authority will be able to comment on its acceptability in relation to Policy ER1 A(c).

Transport Implications

- 243 The construction of Calliachar North would result in the local community served by the A822 and A826 between the A9 trunk road and the site being subject to significant inconvenience and disruption. The impact of construction traffic along with timber lorries associated with the felling of the Moness Forest is a significant concern to residents, with the disruption during the construction of Griffin Windfarm, the Calliachar Windfarm and the ongoing works associated with the Beally to Denny overhead line being sited in letters of representations.
- 244 While the concern of local residents is acknowledged and understandable, part of the function of the public road is to facilitate approved developments on sites which are served by it. Consultation with the Roads Authorities (Transport Scotland and the Council's Transport Planning Section) has been undertaken and neither has objected. Conditional control has been recommended and this will assist in minimising the adverse impact on road users, consequently I am of the view that the development is not in conflict with local development plan policy TA1B.

Economy including tourism and recreation interests

- 245 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.
- 246 Core Path AFDY/112, will be diverted during the construction and decommissioning phases of the proposed development, however will be reinstated during operation. The southern extent of Core Path AFDY/113 will be closed for the duration of construction. Slight adverse effects to both core paths are predicted during the construction, operation, and decommissioning phases of the development, however these are considered not significant. Mitigation measures to ensure that the core paths are maintained in a safe and, if possible, open state throughout the construction, operational and decommissioning phases will be set out in a Public Access Plan to be agreed

with Perth and Kinross Council. The Public Access Plan will set out the agreed measures to be adopted such as signage, diversions where the access track runs along or alongside, and temporary path surface materials and finishes, and safety arrangements.

- 247 In terms of the wider economy the economic benefits associated with wind farms are detailed in the applicant's submission. Although they have not been quantified it is accepted that a development or construction project of this scale is likely to represent an economic opportunity to the local and regional economy of some substance as it will offer potential business opportunities for contractors through construction, delivery and maintenance, together with indirect expenditure through local shops, services etc for the duration of the construction period.
- 248 Securing such benefits can be recognised as consistent with key Government and Development Plan objectives for the Scottish economy. However, those same objectives indicate that achieving *sustainable economic growth* in Scotland requires a planning system that can deliver growth enhancing activities in a manner which protects and enhances the quality of the natural and built environment as an asset for that growth. Environmental protection can therefore be seen as a key measure of *sustainable economic growth*. Taking this into account the green energy contribution, pollution reductions and economic benefits of the development have to be balanced against the potential significant adverse effects on local environmental quality.
- 249 Furthermore it is worth noting that the Glasgow Caledonian study on tourism confirmed that the loss of value occurred where there was a basic intrusion into the landscape and the loss of value when moving from medium to large development is not as great as the initial loss. Overall, there are no adverse effects on environmental quality, or the tourism economy of such significance to warrant refusal of the application.

The Schemes Fit with the Spatial Framework

- 250 The existing spatial distribution of wind farms in Perth and Kinross has arisen from a series of decisions, broadly in the order in which they were applied for, by Reporters and the Scottish Ministers, over several years. The decisions have considered specific proposals that have come forward, without a national or regional strategic spatial plan and with little or no co-ordination between wind energy proposals, in terms of their siting and design. It is highly likely that more wind generating capacity could have been accommodated in Perth and Kinross, without a concurrent increase in impacts on landscape and visual amenity, if the wind farms had been brought forward in a coordinated way, with each maximising the potential for renewable energy generation, whilst ensuring either an appropriate separation or being designed to fit well together.
- 251 The approved development plan confirms at ER1 that Supplementary Guidance will provide a spatial framework for large-scale wind energy developments, and further explain the locational, technological, environmental, and design requirements for developers to consider in making their applications for a range

of other renewable and low carbon energy generating developments. This supplementary guidance will be progressed following the recent adoption of the Local Development Plan however to date there is currently a void. Accordingly, in its absence, it is appropriate to take account of existing material to assist with assessing the scheme's fit with the Spatial Framework. The SNH document on the siting and design of windfarms (2009) is particularly useful along with their guidance on Assessing the Cumulative Impact of Onshore Wind Energy Developments (2012). As well as the Tayside Landscape Character Assessment, the 2004 Landscape Study prepared by David Tyldsley Associates and the Technical 2010 David Tyldsley Associates Landscape Study to inform Planning for Wind Energy which have been considered earlier in this appraisal.

- 252 Having reviewed this material there are effectively two approaches that can be applied when it comes to fitting a wind energy scheme into the Spatial Framework. One option is to deliberately group or concentrate wind energy developments into particular areas thereby allowing other areas to remain free of wind energy developments. The alternative option is for wind energy developments to be distributed across a larger area, using wide spatial separation as a means of reducing the cumulative effects in any particular locality.
- 253 The existing distribution of operational and consented wind farms limits the scope for applying either of these approaches. To achieve clear spatial separation between the baseline that exists within Perth and Kinross would be difficult, similarly to add new wind energy developments to areas with existing wind farms because of the need to achieve compatible designs is also challenging.
- 254 The grouping of the existing operational Griffin and Calliachar effectively creates a 'windfarm landscape' in this area and is a significant constraint in terms of fitting new wind energy developments into this area of Perth and Kinross. Due to the proximity of North Calliachar to the two operational schemes the spatial separation approach cannot be applied and as a consequence a decision has to be made on whether wind energy development should be concentrated in this area.
- 255 The design of the North Calliachar scheme with the operational Calliachar scheme has already been discussed earlier in this appraisal and following amendments to further refine the layout it is considered to be acceptable. While the proposed Calliachar North scheme will add to the already existing dominant windfarm/ energy infrastructure landscape in this locale, the cumulative effect on this area above the existing baseline is not considered to be significantly detrimental. In light of this, spatially, it is considered that allowing this windfarm within this part of the TLCA Highland Summits and Plateaux type is supportable, due to its compatible design and the containment provided by the Beaully-Denny Line to the West, the River Tay Valley to the North and East as well as Strathbraan and Glen Quaich to the South. As a consequence, approval of this application achieves an appropriate spatial fit and will allow other areas to remain free of wind energy developments.

Legal Agreements

256 None required

Direction by Scottish Ministers

257 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

258 In conclusion, Section 25 of the Town and Country Planning (Scotland) Act 1997, as modified, states that determination should be in accordance with the Development Plan unless other material considerations indicate otherwise. In respect of the above assessment, the proposal is considered to comply with the over-riding thrust of the approved TAYplan 2012 and the Adopted Local Development Plan 2014.

259 There is considerable support for wind turbine development in Scottish Government policy as part of overall renewable energy generation. Scottish Planning Policy at paragraph 182 makes this clear. Increased use of renewable energy is necessary not only because it supports sustainable economic growth and adds to security of supply, but environmentally through reducing carbon emissions. In this case, as outlined above, there would be a significant contribution to renewable energy generation and consequent savings in carbon emissions.

260 The support in the Scottish Planning Policy is not unconditional and paragraph 187 makes it clear that environmental and cumulative impacts must be addressed. I have taken account of the Environmental Statement in the assessment of the application and I consider the proposal has been carefully designed to minimise significant adverse effects on the environment. In landscape and visual terms the impact is not considered to be significant given its location and the design compatible with the existing commercial scale windfarm within this locale while cumulatively the scheme is considered to fit with the wider spatial arrangement of windfarms.

261 I have taken account of other material considerations and none justify withholding permission. Accordingly the application is recommended for approval subject to conditions.

Recommendation

A Approve the application subject to the following conditions:

1 Permission for operation of the development is limited to a period of twenty-five years from the date when electricity is first exported on a commercial basis

from any of the wind turbines to the electricity grid (“First Export Date”). Written notification of the First Export Date shall be given to the Planning Authority no later than 14 days after the event.

Reason: In recognition of the expected lifespan of the wind farm and to set out the timescales associated with other conditional control mechanisms contained within this permission.

- 2 No part of the development hereby authorised shall be commenced until the broad principles of decommissioning and site restoration for the site has been submitted by the developer and approved by the Planning Authority. The restoration scheme shall set out the principles of the means of reinstating the site following the removal of components of the development as specified in the conditions of this permission relating to decommissioning. Three years before the site is due to be restored, the full details of the restoration and aftercare scheme, which shall accord with the principles earlier approved, unless otherwise agreed, shall be submitted for the approval of the Planning Authority in consultation with such other parties as the Planning Authority deems appropriate. Thereafter the site shall be restored in accordance with the approved restoration and aftercare scheme.

Reason: In the interests of visual amenity and of nature conservation and to ensure that an agreed restoration scheme is in place in order to inform other detailed decisions to be made prior to commencement in accordance with these conditions and in case restoration has to be carried out prior to the expiry of the 25 year consent period.

- 3 Decommissioning shall be completed no later than whichever is the earlier of the following:
 - a) two years from the end of the twenty-five year period mentioned in condition 1 of this consent; or
 - b) two years from the date on which the development permanently ceases to supply electricity on a commercial basis to the National Grid.

Reason: To clarify the extent of the permission and to ensure a satisfactory restoration of the site in the interests of amenity.

- 4 Within one month of completion of the decommissioning and restoration scheme as approved in terms of condition 2, the Planning Authority shall be notified in writing when decommissioning and restoration are complete.

Reason: The wind turbines have an operational lifespan of up to 25 years. Prompt removal from the site of turbines and infrastructure that have reached the end of their lifespan is required to minimise adverse impacts on the amenity of the surrounding area.

- 5 At least two months prior to the commencement of development the following shall be submitted to the Planning Authority:

- a) details of a bond or other financial instrument which will ensure that funds sufficient to meet the cost of implementing the decommissioning and restoration scheme that is to be approved in terms of condition 2 are available to the developer or the Planning Authority at all times prior to completion of decommissioning and site restoration; and
- b) the appointment of an independent Chartered Surveyor. This appointment shall be subject to the prior written approval of the Planning Authority.
- c) the independent Chartered Surveyor will be tasked to ensure the amount of the bond or financial instrument is sufficient to meet the cost of all decommissioning and site restoration.

Reason: To ensure that at all times there are sufficient funds available to ensure decommissioning and site restoration.

6 There shall be no commencement of the development before such time as:

- a) the Planning Authority has approved in writing the details and the confirmation submitted in terms of condition 5; and
- b) documentary evidence has been submitted to the Planning Authority to show that the approved bond or financial instrument is in place.

Reason: To ensure that at all times there are sufficient funds available to ensure decommissioning and site restoration.

7 The approved bond or financial instrument as required by condition 5 of this consent shall be maintained throughout the construction, operation, decommissioning and site restoration of this development. At five-yearly intervals from the commencement of the development or when a revised decommissioning and site restoration is required under condition 2 of this consent an independent review of the approved bond or financial instrument shall be carried out by the independent Chartered Surveyor approved under condition 5 (b) or alternative independent Chartered Surveyor whose appointment has been agreed with the Planning Authority and submitted to the Planning Authority. The Planning Authority may direct that the approved bond or financial instrument be amended if this is necessary to ensure that funds remain sufficient for decommissioning and site restoration.

Reason: To ensure that at all times there are sufficient funds available to ensure decommissioning and site restoration.

8 This condition shall take effect following the “Final Commissioning Date” of the development.

- a) In the event of the wind farm not exporting electricity on a commercial basis to the public electricity grid network for a continuous period of nine months from 50% or more of the turbines installed the Planning Authority may direct that the developer submit to it within a period of six months for its approval an interim decommissioning and restoration scheme for the development. The scheme shall include a programme for implementation.

- b) Before giving any direction in terms of this condition the Planning Authority shall consult the wind farm operator and shall have due regard to the circumstances surrounding the failure to supply electricity.
- c) An interim decommissioning and restoration scheme approved in terms of this condition shall be carried out in accordance with its programme for implementation all to the satisfaction of the Planning Authority.

Reason: To ensure the turbines are removed from the site at the end of their operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

- 9 If any wind turbine generator hereby permitted ceases to export electricity to the grid for a continuous period of nine months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority for its written approval within six months of the end of that nine month period for removal of that turbine. The scheme shall include either a programme of remedial works where repairs to the relevant turbine are required, or a programme for removal of the relevant turbine and associated above ground works approved under this permission and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable to the satisfaction of the Planning Authority.

Reason: To ensure appropriate provision is made for turbine or turbines requiring repair or for turbine(s) which require decommissioning.

- 10 Prior to the commencement of development the proposed windfarm scheme shall have written permission from the relevant competent authority to export electricity to the National Electrical Grid. Details of the connection point and methods of connecting to the grid shall be submitted for approval of the Council as Planning Authority. Thereafter the connection shall be installed in accordance with the approved method.

Reason: To ensure the grid has capacity for the generation of this development.

Design

- 11 Prior to the commencement of any development, the following information shall be submitted for the approval in writing by the Council as Planning Authority:
- a) detailed Baseline survey showing the existing topography and features of the site.
 - b) precise contoured drawings showing the proposed routes of all access tracks, including 'cut and fill' details.

Reason: In the interest of proper site management and to ensure full topographical as well as cut and fill details have been provided.

- 12 The turbines and associated crane pads shall be erected in the positions indicated in Project No 12514870275 Dwg No 1 – Amended Layout, save for the ability to vary the indicated position of any turbine and associated crane pad by up to 25 metres, with any variation in AOD “above ordnance datum” from the approved position being limited to + or – 5 metres height under the supervision of the ECOW appointed under condition 36 below. Variation in the position of a turbine and associated crane pads between 25 metres and 50 metres or any variation in AOD “above ordnance datum” from the approved position being greater than 5 metres in height shall only be permitted with the prior written approval of the Planning Authority.

Reason: To allow limited flexibility in siting turbines and associated crane pad in the interests of nature conservation/ecology and to minimise landscape impacts.

- 13 The track shall be constructed in the positions indicated in Project No 12514870275 Dwg No 1 – Amended Layout, save for the ability to vary the indicated position of the track to reflect any micrositing directly attributed to permitted turbine micrositing under condition 12, otherwise by up to 10 metres under the supervision of the ECOW appointed under condition 36 below. Variation between 10 metres and 50 metres in the position of the approved track which does not directly relate to permitted turbine micrositing under condition 12 shall only be permitted with the prior written approval of the Planning Authority.

Reason: To allow limited flexibility in the siting of tracks in the interests of nature conservation/ecology and to minimise landscape impacts.

- 14 Within 3 months of the Notice of Completion of Development being submitted to the Council as Planning Authority, final details of any variations carried out under condition 12 or 13, including grid references and elevation (A.O.D) of the turbine base shall be submitted to the Council as Planning Authority.

Reason: In order for the Council as Planning Authority to have an accurate record of what has been developed.

- 15 Prior to the commencement of the development the details of the design and precise location of the anemometry mast, including manner of anchoring and the means of marking guy wires, if required, shall be submitted to and approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details all to the satisfaction of the Planning Authority.

Reason: To clarify the extent of the permission and to minimise the effects on bird life in the interests of amenity.

- 16 Prior to commencement of development the details of the electricity substation design and the external appearance, dimensions and materials for the building and any associated compound or parking area and details of surface and foul water drainage from the substation building shall be submitted to and approved

in writing by the Planning Authority. The development of the substation building and any associated compound or parking area shall be installed in accordance with the approved details all to the satisfaction of the Planning Authority.

Reason: To clarify the extent of the permission and to minimise visual effects in the interests of the character and appearance of the area.

- 17 All cables between the turbines and the substation on site shall be laid underground alongside existing tracks, or tracks authorised by this permission unless otherwise approved in writing by the Planning Authority.

Reason: To minimise visual effects in the interests of the character and to limit disruption to habitats.

- 18 No development shall commence on the construction of the turbines and ancillary elements (including transformers, switchgear building, compound and fencing) until written approval has been obtained from the Planning Authority of the design, external finishes and colours of the turbines and all ancillary elements. For the avoidance of doubt, unless agreed with the Planning Authority the turbines shall match the design appearance, colour, external finish, blade shape and diameter as the existing turbines approved for the existing Calliacher Windfarm application 11/01060/FLM. The blades of all the turbines shall rotate in the same direction when generating electricity as those in the existing Calliacher Windfarm. The use of logos or advertisements on turbine blades, towers or nacelles is prohibited unless such signage is required for health and safety or operational reasons, where advertisements are required for this purpose details shall be submitted to the Planning Authority for approval and thereafter implemented to accord with the approved details.

Reason: In the interests of visual amenity and landscape protection.

Construction

- 19 All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 6 months following the final commissioning of the development or by the end of the first available seeding/planting season after the Final Commissioning Date, whichever is the later.

Reason: In the interests of visual amenity.

- 20 Prior to the commencement of the development, precise details of the location, extent, depth, means of working, means of draining and method and timing of restoration of any proposed borrow pits and associated areas for rock crushing shall be submitted to, and approved in writing by, the Planning Authority.

Reason: In the interest of proper site management and visual amenity.

- 21 Any borrow pit approved under condition 20 shall be exploited to serve the development only.

Reason: In order to ensure that the material extracted is used solely for this development.

- 22 Unless otherwise approved by the Planning Authority, rock crushing activities shall be confined to the approved borrow pits and immediate adjacent areas.

Reason: In the interest of residential amenity.

- 23 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Pollution Prevention Plan (PPP) will be submitted to and be approved in writing by the Planning Authority, in consultation with SEPA and SNH.

The Construction Environment Management Plan will be based upon the Construction Environment Management Plan (CEMP) at ES Volume 1, Appendix 4 and take account of the requirements set out in SNH consultation response dated the 14 March 2014 and SEPA's consultation responses dated the 15 May 2012 and 13 March 2014, set out appropriate mitigation strategies and consolidate these, clearly outlining what shall be implemented, when and by whom. It will incorporate:

- Construction Method Statement (CMS)
- Site Waste Management Plan (SWMP)
- Drainage Management Plan (DMP)
- Pollution Prevention Plan (PPP)

Thereafter all work shall be carried out in accordance with the approved Construction Environmental Management plan as approved.

Reason: In the interest of protecting environmental quality, bio-diversity and residential amenity.

Operation

- 24 The commissioning of any turbine approved by this permission shall not take place until:
- a) A Television and Radio Reception Mitigation Plan has been submitted to and approved by the Planning Authority. The Plan shall include the results of a baseline television and radio reception survey recording the current standard of television and radio reception in the area and shall assess the impairment (if any) of such television and radio reception that is likely to arise from construction or operation of the turbines.
 - b) On being notified of a claim that the development is causing television picture loss or other interference with television or radio reception at a lawfully occupied house, office, shop or other building which lawfully exists or had planning permission at the date of this permission the developer shall immediately commission an investigation by and report

- from an independent qualified engineer. Within one month of being notified of a claim in terms of this part of this condition the developer shall submit to the Planning Authority a copy of the ensuing engineer's report.
- c) Should any impairment of the television or radio reception be attributable to the windfarm the developer shall within two months of being notified of a claim in terms of part (b) of this condition remedy such impairment so that the standard of reception at the house, office, shop or other building is restored to the standard identified in the baseline television and radio reception survey.
 - d) This condition applies only to claims made within 12 months of the commissioning of the development and within 20km radius of the site boundary.

Reason: To protect the amenities of nearby residents.

- 25 Prior to the erection of the first turbine, a scheme for aviation lighting for the wind farm consisting of Ministry of Defence accredited 25 candela omnidirectional red lighting or infra-red aviation lighting will be submitted to and approved in writing by the Planning Authority. The approved aviation lighting scheme shall be installed and remain operational throughout the duration of the permission.

Reason: In the interests of aviation safety.

- 26 Prior to the Commencement of the Development the Developer shall notify the Ministry of Defence of the following:
- a) the date of the Commencement of the Development and the date by which the Developer expects all the turbines to have been erected;
 - b) the proposed latitude, longitude and elevation (A.O.D) of the base of each turbine; and
 - c) the maximum height of construction equipment.

Reason: In the interests of aviation safety and to avoid danger to military aircrew.

- 27 On completion of the development, the developer shall notify the Ministry of Defence of the following:
- a) The final latitude, longitude and elevation of each turbine
 - b) Details of the installed aviation lighting
 - c) The development shall be implemented in accordance with the approved details and the approved aviation lighting shall be maintained to ensure it remains operational on the turbines for the lifetime of the development unless otherwise agreed in writing with the planning authority.

Reason: In the interests of aviation safety.

- 28 When the notifications required as per Conditions 26 and 27 are sent to the Ministry of Defence copies shall be sent at the same time to the Planning Authority.

Reason: In the interests of aviation safety.

Noise and lighting

- 29 The rating level of noise emissions from the combined effects of the wind turbines hereby permitted when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission and:
- a) The Operator shall continuously log power production, wind speed, wind direction and any noise curtailment modes in use, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The Operator shall provide this information in the format set out in Guidance Note 1(e) to the Planning Authority on its request, within 14 days of receipt in writing of such a request.
 - b) No electricity shall be exported until the Operator has submitted to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.
 - c) Within 14 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Operator shall, at its expense, employ a consultant approved by the Planning Authority to assess the level of noise immissions from the wind farm at the complainant's dwelling in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified meteorological conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
 - d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall, prior to the commencement of any measurements, have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes

shall be undertaken and clearly define what measured data or what range of measured data shall be included in the compliance assessment.

- e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the Operator shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits shall be those limits selected from the Tables specified for a listed dwelling which is the geographically nearest dwelling to the complainant's dwelling, unless otherwise agreed with the Planning Authority due to location-specific factors.
 - f) The Operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Planning Authority. The measurements shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e). The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.
 - g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the Operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (f) above unless the time limit has been extended in writing by the Planning Authority.
- 30 Prior to the commencement of the operation, the Operator shall submit a report for approval by the Planning Authority detailing the noise characteristics of the turbines to be installed on the site (including sound power levels and spectral data for the selected turbine make and model). Predicted noise immission levels shall be provided at each of the residential property locations listed in Tables 1(a) and 1(b), with all calculations being undertaken with reference to the good practice guidelines contained within the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97, dated May 2013 (IoA GPG) and any supplementary guidance notes that have been approved by the IOA Council.

Table 1(a) – Noise limits expressed in dB L_{A90,10 minute} between the hours of 23:00 to 07:00

Location	Standardised 10 metre-height Wind Speed (as defined in accordance with the attached Guidance Notes to the noise condition)											
	1	2	3	4	5	6	7	8	9	10	11	12
Urlar				33	33	33	33	33	33	33		
Urlar Cottage				33	33	33	33	33	33	33		
Shepherd's Cottage				33	33	33	33	33	33	33		
Torr Cottage				33	33	33	33	33	33	33		
Margmore				33	33	33	33	33	33	33		
Scotston				33	33	33	33	33	33	33		
Turrerich				33	33	33	33	33	33	33		
Easter Shian				33	33	33	33	33	33	33		
Wester Shian				33	33	33	33	33	33	33		
Tircardie				33	33	33	33	33	33	33		

Table 1(b) – Noise limits expressed in dB L_{A90,10 minute} at all other times

Location	Standardised 10 metre-height Wind Speed (as defined in accordance with the attached Guidance Notes to the noise condition)											
	1	2	3	4	5	6	7	8	9	10	11	12
Urlar				31	31	31	32	32	33	35		
Urlar Cottage				31	31	31	32	32	33	35		
Shepherd's Cottage				31	31	31	32	32	33	35		
Torr Cottage				31	31	31	32	32	33	35		
Margmore				31	31	31	32	32	33	35		
Scotston				31	31	31	32	32	33	35		
Turrerich				31	31	31	32	32	33	35		
Easter Shian				31	31	31	32	32	33	35		
Wester Shian				31	31	31	32	32	33	35		
Tircardie				31	31	31	32	32	33	35		

Table 2: Coordinate locations of the dwellings listed in Table 1.

Dwelling	Easting	Northing
Urlar	284252	746602
Urlar Cottage	284220	746706
Shepherd's Cottage	284002	746605
Torr Cottage	284842	747036
Margmore	285345	747288
Scotston	290550	742619
Turrerich	285613	738982
Easter Shian	284631	739747
Wester Shian	284183	740055
Tircardie	283161	740272

Note to Table 2: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

- 31 Prior to the commencing of any blasting on site, precise details of the methods to minimise air overpressure and ground vibration as a result of blasting operations shall be submitted to the Planning Authority. No blasting shall be carried out within the site until such time as the details have been approved in writing by the Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Planning Authority.

Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.

- 32 No blasting shall be carried out on the site outwith 10:00 am to noon and 2:00 pm to 4:00 pm on Mondays to Fridays and 10:00 am to noon on Saturdays. There shall be no blasting or drilling operations on Sundays, Bank Holidays or national holidays. The aforementioned shall not apply in cases of emergency if it is considered necessary to carry out blasting operations in the interests of safety. The Council as Planning Authority shall be notified in writing immediately of any such event.

Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.

- 33 Any development within the site which is audible from the boundary of any Noise Sensitive Dwelling shall only take place between 7:00 am and 7:00 pm on Mondays to Fridays inclusive, and between 7:00 am and 1:00 pm on Saturdays. There shall be no such activity at any time on Sundays or on local

or national public holidays. Outwith the hours specified, development within the site shall be limited to turbine commissioning, emergency works, dust suppression and the testing of plant and equipment; and construction work that is not audible from the boundary of any Noise Sensitive Dwelling. Receipt by track of any materials or equipment to the site shall not take place outwith the hours specified, unless otherwise approved by the Planning Authority having been given a minimum of two working days notice of the occurrence of the proposed event.

Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.

- 34 Prior to the commencement of development a definition of “audible noise level” for the purposes of condition 33 shall be submitted to and approved in writing by the Council as Planning Authority

Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.

- 35 Any lighting rigs associated with the development shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised all to the reasonable satisfaction of the Planning Authority.

Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.

Ecology

- 36 Two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the ECOW (‘Ecological Clerk of Works’) for the site, by the developer and at the developer’s expense. This appointment shall be subject to the prior written approval of the Planning Authority. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with SNH, the implementation of all ecology related planning conditions throughout the construction of the wind farm. The ECOW shall undertake a watching brief throughout the construction of all roads, cable tracks compounds, turbine bases and hard standings and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.

- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) Advising on the acceptability of micro-siting any turbines and tracks. If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:-

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a monthly report for the review of the Planning Authority in consultation with SEPA during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that the appointed ECOW is suitably qualified and has a suitable job description and powers.

- 37 No development shall take place until a specification for protected species surveys has been submitted to and approved in writing by the Local Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist in accordance with the approved specification in the last suitable season prior to site preparation and construction work commencing. The survey results, a programme of any mitigation measures required as a consequence, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Local Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Local Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 38 No development shall take place until a specification for a post construction bird monitoring survey scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with SNH and the RSPB. The surveys shall be undertaken by a qualified ecologist in accordance with the approved specification and timetable. The survey results, a programme of any mitigation measures required as a consequence, and a timetable for any such mitigation measures shall have been submitted within two months of the survey work being completed for the approval of the Local Planning Authority in writing. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Local Planning Authority.

Reason: In the interests of protecting the ornithological interests of the site and to minimise the operational activities resulting from the proposed development.

- 39 No development shall take place until a Deer Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with SNH, providing for measures to consider the effect the change in land use and habitat may have on the local deer population. Thereafter any mitigation measures shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the interests of land use and deer management on the site and to avoid any adverse effects on the nature conservation interests.

- 40 No development shall take place until a Habitat Management Plan for the site has been submitted to and approved in writing by the planning authority, in consultation with the relevant consultees, to address the loss of priority habitat and create further habitat enhancement works following the loss of forestry. Once approved the Habitat Management Plan shall be implemented in accordance with the terms and timescales set out within the plan all to the satisfaction of the Planning Authority.

Reason: to maximise the nature conservation and wildlife habitat value of the site during the operational life of the development.

Roads

- 41 Prior to the commencement of construction the developer shall agree the access routes to be used by construction traffic with the Planning Authority in consultation with the Council as Roads Authority. These routes shall be improved by means of passing places/strip widening and junction improvements at locations to be agreed with the Planning Authority in consultation with the Council as Roads Authority. All approved works shall be carried out prior to the commencement of works on site and thereafter where deemed necessary over the duration of the contract to the standard and specification required by the Planning Authority in consultation with the Council as Roads Authority.

Reason: In the interests of road safety and to ensure free traffic flow.

- 42 Prior to the commencement of construction the applicant shall agree in writing a traffic management scheme for abnormal loads with the Planning Authority in consultation with the Council as Roads Authority thereafter the agreed scheme shall be implemented to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

- 43 Development shall not commence until an agreement dealing with liability for remedial work required as a result of damage to the local road network directly attributable to the wind farm construction and providing for pre- and post-

construction surveys of the said local road network has been submitted to and approved in writing by the planning authority, in consultation with the roads authority.

Reason: In the interests of road safety and the amenity of other users of the public highway.

- 44 Prior to the commencement of development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians (within the site and on the local road network);
 - i) details of information signs to inform other road users of construction traffic (on the local road network);
 - j) arrangements to ensure that access for emergency service vehicles are not impeded;
 - k) co-ordination with other major construction and forestry operators known to use roads affected by construction traffic;
 - l) traffic arrangements in the immediate vicinity of temporary construction compounds;
 - m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
 - n) monitoring, reporting and implementation arrangements; and
 - o) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the site construction to the satisfaction of the Planning Authority, unless as otherwise agreed in writing.

Reason: In the interests of road safety and the amenity of other users of the public highway.

- 45 The construction traffic management scheme approved under condition 44 must be implemented in full during the course of the construction phase and the decommissioning phase and restoration periods, to the satisfaction of the Planning Authority, in consultation with the Council as Roads Authority. At the reasonable request of the Planning Authority, the approved traffic management scheme shall be amended at any point in time, to ensure its continued effectiveness.

Reason: In order to ensure the traffic management plan is implemented in full, in the interests of road safety and the amenity of other users of the public highway.

- 46 The clearance of snow from access tracks within the site shall be by mechanical means only to the satisfaction of the Planning Authority. For the avoidance of doubt, the use of salt or any other chemical is strictly prohibited unless otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure the environmental interests of the site are not compromised.

- 47 In the event that the crossing of a watercourse by an access track is unavoidable, grid reference locations and details of the crossing shall be submitted to, and approved in writing by the Planning Authority in consultation with SEPA, thereafter the crossings shall be implemented in accordance with the approval. Details required by this condition are as follows:

- a) Watercourse floor level adjacent to inlet and outfall
- b) Culvert/crossing invert level at inlet and outfall
- c) The width of the channel to be crossed shall be no more than 2 metres.
- d) The crossing shall be constructed for the purpose of supporting a footpath, cycle route or single track road only.
- e) There should be no hydraulic drop at the crossing inlet or outlet.
- f) If a culvert is used the base shall be below the natural bed level, and the natural bed level shall be maintained.
- g) If a culvert is used it shall not result in the narrowing of the channel width

Levels required by this condition should be in metres to three decimal places and utilise the invert level at each inlet as datum.

Reason: To ensure permanently retained culverts/crossings do not adversely affect natural heritage, the water environment or ecology.

Trunk Roads

- 48 Prior to the commencement of turbine component deliveries to the site, a Route Access Report including swept path analysis must be undertaken to ensure that exceptional loads can be transported through the trunk road network safely shall be submitted to and approved by the Planning Authority in consultation with Transport Scotland. The complete report shall detail any accommodation measures required including the temporary removal of street furniture, junction

widening, traffic management etc and show that the transportation will not have any detrimental effect on structures within the route path.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result on the traffic moving to and from the development.

- 49 During the delivery period of the wind turbine construction materials, any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by the Planning Authority in consultation with Transport Scotland before delivery commences.

Reason: To ensure that transportation will not have any detrimental effect on the road and structures along the route.

Cultural Heritage

- 50 No development shall take place within the development site as outlined in red on the approved plan(s) until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and approved by the Planning Authority in consultation with Perth & Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the reasonable satisfaction of the Planning Authority in consultation with Perth & Kinross Heritage Trust.

Reason: To safeguard any archaeological interest of the site.

Forestry

- 51 No felling associated with the delivery of this development shall be undertaken until a detailed long term forest plan (including a timber transport management plan) and a fully detailed compensatory woodland planting plan with implementation schedule has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Forestry Commission. The approved schemes shall thereafter be fully implemented to the satisfaction of the Planning Authority in accordance with the approved details.

Reason: To comply with the Scottish Governments 'Control of Woodland Removal Policy' and Local Development Plan Policy NE2B.

Public Access and Recreation

- 52 No development shall commence until a Public Access Plan with implementation timescales has been submitted to and approved in writing by the Council as Planning Authority which shall include the following:-
- a) provision of an alternative access to the Core Paths AFDY/112 and AFDY/113 throughout the construction period, and measures to maintain safe access to the Core Paths throughout the operational phase.
 - b) upgrading the access point through the fencing at the north end of the AFDY/112 where it meets the A826 to ensure that this does not obstruct or prejudice user groups.
 - c) a scheme to improve/extend car parking facilities for recreational users surrounding the site unless otherwise agreed by the Planning Authority.
 - d) diversion of Core Path AFDY/112, and closure of the southern point of Core Path AFDY/113 throughout the decommissioning phase, and reinstatement of access following decommissioning.
 - e) provision of signage, and diversions where the access track runs along or alongside site access tracks.
 - f) temporary path surface materials and finishes, and safety arrangements, with regard to the Land Reform (Scotland) Act 2003 with respect to statutory access rights and the Scottish Outdoor Access Code.
 - g) restriction of vehicular access along Core Path AFDY/112 to speeds of approximately 10 – 20 mph, during operation of the wind farm.
 - h) improvement of existing paths and tracks within the site following the construction and decommissioning phases.

Reason: In the interest of protecting recreational amenity.

- 53 The Notice of Completion of the Development must be submitted within two weeks from the completion date.

Reason: In order for the Planning Authority to be informed of the date of completion of the development to assist its development monitoring function.

INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 It is suggested that signing up to a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 could fulfil the aims of condition 43 in respect of the public roads used by construction traffic.
- 5 It is suggested that the developer takes cognisance of the Roads Traffic Act 1982, the Road Vehicles (Authorisations of Special Types) (General) Order 2003 and the Council's procedure for Abnormal Loads Routing when preparing documentation to discharge condition 42 in respect of the public roads used by abnormal loads.
- 6 The "First Export Date" means the date on which the first wind turbine generator forming part of the development first supplies electricity on a commercial basis.
- 7 The "Final Commissioning Date" means the date on which the last wind turbine generator forming part of the Development first supplies electricity on a commercial basis.
- 8 The applicant is advised that it is preferable that a chartered forester prepares the detailed long term forest plan and detailed compensatory plan required by condition 51 to ensure it complies with UK Forest Standards and addresses the requirements contained within the Forestry Commission's consultation response.
- 9 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.

10 **Guidance Notes for Noise Conditions**

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the $L_{A90,10 \text{ minute}}$ noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable any required tonal penalty to be derived in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her dwelling to undertake compliance measurements is withheld, the Operator shall submit for the written approval of the Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The $L_{A90,10 \text{ minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the Operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, and at any on site meteorological mast(s), if available, together with the arithmetic mean power generated by each turbine and any noise curtailment mode in use, all in successive 10-minute periods. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, as determined from whichever source is agreed in writing with the Planning Authority as being most appropriate to the noise compliance measurements being undertaken, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such

correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the $L_{A90,10 \text{ minute}}$ noise measurements and corresponding values of the 10- minute standardised ten metre height wind speed, as derived from the site measured wind speed source(s) agreed in writing with the Planning Authority in accordance with Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

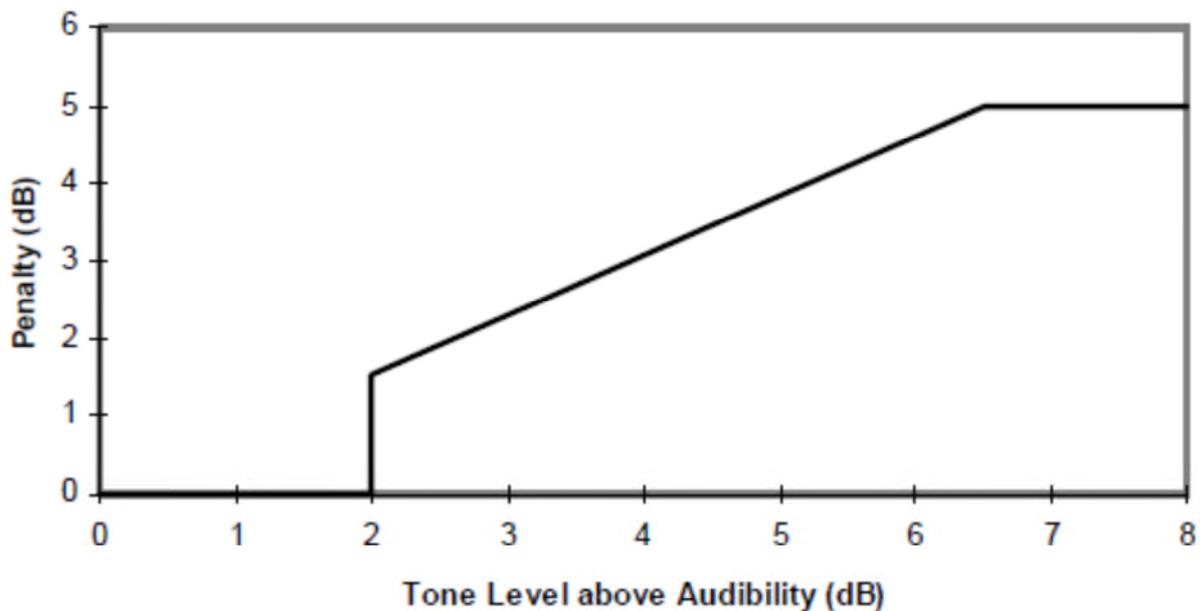
(b) For each 10 minute interval for which $L_{A90,10 \text{ minute}}$ data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available

uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(d) The average tone level above audibility shall be calculated for each wind speed bin, each bin being 1 metre per second wide and centred on integer wind speeds. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's

dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The Operator shall ensure that all necessary wind turbines in the development are turned off for such period as the independent consultant requires to undertake any further noise measurements required under Guidance Note 4(c).

(e) Repeat the steps in Guidance Note 2, with the turbines shut-down in accordance with Guidance Note 4(d) in order to determine the background noise (L3) at each integer wind speed within the range requested by the Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} + 10^{-3} \cdot 10 \right]$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjusted for tonal penalty (if required in accordance with Note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (e) of condition 1 then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

- 11 For clarity 'development' is defined under section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 12 When preparing documentation to discharge condition 40, the Habitat Management Plan, it is suggested that the developer take cognisance of guidance on the SNH website: "Post-construction management of wind farms on clear-felled forestry sites: reducing the collision risk for hen harrier, merlin and short-eared owl from Special Protection Areas". While this guidance is clearly aimed at SPA locations, its content does have some applicability at North Calliacher in terms of post-construction habitat management to reduce collision mortality.

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

Background Papers: 52
Contact Officer: John Russell – Ext 475346
Date: 25 April 2014

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